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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, April 17, 2002.
I hereby appoint the Honorable John Shimkus to act as Speaker pro tempore on this day.

J. Dennis Hastert, Speaker of the House of Representatives.

PRAYER

The Reverend Norvel Goff, Sr., Pastor, Baber African Methodist Episcopal Church, Rochester, New York, offered the following prayer:

O God, our Heavenly Father, Almighty and Everlasting God, we come this day to thank You for last night’s rest and early rising this morning. We come praying on behalf of and for the Members of Congress as they seek to know and to do Thy will for America and in the works of the House of Representatives.

O most gracious God, who knows the secrets of our hearts and the thoughts of our minds, we humbly beseech You as we pray for peace throughout the world.

We pray for our President of these United States of America, and the leaders around the world, that You will guide and direct them, that You would lead this world into a path of peace and happiness, truth and justice.

Direct us, O Lord, in all of our endeavors, that in You we may glorify Your most holy name. These and many other blessings we ask in Jesus’ name. Amen.

THE JOURNAL

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

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

Mr. TIAHRT. 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.

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

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

The SPEAKER pro tempore. Pursuant to clause 6, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Minnesota (Ms. McCollum) come forward and lead the House in the Pledge of Allegiance.

Ms. McCollum 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.

WELCOMING REVEREND NORVEL GOFF, SR., PASTOR, BABER AFRICAN METHODIST EPISCOPAL CHURCH, ROCHESTER, NEW YORK

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

Ms. SLAUGHTER. Mr. Speaker, today we opened this legislative day with a prayer from the Reverend Norvel Goff, Sr. I would like to take a moment to tell my colleagues and the country about Reverend Goff and the significant role he plays in my community.

Reverend Goff has served as pastor of Baber African Methodist Episcopal Church in Rochester since 1991. He has been an outstanding advocate in civil rights, economic justice, and peace issues in the Rochester community.

Reverend Goff is joined here today by his wife, Anna Marie, and his son, Norvel, Jr., who is a law student at Howard University; and they have a younger son, John, who is a student at Morehouse College in Atlanta.

Reverend Goff is a teacher, a lecturer, a writer and an outstanding orator. He has served on numerous community boards and committees in Rochester, including the Monroe County Public Defender’s Advisory Board, the Community Energy Board, and Fleet Bank’s Community Development Corporation Board.

Reverend Goff currently serves as the president and CEO of the Greater Rochester NAACP and is chairman of the Black Ministers Alliance in Rochester. Under his leadership, the Black Ministers Alliance founded the Footprints Program, which is a partnership with local banks that has provided more than $10 million in mortgages for first-time homeowners. The Rochester chief of police recently appointed Reverend Goff as the chairman of the Faith Community Subcommittee Initiative Against Illegal Drugs in Rochester.

Reverend Goff continuously displays extraordinary commitment to the children of the Baber African Methodist Episcopal community and to all the other children in Rochester. He serves as a mentor and encourages academic achievement among the area youth. Reverend Goff recognizes the children of his church who make the honor roll at a church service and takes the time...
to visit and have lunch with them at school and check on their progress.

Reverend Goff’s accomplishments in the area of civil rights, business, community and religious affairs have earned him numerous awards, including the Annual Friends of Education Award from the Rochester City School District and the Winn Newman Pay Equity Award from the National Committee on Pay Equity.

Reverend Goff is truly a modern-day crusader for justice, and I am grateful for his tireless work in our community. I am pleased that the House of Representatives could have him lead us in such a powerful prayer.

CONGRATULATING J.R. UNITED INDUSTRIES AND COMPANY PRESIDENT SALO GROSFELD

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

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate J.R. United Industries and company president Salo Grosfeld for their involvement in an extraordinary back-to-school project.

African Minister for Women’s Affairs, Dr. Sima Samar, asked for help to send girls back to school in Afghanistan, for, you see, school uniforms are considered a luxury that few Afghan families can afford. But J.R. United, located in my congressional district, has sent help by providing sewing machines and fabrics through their commercial partners in Pakistan.

Salo Grosfeld and his company are giving children thousands of miles away something greater than just uniforms. They are giving them hope for a brighter future and a better life.

Please join me in congratulating Salo Grosfeld and J.R. United for their generosity to the children of Afghanistan. Thank you, Salo.

SPEAKING AGAINST CUT IN PAYMENTS IN LIEU OF TAXES PROGRAM

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

Mr. UDALL. Mr. Speaker, today we rise to speak out against the administration’s 21 percent cut of the Payments in Lieu of Taxes Program.

Many of our western States have substantial Federal land within their borders. On the one hand, these lands provide many opportunities for all Americans. But for local counties who are financially strapped, Federal lands mean the loss of a tax base.

To deal with this issue fairly and so that the Federal Government is a good neighbor, we pay a portion of the lost tax revenue. That is called Payments in Lieu of Taxes. It is a good program that should be fully funded, although it never has been. By cutting this valuable program, the administration is turning its back on many western counties.

I urge my colleagues to reject this unwise and unsound cutback.

MAKE CHILD PORNOGRAPHY ILLEGAL

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

Mr. FOLEY. Mr. Speaker, the United States Supreme Court ruling Tuesday on the Child Pornography Prevention Act drew strong reaction, mostly negative, regarding the High Court. However, the ruling did receive some support from some in the adult movie industry.

“We are extremely disappointed with this decision,” said the American Center for Law and Justice. The Supreme Court clears the way for pornographers to use the first amendment as a shield and gives them a green light to engage in this kind of Internet activity.”

I say whether in movies or photographs, it does not make a difference whether or not the person engaged in sex is actually a child. If it looks like a child, is said to be a child, pedophiles have found their fix and their search for true child pornography will only be enhanced.

Attorney General Ashcroft said the ruling makes prosecution of child pornographers immeasurably more difficult. He offered to work with Congress on new legislation that could withstand the Court’s scrutiny.

Mr. Ashcroft, I join you today in hoping we can draft a bill that meets the fitness test of the Supreme Court so we can rule this to be an illegal activity.

RESTORE FOOD STAMPS FOR LEGAL PERMANENT RESIDENTS

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

Mr. RODRIGUEZ. Mr. Speaker, despite the calls from President Bush for efforts to provide legal permanent residents access to Federal nutrition programs, the House conference on the farm bill have refused to budge. Now we hear today that the gentleman from Colorado (Mr. Tancredo) has an amendment to instruct on the farm bill on this particular item.

There are too many cases of legal immigrant children suffering from hunger right here in our own backyards. These are legal residents. Their parents work hard, they pay taxes, they serve our country, they pay by the rules, and they are unable to qualify for food stamps if they find themselves in that situation.

The reality is, and I will appeal to the Republicans, that we have over 62,560 military people right now that are legal immigrants; and as we well know, we have a lot of people in the military that also qualify for food stamps. This amendment would disqualify them from being able to have access to food stamps.

So I make the appeal and ask that we look at what the administration has been saying, that we ought to be providing for those services.

CELEBRATING THE PRODUCTION OF NEVADA’S 50 MILLIONTH OUNCE OF GOLD

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

Mr. GIBBONS. Mr. Speaker, Nevada’s nickname may be the Silver State, but our State is diverse and has a wealth of many minerals, including many precious metals like gold, silver and platinum. In fact, only two countries in the world are ahead of Nevada in total gold production, South Africa and Australia; and only those two locations have ever achieved the same milestone when Nevada celebrated this week, the production of the 50 millionth ounce of gold.

Let me put this achievement in perspective. If 50 million troy ounces of gold were viewed as cube, it would be approximately 14 feet 2 inches square and weigh about 1,714 tons.

This achievement was produced by the Carlin Trend, located about 10 miles south of Carlin, Nevada, which produces nearly 4 million ounces of gold annually, contributing $1.8 billion to America’s economy every year.

Congratulations to the hard-working men and women of the Carlin Trend on this accomplishment, and thank you to the mining industry for producing the minerals which allow us to live in and enjoy the 21st century.

DEFENDING LEGAL IMMIGRANTS

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

Ms. SOLIS. Mr. Speaker, I rise today in disappointment at the action that will take place today on the floor, and that is to instruct conferees on the farm bill to remove the provision of food stamps for legal immigrants.

We talk about legal immigrants. Let us really put a face to it. Let us look at who these people are. They serve in our wars; they are serving in the military. Many of them are grandparents, many are children. They are here legally. They are playing by the rules. Their families pay into the tax base.

The President has said he wants to honor them and give them food stamps; but his own party, the Republican Party, wants to take that away. We are sending mixed messages here, and I would hope we could unite around this whole concept of compassionate giving to people who earn their way here in this country.

I would ask that the conference and everyone please take hold of this situation, address it, and help to feed the
children, the hungry children, in our districts. Right now in my own district there are about 37 percent immigrant families. Of that, those kids do not have enough to have food on their table. They do not have cereal. They did not have a banana. They did not have much today, like you and I may have had.

Let us make sure we do our best to defend those children.

**FREE MARTIN AND GRACIA BURNHAM**

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

Mr. TIAHRT. Mr. Speaker, today marks the 326th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

Mr. Speaker, millions of Americans paid their dues on Tax Day this week, but Martin and Gracia have been paying the price for being Americans for over 10 months now. The Nation they love, however, is prevented from rescuing her children.

Martin’s parents, Paul and Oreta, are patriotic citizens. They pay their taxes without complaining and trust the government will carry out its responsibility to protect and defend our citizens, all this despite the continued captivity of their son and daughter-in-law. I must admit, as a patriot, as a tax payer, as a representative of this government will carry out its responsibilities.

Let us rescue these Americans. I believe we have the resources to rescue Martin and Gracia, and it is our government’s duty to do so. As always, I ask you to join me in prayer for Martin and Gracia and their loved ones, that this nightmare may soon be over.

**PROTECT THE CLEAN AIR ACT**

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

Ms. MCCOLLUM. Mr. Speaker, the current administration is proposing a rollback of what has been called the centerpiece of our environmental agenda. Instead of fighting hard to protect the Clean Air Act, this administration wants to eliminate clean air programs that control new sources of pollution and regional haze.

What does this mean? It means that harmful emissions released from these old power plants will continue to cause asthma attacks and increase premature visits. Haze will continue to blanket our cities and continue to spread out, obscuring views at our national parks and monuments. It also means that companies that own and operate our oldest and dirtiest coal-fired power plants can continue to escape strict pollution controls.

We can do better. Monday is Earth Day, a time to celebrate past progress we have made in cleaning up our environment while leading our Nation to a cleaner tomorrow. It is not the time to eliminate tools that can help us clean our air.

**HAPPY 100TH ANNIVERSARY TO J.C. PENNEY**

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to celebrate a major milestone in the history of American business. This past Sunday, on April 14, J.C. Penney Company, whose Plano headquarters is located in my district, celebrated 100 years of serving Americans.

J.C. Penney is a name that Americans know well, and most of us have shopped in a J.C. Penney store at some point. We have learned by experience to expect their superior value for our money. And a century of delivering on that promise has made J.C. Penney a trusted name among American retail institutions and hard-working Americans.

When James Cash Penney opened his first store on the Wyoming frontier 100 years ago, he had but one passion: to serve his customers to their complete satisfaction. That passion has been the enduring reason for his company’s growth, survival and success, and also why J.C. Penney has helped millions of Americans raise the quality of their lives.

Trends may come and go; businesses like J.C. Penney, built on timeless values, endure.

I want to extend my sincere congratulations to the company for 100 years of performance.

**CONGRESS MUST RESTORE FOOD STAMP BENEFITS TO LEGAL IMMIGRANTS**

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

Mr. REYES. Mr. Speaker, later today the House will debate a motion to instruct conferees on the Farm Security Act that seeks to prevent the restoration of benefits to legal residents.

Well, I am appalled that this motion is offered, given the bipartisan support to restore food stamp benefits to legal permanent residents. I am, however, not surprised that there are some still in this House who continue their anti-immigrant, anti-Latino and anti-family campaign.

Let me repeat, Mr. Speaker. We are talking about benefits to legal residents; legal residents who come to this country from all parts of the world.

Earlier this year we welcomed the administration’s proposal to extend eligibility to legal permanent residents who have lived in the United States for 5 years. We supported this proposal because it was simple and straightforward. The Senate has included the administration’s proposal in its version of the farm bill, but efforts continue in conference discussions to undermine a fair and simple restoration of benefits for legal residents.

These efforts clearly undermine President Bush’s own proposal for restoration of food stamps.

I hope that this Congress, Mr. Speaker, does the right thing and restores food stamp benefits to legal residents, and also today ask President Bush to do more to convince his party that legal permanent residents deserve these benefits. It is long overdue, it is time, and it is the right thing to do.

**MURDERERS, NOT MARTYRS**

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

Mr. PITTS. Mr. Speaker, tragically, Israelis and Palestinians are once again in a spiral of violence.

President Bush said recently that when a Palestinian girl kills herself in order to murder an Israeli girl of her own age, the future is dying. No boy or girl should ever have to die in a terrorist attack and no boy or girl should ever be misled by fanatics to go off on a suicide mission.

Mr. Speaker, too many Israelis and Palestinians have died and too many Palestinian kids have been turned into fanatics by the terrorists who have hijacked the Palestinian cause. As the President said, strapping a bomb around your waist and killing people is not an act of martyrdom, it is an act of murder.

Yesterday it was reported that the Saudi ambassador to Britain has written a lavish poem praising a young homicide bomber as “the bride of loftiness.” He says, “The doors of heaven are opened for her.”

Mr. Speaker, this is an outrage. Here is a leader, an ambassador no less, encouraging children to commit murder.

There will be no peace in the Middle East until this kind of irresponsible rhetoric stops. The international community should condemn this kind of talk with a loud and united voice.

**DEADLY NUCLEAR WASTE SHOULD NOT BE SHIPPED THROUGHOUT AMERICA**

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

Ms. BERKLEY. Mr. Speaker, in the near future, the House will vote on
House Joint Resolution 87 to determine if we are going to ship deadly, high-level nuclear waste through America's cities and towns, through our neighborhoods, and past our schools, hospitals and houses of worship. If you vote for this resolution, that is what you will be doing, sending over 100,000 massive shipments of highly radioactive waste through the communities you represent, shipments that would be rolling on our roads and our rails every day for the next 30 years.

A single shipload would threaten the health of thousands, cost billions to clean up, and forever ruin property values. If you do not think this can happen and will, think again. Just follow the headlines of transportation disasters we see almost weekly. Someday, instead of gasoline or chemicals, the disasters will involve nuclear waste. Could you look at your constituents and their children and look them in the eye and tell them you voted for a resolution that allowed a massive catastrophe to ruin their lives?

Vote “no” on House Joint Resolution 87 for the sake of your families, the sake of your constituents.

MAKE THE BUSH TAX CUTS PERMANENT

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

Mr. RYUN of Kansss. Mr. Speaker, American families have recently completed the dreary chore of preparing their tax returns, but this year, many found a bonus. The IRS reports that the average income tax refund is over $1,000, significantly higher than last year. What does this mean? Taxpayers are reaping the benefits of the Bush tax cut. Here in Congress, we should be proud of the cut that enables families to keep more of what they earn and for causing the economy to rebound as well.

But there is trouble on the horizon. Unless Congress takes action, this significant tax cut will expire in the year 2010 and our taxes will be raised.

It was over 2 centuries ago that Benjamin Franklin said, “Nothing is certain but death and taxes.” While death and taxes may be certain, the death of this tax cut does not have to be.

Mr. Speaker, I urge my colleagues to act now to ensure that President Bush’s tax relief is made permanent.

BENEFITS FOR LEGAL IMMIGRANTS AND PEACE IN THE MIDDLE EAST

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me quickly join in with my colleagues from California and Texas and others of goodwill to oppose the amendment that will be on the floor today to deny legal immigrants, individuals who are accessing legalization, accessing citizenship, paying taxes, but, most of all, giving of their lives so that we might be free. What a tragedy. How heinous. I ask my colleagues to vote enthusiastically against denying legal immigrants their rightful benefits.

Let me move very quickly to my disappointment with the media who has now assessed Secretary Powell’s trip as a failure. The Washington Post: “Powell to end trip without a cease-fire. Sides failed to agree to talk.” Electronic media reported “Powell’s trip unravels.”

Let me simply say that peace is long-standing. It is not for the impatient. Our lives depend on it. This administration must continue to engage. We must provide a constructive proposal, we must help, in order to have peace in the Mideast. Secretary Powell must return to the Mideast.

BUILDING ON PAST SUCCESSES TO CONTINUE WELFARE REFORM

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

Mr. WICKER. Mr. Speaker, I want to take my 1 minute to talk about the Welfare Reform Act of 1996, one of the greatest public policy successes in half a century. This body will soon have the opportunity to continue the remarkable progress made over the past 6 years when we reauthorize the law.

Our Nation has seen a dramatic 56 percent drop in welfare caseloads as more families have broken the cycle of poverty and replaced welfare checks with paychecks. Welfare rolls are at their lowest levels since 1965, and more than 2 million children have been rescued from poverty, a remarkable success.

The reauthorization will allow us to build on the principles which have helped more Americans achieve self-reliance. It contains a strong work requirement, continues the focus on protecting children, and strengthening families, and gives more States flexibility.

Mr. Speaker, the emphasis on work and strengthening families in this new initiative represents a winning formula to put more needy Americans on the path toward a brighter future.

ENVIRONMENTAL ROLLBACKS BAD FOR THE ENVIRONMENT

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

Mr. HOLT. Mr. Speaker, despite the fact that a majority of Americans believe that we should do more, not less, to protect our environment, President Bush is pursuing several policies to roll back environmental progress.

Let us look at our national parks. Despite the clear evidence that snowmobile use is not compatible with the preservation and public enjoyment of Yellowstone, our world’s oldest national park, the President is pushing to roll back a rule that would prevent snowmobile use there, a rule that the EPA said was among the most thorough and substantial scientifically based rules they had seen.

Right now, the administration and the Republican majority here is also trying to roll back a ban on personal watercraft like jet skis in our national parks, despite the clear indication from rangers that these have a negative effect on the enjoyment and preservation of the parks.

Mr. Speaker, our environment and our national parks belong to all of us, and we cannot let these series of environmental rollbacks ruin them for us.

REPRESENTATIVES HAS BEEN PRODUCTIVE

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

Mr. STEARNS. Mr. Speaker, what do all these things have in common? Trade promotional authority, the energy bill, the job stimulus bill, the terrorist insurance bill, faith-based initiative; in fact, 51 bills all in common, plus 90 appointments for judges? What they all have in common is they have not been acted upon by the other body.

The American people elected a Republican House and we have been productive over here. Governors, CEOs, coaches, deserve to have their team in place.

We need the other body to act to put the administration’s team in place and address the 51-plus bills that are in need of action.

POINT OF ORDER

Mr. FRANK. Point of order, Mr. Speaker.

The SPEAKER pro tempore (Mr. STESSELL). The gentleman will suspend.

Mr. STEARNS. Mr. Speaker, we need to expedite and to take the bills that were in the House and get them passed by the other body.

The American people want action by its elected officials here in Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair reminds Members not to refer to action in the other body.

U.S. SUPREME COURT DECISION IS A CLEAR AND PRESENT DANGER TO OUR CHILDREN

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

Mr. LAMPSON. Mr. Speaker, Ludwig Koons still has not been returned from
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CONGRESSIONAL RECORD — HOUSE

H1345

ITALY WHERE HE WAS ABDUCTED BY HIS PORNographer MOTHER.

What is in this morning’s newspaper headlines? Supreme Court decides to strike down the Child Pornography Protection Act. This is a clear and present danger to children all over the world.

I am concerned that this decision will allow the manufacture, distribution, and possession of virtual child pornography. We will potentially see a rise in the exploitation of children. Child pornography material, whether virtual or not, is used to lure and to exploit children. I am concerned about the onerous burden that this is going to place on prosecutors. Prosecutors will now have to prove the identity of the children who are being exploited.

Well, this is a difficult task. The Supreme Court sent a terrible message, one that is terrible to send to the pornographic community that this behavior is okay. We can be sure that the Exploited Children will do everything in their power to right this wrong and to protect our children from exploitation, and we must bring Ludwig Koons home.

BIPARTISAN DENOUNCEMENT OF UNITED STATES SUPREME COURT DECISION INVOLVING CHILD PORNOGRAPHY

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

Mr. PENCE. Mr. Speaker, it should be obvious on the floor of the House today that the denouncement of yesterday’s decision by the United States Supreme Court is truly bipartisan. As a father of three small children, I do rise to denounce this deplorable decision where the court struck down a 1996 Federal ban on computer-generated child pornography.

The Court actually wrote that the law was not sufficiently precise and that the law does not make reference to any crime or the creation of any victims. The promotion and the creation of child pornography by definition creates victims, Mr. Speaker.

I call on my colleagues to move forward expeditiously to right this wrong in the law. While the court has given solace to child pornographers, some protection from the law of man, I would close with reflecting on the law of God to those out there who create this material. The Good Book says that if anyone causes one of these little ones to sin, it would be better for him to have a large millstone hung around his neck and that he would be drowned.

PASSAGE OF H.R. 476, CHILD CUSTODY PROTECTION ACT

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

Mr. SHUSTER. Mr. Speaker, I rise today in support of H.R. 476, the Child Custody Protection Act. H.R. 476 has two important functions. First, it works to make sure that valid parental notifications will not be circumvented. Second, it secures the right of a parent to be involved in medical decisions regarding their minor daughters.

I think it is important to note that even abortion rights advocates, such as Planned Parenthood and the National Abortion Federation, all encourage minors to consult their parents before having an abortion. Not only can a parent provide the emotional and physical support that their daughter will need, but a parent also knows their daughter’s medical history.

There is also widespread support for parental notification among the American people. A 1998 CBS New York poll found that 72 percent of those polled favored requiring parental notification.

I come from a State that requires parental notification. Yet, out-of-State clinics try to circumvent this law. It is not uncommon for clinics in New Jersey, a State without parental notification law, to advertise in Pennsylvania phone books. These clinics often go as far as to highlight the fact that they will perform an abortion without parental notification.

The passage of H.R. 476 effectively puts an end to this despicable practice. I urge my colleagues to support this legislation.

FOOD STAMP RESTORATION

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

Mr. BACA. Mr. Speaker, the Congressional Hispanic Caucus has been working hard to restore food stamp benefits to hard-working, tax-paying legal residents; I state, to hard-working, tax-paying legal residents. Unfortunately, the House amendment 2846 would leave thousands of legal residents, permanent residents, without food stamps. This amendment would discriminate against permanent legal residents.

This is a real problem for LPRs and their families. In percent of all children of immigrants live in families that cannot afford enough nutrition on a regular basis. Most immigrant families include at least one child that is an American citizen. These children go to school hungry because their parents cannot afford to pay for food stamps or apply for food stamps. How can these kids study and learn and concentrate in the classroom if they do not have enough to eat?

We talk about “leave no child behind.” Well, we are about to do that, through this amendment. It is time for us to assure that all legal immigrants are eligible for food stamps. These are hardworking, legal permanent residents who currently cannot buy food stamps because they are not eligible for assistance under the basic nutritional program.

I urge the President that he must deliver on his promises to the Latino community. We need his leadership and inclusion, not false promises.

CHILD CUSTODY PROTECTION ACT

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 388 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 388

Resolved. That upon the adoption of this resolution it shall be in order without intervening any of point of order to consider in the House the bill (H.R. 476) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in certain medical decisions. This shall be considered as read for amendment. The previous question shall be considered as ordered on the bill to final passage without intervening motions except: (1) two motions to recommit the bill equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. SHIMKUS). The gentleman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a closed rule for H.R. 476, the Child Custody Protection Act. The rule waives all points of order except consideration of the bill. It provides consideration of H.R. 476 in the House with two hours of debate, equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the Child Custody Protection Act is important to any parent who has a teenage daughter. We all hope that our teenaged daughters have the wisdom to avoid pregnancy, but if they make a mistake, a parent is best able to provide advice and counseling. Also, more importantly, the parent knows the child’s past medical history.

For these reasons, my home State of North Carolina, along with several other States, requires a parent to know before their child checks into an abortion clinic.

This law is needed because of stories chillingly similar to the story of a Pennsylvania mother and the tragic story of her 13-year-old daughter.
Several years ago, a stranger took Joyce Farley's child out of school, provided her with alcohol, transported her out of State to have an abortion, falsified medical records at the abortion clinic, and abandoned her in a town 30 miles away, frightened and bleeding. Why? Because the stranger's actions had raped Joyce Farley's teenage daughter, and she was desperate to cover up her son's tracks.

Even worse, this may all have been legal. It is perfectly legal to avoid parental consent laws by driving children to another State. In fact, many abortion providers in States where there are no parental consent laws actually advertise in the yellow pages in States where consent laws have been passed. It is wrong, and it has to be stopped.

The Child Custody Protection Act would put an end to this child abuse. If passed, the law would make it a crime to transport a minor across State lines to avoid laws that require parental consent or notification before an abortion.

Right now, a parent in Charlotte, North Carolina, must grant permission before the school nurse gives their child an aspirin. They have to call and give permission for their child to have an aspirin, but a parent cannot prevent a stranger from taking their child out of school and up to Maryland, for instance, for an abortion. It is total nonsense.

So let us do something to protect the thousands of children in this country. Let us pass the child custody Protection Act, and put a stop to the absurd notion that there is some sort of constitutional right for an adult stranger to be able to secretly take someone's teenaged child into a different State for an abortion.

I applaud my friend and colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), for continuously fighting this fight. I urge my colleagues to support this rule and to support the underlying legislation.

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

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I oppose the bill that underlies it. The Committee on the Judiciary has handed us yet once again a bill that is blatantly unconstitutional and will never see the light of day because the Senate is not going to touch it.

The attempt here today is to interfere with the rights of American citizens to go from one State line across the other. It is never going to work. In addition, and the most surprising thing to me, is by a vote of 16 to 12, the rapist or anyone who may have raped the child,subjects them to civil action by a parent or guardian.

I want to reiterate again that abortion is legal in the country. To prohibit anyone's right to a State line for a legal purpose in the United States is foolish on its face, and flies in the face of the freedom that we enjoy.

Are we going to put border crossings at the State lines? Are we going to stop people and check their cars and make sure that no minor is in there? Are we really willing to put people's grand- or mother in prison? Are we really willing to allow a rapist or someone who commits incest to go to court to sue if a pregnancy caused by their action ensues? Surely not.

But this bill, again, in addition to it being terribly bad policy and its flagrant unconstitutionality, is closed, so no one could even amend it. But frankly, I do not know why anyone would want to. It is hard to amend an unconstitutional bill in such a way that we could make it constitutional. But we are talking about a fundamental right here, not something superficial. This measure tramples that right by imposing substantial new obstacles and dangers in the path of a minor seeking an abortion.

It violates the rights of States. And this Congress has gone on record time after time after time believing States are far more bright than we are. If they should have the right to pass their own laws, this tramples on the rights of States to enact and enforce their own laws that govern conduct within their own State boundaries.

The assaults on the Constitution do not stop there. One fundamental principle of our federal system is a State may not project its laws onto other States. Every citizen has a right to cross a border into another State, and it has been so since the founding of this Republic. But we can do it in favor of the laws of the State that we are visiting, as long as we do not infringe upon those laws.

This bill undermines this fundamental principle, saying that young women are bound by the laws of their home even as they traverse the Nation. On the face of it, that is absolutely foolish. Because something is legal in New York and illegal in another State, should all New Yorkers be allowed to go there and freely fly in the face of the law of the other State? Absolutely not. The Supreme Court has consistently held that States cannot prohibit the lawful out-of-State conduct of their citizens. That is a simple premise simply put, but it is absolutely one of the basics of our freedoms. Nor may they criminalize the behavior. That has been the law of this land for a long, long time, about 200 years, I suspect. This bill does exactly that, imposing criminal sanctions on what is literally a freedom for a United States citizen.

As Professor Lawrence Tribe of Harvard Law School and Peter Rubin of Georgetown University Center explained, the bill amounts to a repudiation of a most surprising thing to me, is by a vote of 16 to 12, the rapist or anyone who may have raped the child, subjects them to civil action by a parent or guardian.

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Why? Because this stranger had raped Joyce Farley's daughter, and she was desperate to cover up her son's tracks.

Even worse, this may all have been legal. It is perfectly legal to avoid parental abortion consent and notification laws by driving children to another State. In fact, many abortion providers in States where there are no parental consent laws actually advertise in the yellow pages in States where consent laws have been passed. It is wrong, and it has to be stopped.

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This is the cruel lesson of one young Idaho teenager who was shot to death by her father after he learned she was planning to terminate a pregnancy caused by his act of incest. She was 10 years old. This young girl’s rights were not at stake. Congress cannot legislate health and family communications.

The political cynicism this rule embraces today would be comical if young women’s lives were not at stake. Congress once again is placing its political agenda ahead of a woman’s ability to have access to safe and appropriate medical care.

As a Member of Congress and mother of three daughters and long-time advocate of women’s health, I strongly believe that the health of American women matter, and I urge my colleagues to vote no on this rule and on the underlying bill. Please do not go home and say that we put the rights of the rapist or the perpetrator of incest above other citizens of the United States and tried to restrict their right to move across State lines.

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

Mrs. MYRICK. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DIAZ-BALART), who also serves on the Committee on Rules.

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair would ask the visitors in the gallery to desist from conversations.

Mr. DIAZ-BALART. Mr. Speaker, I want to commend first of all, the gentlewoman from North Carolina (Mrs. MYRICK) for yielding me the time and my dear colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN) for introducing and shepherding and leading the effort on this important legislation.

When I was listening to my distinguished friend on the other side of the aisle, I thought that at times she was referring to a piece of legislation. Twenty-seven States require parental notification, recognizing the need for parental involvement when daughters face the confusing and sometimes frightening reality of an unexpected pregnancy. Strangers should not be allowed to deprive parents from the right to at least try to protect their daughters from harm by taking these children to another State in violation of the State laws that have been designed to protect the health and safety of children and the rights of the parents. In essence, what we are trying to do today with this legislation is to protect as much as possible the States’ rights to have their wishes, as made by their legislatures, enforced. That is, in essence, what we are trying to do.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding the time to me. I would like to respond to the concerns raised by my colleague from New York (Ms. SLAUGHTER).

When I first learned about this issue some years back, my immediate instinct was to oppose the notion that parents could not or should not be consulted when a daughter makes a decision about an abortion, not just across State lines but in a State. I then consulted my own daughters and they said, Mom, we would talk to you, but think about all the kids who cannot talk to their parents.

Our colleague from New York has spelled out those circumstances. They were dramatic and shameful, and my view after consulting my own children is that for the children of others, we must stop this vicious legislation. For children of others, to make sure that in safety they can seek out their constitutional right to an abortion in an emergency, for the children of others who will seek adult consultation but possibly not from dysfunctional or evil parents.

Mr. Speaker, I urge support of the position of our gentlewoman from New York. I urge you to think about the children of others. I urge a no vote on this legislation.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise in support of H.R. 476, the Child Custody Protection Act.

Unfortunately, we are hearing lots of dramatic stories about young women who have not consulted their parents and young women who may be victims of other terrible crimes as a motivator for us to prevent what so many States think is important and what so many people think is important, and that is, that children and their medical care and their guidance be in the hands of their parents.

This bill would simply respect that. It would respect what 43 States have already done in requiring parental consent or notification before a young woman can receive an abortion. So this is not a dramatic change of any kind. In fact, this is something that would respect States’ rights.

This bill has nothing to do with consenting adults who have made a decision about what to do with a pregnancy. It solely focuses on young girls who are the most susceptible to confusion and difficulty of making a decision on their own health care and decision about ending a pregnancy. It is important for us to stand up for families in the United States. It is important for us to stand up also for the right of young people to be counselors to their children.

Some of the opponents have argued that our approach is wrong and these young girls who are involved in these tremendous life-altering decisions should be whisked away from their parents, transported across State lines for a very serious medical procedure, without their parents notice or consent, without any necessarily records of their health in the past. This defies all logic. It usurps parents’ vital role, and I think it is playing a dangerous game with the lives of young girls.

These girls should not be whisked away from their problems. We should not be finding more ways for them to get help from their families. We should be finding new and innovative ways where we can help them and their families.

This bill would certainly lead us in that direction as 43 of our 50 States have already done. It is not for the Federal Government to change that.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me the time, and let me add my appreciation as well for her very eloquent defense and advocacy for issues of choice and particularly her work in the Committee on Rules.

It is interesting that my colleagues speak about States’ rights and are very apt to involve themselves in the rights of Oregonites who have supported euthanasia through State law, but yet the Federal Government and Republicans want to intrude upon those State rights.

On the other hand, in this instance, dealing with an individual’s probably
necessity to secure assistance somewhere, the child who may happen to be 16 or 17, this legislation that we have today undermines the very sense of privacy and the rights of a child to secure help from a grandparent, an uncle, an aunt or a sibling who is that child’s confidante, who is able to take them somewhere to assist them in a choice that is intelligently made.

This has nothing to do with programs that deal with abstinence or deal with the issues of not engaging in pre-marital sex. This is not what this legislation is about, and I am very disappointed that the Committee on Rules would argue for a closed rule so that those of us who had amendments dealing with others who would give advice to our young people so that we would not have a murderous condition, a child losing their life because of a back room botched circumstance and procedure.

This is absolutely, I believe, without mercy because what it says is that if a child has someone that they are able to confide in and they can assist them in a very troubling time of their life, to make a choice about their body, an intelligent choice, comforted with the counsel of their religious person, and that particular individual that they have confidence in, they cannot do it.

This is a bad rule. I hope my colleagues will support the motion to recommit, and I would hope that we would be a consistent Congress. If we are fighting the Oregonians, and we are overlooking their State laws, then why are we now making a Federal law or insisting that we have to affirm Federal laws or State laws that intrude on the right to privacy?

Ms. ROS-LEHTINEN. Mr. Speaker, I yield so much time as she may consume to the gentlewoman from Florida (Ms. ROS-LEHTINEN). She is the author of this legislation and we thank her for that.

Ms. ROS-LEHTINEN. Mr. Speaker, abortion is perhaps one of the most life altering and life threatening of procedures. It leaves lasting medical, emotional and psychological consequences and is so noted by the Supreme Court, particularly so when the patient is immature.

Although Roe v. Wade legalized abortion in 1973, it did not legalize the right for persons other than the parent or a guardian to decide what is best for our child nor did it legalize the right of strangers to place our children in a dangerous situation that is often described as being potentially fatal.

Mr. Speaker, my legislation, the Child Custody Protection Act, will make it a Federal misdemeanor to transport an underaged child across State lines in circumvention of State local parental notification or consent laws. This is an approach of obtaining an abortion. It is very simple.

Last year in the 106th Congress, I introduced this legislation; and it passed the House with a vote of 270 to 159, almost a two-thirds majority.

In the 105th Congress, this legislation also passed with a vote of 276 to only 150 against. Significant support for this legislation is not surprising because according to Zogby International, 66 percent of people believed that doctors should be legally required to notify the parents of a girl under the legal age who requests an abortion.

In addition, a 1999 fact sheet created by the Planned Parenthood Federation of America, one of the most adamant opponents of my bill entitled, “Teenagers, Abortion, and Government Intrusion Laws” cites: “Few would deny that most teenagers, especially young ones, would benefit from adult guidance when faced with an unwanted pregnancy.”

Mr. Speaker, few would deny that such guidance ideally should come from the teenagers’ parents. Parental involvement or notification laws may vary from State to State, but they are all made with the same purpose in mind, to protect frightened and confused adolescent girls from harm. This historical legislation will put an end to the abortion clinics and family planning organizations like Planned Parenthood that exploit young, vulnerable, frightened girls by luring them to recklessly dispose of State laws with advertisements such as the ones that we will show later today which shout: ‘No parent’s right is going to subject.’

The translation: do not worry about your parents. You are a mature 13-year-old, and you know best.

Our society is filled with rules and regulations aimed at ensuring the safety of our Nation’s youth through parental guidance. At my alma mater, Southwest Miami High School, and in many of our schools, a child cannot be given an aspirin unless the school has been given consent by at least one parent or guardian of the child, or a minor cannot operate a vehicle until the age of 18. Most schools require permission to take minors on field trips; and in many schools, parents have the ability to decide whether or not to enroll their children in sex education classes.

In fact, a student cannot play football, soccer and even a noncontact sport such as chess without parental consent. Every one of these principles is precisely what I am proposing in legislation that will demonstrate our commitment, our society’s commitment to protecting frightened and confused young women in situations that most teenagers, especially young ones, would benefit from adult guidance.

Mr. Speaker, passage of this bill once again by this House, which we do every Congress, knowing the Senate will not even look at it, will once again demonstrate the conviction of the Republican leadership that this is a good subject to exploit politically; and that is all it will demonstrate.

Mr. Speaker, I will not talk too much about the merits of the bill right now; I will save that for general debate, but let me say a few things.

I am in my 10th year in the House. My first 2 years there was a Democratic majority, and the Republicans used to complain about closed rules. How dare the Democrats refuse to allow Republicans, or anybody else, to bring amendments to the floor.

Well, for the last 8 years, the Republicans have refused to allow amendments of any note to come to the floor on any bills except appropriations bills. Let us take this bill, for example. This bill, which ostensibly is designed to protect young women in situations where they are being lured across State lines by evil people to get them to have abortions without consulting their parents, which is an absurdity, but forget about that. How dare they say that a Republican member of this body is not allowed to bring amendments to the bill. We have 98 cosponsors, and all of the organizations which have supported H.R. 476 and have worked tirelessly to secure consideration today.

Today, as the House once again votes on this bill, I am hopeful that in reflection of the views of most Americans, the Child Custody Protection Act will pass once again. Passage of this bill will demonstrate our commitment, Congress’ commitment to protecting parents and children, and I ask that my colleagues vote in favor of this rule and later on for the bill itself.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER). Mr. Speaker, passage of this bill once again by this House, which we do every Congress, knowing the Senate will not even look at it, will once again demonstrate the conviction of the Republican leadership that this is a good subject to exploit politically; and that is all it will demonstrate.

Mr. Speaker, I will not talk too much about the merits of the bill right now; I will save that for general debate, but let me say a few things.
her to get an abortion that she wants because she is 17 years old, and she wants an abortion lest she bear a child fathered by her father in an act of incestuous rape.

Maybe some people can come up with a reason against this amendment; I do not know if twisted minds in this world, but not to allow that amendment on the floor because they are afraid it will pass, they are afraid Members in this House will not have twisted minds and the amendment will pass.

The real purpose of this bill is not to protect women, girls 17, 16 years old, not to protect them in situations such as I have just mentioned, the real purpose of this bill is simply to cut away the right to abortion to the extent possible without falling afoul of Roe v. Wade.

A second amendment not permitted on the floor is the amendment that would exempt clergy and grandparents of the minor from being present at the operation, any other treatment, any medical procedure, prohibited by law from being next to them, from being able to care for them, from holding their hand to ease the pain? Any other operation, any other treatment, any other reason for a minor to be in a hospital or clinic would require that the parent be present and consulted. But not for this amendment.

We should strengthen and protect the family. We should also protect life, the life of the minor child and the life of her unborn child. In our Declaration of Independence it states we hold these truths to be self-evident that all men are created equal, that they are endowed by our creator with certain inalienable rights, and among these are life.

The real purpose of this bill is not to protect the family. Let us protect life and strengthening the family is specifically important in my district, which lies on the border between Illinois and Missouri, and has an abortion clinic nearby that serves people from both sides of the Mississippi River.

This legislation makes it a Federal offense to knowingly transport a minor across State lines with the intent to obtain an abortion in circumvention of State law and parental consent or parental notification law. This legislation is specifically important in my district, which lies on the border between Illinois and Missouri, and has an abortion clinic nearby that serves people from both sides of the Mississippi River.

The problem is that Missouri has a parental notification law and Illinois currently does not. A young woman can cross the border into Illinois to have an abortion without the knowledge or consent of her parents.

I want to relay a quick story. This is not a hypothetical story. This is a true incident which recently took place in Illinois because of Illinois' failure to have a parental notification law in place, and reported in the St. Louis Dispatch, and I include the entire article for the RECORD.

In February of this year, a mother from Granite City got a call from her daughter's high school that her daughter had not shown up for school. After checking with friends, she learned her daughter was at a local clinic getting an abortion. The mother quickly ran over to the clinic to try to talk to her daughter. The woman was not allowed in the clinic because she was not with her daughter. When she contacted the police to help her, they told her there was nothing they could do. Instead, she had to sit outside the clinic and wait while her daughter underwent a major medical procedure.

How many Members here today would like to be sitting outside a hospital while their child underwent a medical procedure, prohibited by law from being near to them, from being able to care for them, from holding their hand to ease the pain? Any other operation, any other treatment, any other reason for a minor to be in a hospital or clinic would require that the parent be present and consulted. But not for this amendment.

We should strengthen and protect the family. We should also protect life, the life of the minor child and the life of her unborn child. You can't cross the border into Illinois to obtain an abortion in circumvention of Missouri's parental notification law and Illinois' parental consent law.

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need the advice of a trusted family friend, a minister, a sympathetic grandmother.

When a young woman cannot involve a parent, public policies and medical professionals should encourage her to involve trusted adults. We have many rules like this will be deaths from illegal abortions and unsafe abortions, and that is wrong.

Most major medical associations including the American Medical Association, the American College of Obstetricians and Gynecologists, the American College of Physicians, and the American Public Health Association all have long-standing policies opposing mandatory parental involvement laws for this reason.

Because of the dangers they pose to young women and the need for confidential access to physicians, the American Academy of Pediatrics and Society for Adolescent Medicine oppose this bill. We should, too. Oppose the rule. Oppose the bill.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Speaker, America is a wonderful and diverse country. We have people of every kind living here, who belong to different political parties and go to different kinds of churches, we have many kinds of families. But there is one thing just about every family has in common. Parents love their children. The job of a parent is to raise and nurture his or her child until that child reaches adulthood. The way parents do this is by setting rules and making decisions that will affect their kids for the rest of their lives. They teach values and principles. They teach their kids the difference between right and wrong. They teach them manners and pass on their faith to them. As a child grows and gets older, mom and dad begin to help their teenagers make their own responsible decisions. Eventually, when a person turns 18 or so, we treat them as an adult. Even the law recognizes that when a person turns 18, they can make their own decision about just about everything except perhaps purchasing alcohol. This is the way it is. This is the way it should be.

Mr. Speaker, my wife and I had three wonderful girls who long ago left the nest, who are now full grown and responsible adults. When they were little my wife and I did our very best to teach our kids the values that we had learned, that we had learned from our parents. Our greatest desire was that our own kids by the time they left home would be ready to make their own choices and not get themselves in trouble. I think most parents feel that way. Every parent wants their kids to be able to make good decisions. But until they are full grown, they will need to be there to help them make the hard decision. And, if need be, to step in and prevent their son or daughter from making a bad decision they will regret for the rest of their lives.

Sometimes kids get into trouble. That is just the way it is. Parents should be there to help them learn the lessons that will keep them from getting into that kind of trouble again.

Mr. Speaker, this is not just a parent’s right. It is a parent’s duty. This bill was written to protect that right and that duty.

As you can see in this advertisement from the Yellow Pages in my district, abortion clinics go out of their way to advertise to girls that they do not need their parents’ permission to have an abortion. I am pro-life. We are not here today to debate pro-life versus pro-choice. We are here today to protect America’s families. We are here today to guarantee the right of mom and dad to act as the legal, moral and ethical guardian of their children.

It is outrageous that in America, a stranger who does not know the child or her medical history can take that child out of State for a secret abortion.

I urge my colleagues to vote for this important bill and to show the moms and dads of America that Congress still knows what it means to be a loving, caring parent.

In closing, if you look at the ads, this is taken from the Yellow Pages in the State capital of Harrisburg. It says, no parental consent, no parental consent. They are doing this in violation of our State laws because she thought correctly. It is outrageous that in America, a stranger who does not know the child or her medical history can take that child out of State for a secret abortion.

I urge my colleagues to vote for this important bill and to show the moms and dads of America that Congress still knows what it means to be a loving, caring parent.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I rise in strong opposition to this rule because it shuts out an opportunity to offer another side of the issue. The other side needs to address what is best for young women.

In an ideal world, teens talk to their parents if they find themselves in trouble. In fact, in an ideal world, our teens would not be having sex at all. But let us face it, that is not the world we live in. Many teenagers live in a world that is quite the opposite and they would do anything not to tell their parents about an unintended pregnancy, even if it means putting themselves and their lives in jeopardy.

Make no mistake, I strongly support measures that help to foster healthy relationships between parents and their children. I would like to think of my own four children. But just because I consider myself an approachable parent does not give me the right, or anyone else the right, to assume that all teens find their parents approachable and understanding. Those out there who believe this is a good family-friendly bill are out of touch with reality. This bill is not going to encourage teens to talk to their parents and it is not going to curb abortion. Rather, this bill will encourage young girls who cannot or will not talk to their parents to seek unsafe, illegal abortions. For that reason alone, I cannot support this bill.

I urge my colleagues, vote responsibly. Oppose the Child Custody Protection Act.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from New York for her leadership in opposition to H.R. 476. I associate myself with her remarks.

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

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

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentlewoman from New York for her leadership in opposition to H.R. 476. I associate myself with her remarks.

But I want to talk about the Bell family because this was in many ways the ideal family. That is what Karen Bell thought, that they were very close with their children, they were a middle-class family, everything was going great. She favored parental notification laws because she thought certainly Becky, if she had a problem, would come to her as she should, and everyone in this Chamber agrees that that is the way it should be, that children should go to their loving parents.

But it did not quite happen that way. Becky, because she was so close to her parents, felt she could not disappoint them. She would not tell them. She ended up having an illegal abortion. As Becky Bell lay dying, holding her mother’s hand, her mother said, “Becky, tell mommy what happened,” and she would not. She would not. It was not until the death certificate was written, until the doctor’s said what was wrong. If her son’s death the capone would have done anything, paid the fee for her to go to another State, paid for the abortion, anything for Becky not
to be dead. This is the reality of life in too many situations. Again, most girls tell their parents. Of course they do. And involve them. The vast majority do. We are talking about those who not only cannot because of violence, but often do.

The American Medical Association notes that, quote, the desire to maintain secrecy has been one of the leading reasons for illegal abortion deaths. That is what we are talking about, life and death here, that this legislation, as well as others, it may be, is going to cause the death of some young women who feel, for one reason or another, that they cannot tell their parents.

We want them to go to a respected adult, to a relative, a grandparent and hope that they will and that those adults can provide the guidance and the care and take them to a place where legally and safely they can have the abortion that they need. I urge a "no" vote on this bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise today to talk about the dangerous implications of H.R. 476. While we wish that every family engaged in open communication, we must recognize that the Federal Government is unable to mandate it. Studies show, and as my colleagues have mentioned this, well over 60 percent of young women do seek their parents' advice when making an abortion decision. But in situations where young women do not have supportive home environments or for whatever reason they are unable to approach their parents, they do often turn to another trusted adult figure, such as a relative or a teacher, for assistance. H.R. 476 would make this illegal.

If enacted, this legislation will require a young woman's State laws to travel with her wherever she goes. These laws would be her only companion during this stressful time. H.R. 476 may actually harm young women by compromising their access to health care services since providers would face the burden of determining their patient's State of residence and associated laws. Instead of ordering parental involvement, we should provide comprehensive reproductive health education to help young people to make these good decisions.

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

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

I want to remind my colleagues who are probably in their offices, I know a lot are in markups and doing other things, that what is before us today is a restriction of American citizens to cross State lines, not just the case of what they call the minor child, but we are restricting the right of a grandparent, a clergy person, any adults, brothers, sisters, siblings, even cab drivers the right to carry people across State lines.

It is unheard of. I do not suppose any - no 11- or 12-year-old girls being in that situation. Frankly, no 11- or 12-year-old girl should be giving birth. If this society allows it or even encourages it, there is really some debate we need to have about what we want to do for our children. But believe me, if the House of Representatives goes on record today saying that rapists and people who perpetrate incest have rights of action against anyone trying to help a minor child, and if it goes on record today saying that we have the right to restrict American travel of American citizens across State lines for legal purposes, we will be talked about for years to come as to whether or not we are really up to the job that we took when we raised our right hand and swore to uphold the Constitution of the United States.

Mr. Speaker, I urge a "no" vote on this bill today. I will not call a vote on the rule, but this underlying bill is something that is quite really remarkable, it is unintelligible, and I really urge Members to vote "no" on it today. Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. SENSENBRINNEN. Mr. Speaker, pursuant to House Resolution 388, I call up the bill (H.R. 476) to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 476 is as follows:

SEC. 2. TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION.

(a) IN GENERAL. —Title 18, United States Code, is amended by inserting after chapter 117 the following:

"CHAPTER 117A.—TRANSPORTATION OF MINORS IN CIRCUMVENTION OF CERTAIN LAWS RELATING TO ABORTION"

"Sec. 2431. Transportation of minors in circumvention of certain laws relating to abortion"

"(a) OFFENSE. —(1) GENERALLY. —Except as provided in subsection (b), whoever knowingly transports an individual who has not attained the
age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abdicates the right of a parent under a law requiring parental involvement in an abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than one year, or both.

(2) For the purpose of this subsection, an abdication of the right of a parent occurs if an abortion is performed on the individual, in a State other than the State where the individual resides, without the parental consent or notification, or the judicial authorization, that would have been required by the law that the abortion was performed in the State where the individual resides.

(b) EXCEPTIONS.—(1) The prohibition of subsection (a) does not apply if the abortion was necessary to save the life of the minor because her life was endangered by a physical disorder, physical injury, or physical illness, including a life endangering physical condition caused by or arising from the pregnancy itself.

(2) An individual transported in violation of this section, and any parent of that individual, may not be prosecuted or sued for a violation of this section, a conspiracy to violate the law, or an offense under section 2 or 3 based on a violation of this section.

(c) AFFIRMATIVE DEFENSE.—It is an affirmative defense to prosecution for an offense, or to a civil action, based on a violation of this section that the defendant reasonably believed, based on information the defendant obtained directly from a parent of the individual or other compelling facts, that before the individual obtained the abortion, the parental consent or notification, or judicial authorization, that would have been required by the law requiring parental involvement in a minor’s abortion decision, had been performed in the State where the individual resides.

(d) CIVIL ACTION.—Any parent who suffers legal harm from a violation of subsection (a) may obtain appropriate relief in a civil action.

(e) DEFINITIONS.—For the purposes of this section—

(1) a law requiring parental involvement in a minor’s abortion decision is a law—

(2) requiring, before an abortion is performed on a minor, either—

(i) the notification to, or consent of, a parent of that minor; or

(ii) proceedings in a State court; and

(B) provide as an alternative to the requirements described in subparagraph (A) notification to or consent of any person or entity who is not described in that subparagraph—

(2) the term ‘parent’ means—

(3) a parent or guardian;

(A) a legal custodian;

(B) a person standing in loco parentis who has care and control of the minor, and with whom the minor regularly resides, who is designated by the law requiring parental involvement as the minor’s abortion decision as a person to whom notification, or from whom consent, is required;

(4) the term ‘minor’ means an individual who is not a parent, and who is not in a relationship that is defined as affording parental notification or consent, or proceedings in a State court, under the law requiring parental involvement in a minor’s abortion decision.

(f) The term ‘State’ includes the District of Columbia and any commonwealth, possession, or other territory of the United States.

(b) CLERICAL AMENDMENT.—The table of chapters for part I of title I, United States Code, is amended after the item relating to chapter 117 the following new item:

“117A. Transportation of minors in circumvention of certain laws relating to abortion .......... 2431”.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 388, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 1 hour.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 476.

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

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself 6 minutes.

Mr. SENSENBRENNER. Mr. Speaker, the Federated Child Custody Protection Act, would make it a Federal offense to knowingly transport a minor across a State line with the intent that she obtain an abortion, in circumvention of a State’s parental consent or notification law. Violation of the statute is a Class B misdemeanor, carrying a fine of up to $100,000 and incarceration for up to 1 year.

H.R. 476 has two primary purposes: the first is to protect the health and safety of young girls by preventing attempts to circumvent State parental involvement laws from being circumvented. The second is to protect the rights of parents to be involved in the medical decisions of their minor daughters.

There is widespread agreement that it is the parents of a pregnant minor who are best suited to provide her counsel, guidance and support as she decides whether to continue her pregnancy or undergo an abortion. A total of 43 States have enacted some form of parental involvement statute. Twenty-seven of these States currently enforce statutes that require a pregnant minor to either notify her parents of her intent to obtain an abortion or to obtain the consent of her parents prior to obtaining an abortion. As these numbers indicate, parental involvement laws enjoy widespread public support as they help to ensure the health and safety of young girls and support parents in the exercise of their most fundamental right, that is, of raising their children.

Despite this widespread support, the transportation of minors across State lines in order to obtain abortions is, unfortunately, a widespread and frequent practice. Even groups opposed to this bill acknowledge that large numbers of minors are transported across State lines to obtain abortions, in many cases by adults other than their parents.

Following the 1994 enactment of Pennsylvania’s parental consent law, abortion clinics in New Jersey and New York saw an increase in Pennsylvania teenagers seeking to obtain abortions. This is not a surprise, because just prior to Pennsylvania’s law going into effect, counselors and activists in Pennsylvania met to plot a strategy to make it easier for teenagers to travel to neighboring States for abortions.

In one disturbing case, the operator for the National Abortion Federation’s toll-free national abortion hotline went so far as to talk a Richmond, Virginia, area teenage girl through a travel route so that the girl could obtain an abortion in the District of Columbia.

This conduct is only aided by the dubious practices of many abortion clinics located in States lacking parental involvement laws. To gin up business, some clinics even advertise in the Yellow Pages directories distributed in nearby States that require parental involvement, advising young girls that they can obtain an abortion without parental consent or notification. Such advertising has served to bewildering States with parental involvement laws to these clinics, thus denying parents the opportunity to provide love, support and advice to their daughter as she makes one of the most important decisions of her life.

When confused and frightened young girls are assisted in and encouraged to circumvent parental notice and consent laws by crossing State lines, they are led into what will likely be a hasty and regretful decision. Often, these girls are being guided by those who do not share the love and affection that most parents have for their children. In the worst of circumstances, these individuals have a great incentive to avoid criminal liability for their conduct given the fact that almost two-thirds of adolescent mothers have partners older than 20 years of age.

Parental notice and consent laws reflect State’s reasoned and constitutional conclusion that the best interests of a pregnant minor are served when her parents are consulted and involved in the process. States are free to craft their own parental notice and consent laws to allow a minor to consult a grandmother or other family member in lieu of parents, and a few States have in fact made such a choice. Most, however, have chosen not to allow close relatives to serve as surrogate parents for pregnant minors.

Indeed, the United States Supreme Court has required judicial bypass procedures to be included in the State’s parental consent statute.

As the U.S. Supreme Court has stated: “The natural bonds of affection link parents to their children, giving them an interest in their children’s welfare that others are unlikely to possess. The right to obtain an abortion is, as the Court also stated, ‘a grave decision, and a girl of tender years under emotional stress
may be ill-equipped to make it without mature advice and emotional support.”

In light of the widespread practice of circumventing validly enacted parental involvement laws by the transportation of minors across State lines, it is entirely appropriate for Congress, with its exclusive constitutional authority to regulate interstate commerce, to enact the Child Custody Protection Act.

This Chamber has twice approved this legislation, each time by an overwhelming majority. I encourage my fellow Members to again provide parents with this much-needed support and approve this important legislation.

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

Mr. Speaker. I rise in opposition to a bill which will have a catastrophic and cruel impact on young women and on the adults who care for them.

I think every Member of this House believes that a young woman with an unintended pregnancy should make any decision about what to do in that very difficult situation with her parents in the warm, loving environment of her family. In fact, in the majority of cases, that is precisely what happens.

Ideally, young women would not get pregnant at all. Ideally, they would not get raped by their fathers or step-fathers or boyfriends or mothers’ boyfriends. Ideally, they would make mature decisions about when to become sexually active and to practice safe sex all the time, if they must practice sex at all. Ideally, all methods of birth control would be 100 percent effective. Ideally, when contemplating an abortion, young women would be able to confide in a loving parent who would assist them in making the right decision.

Unfortunately, we do not live in an ideal world; and Congress cannot legislate out of existence the circumstances where they do not exist.

Because we do not live in an ideal world, young women do get raped. Young women are the victims of incest. Young women often lack the maturity to make sensible judgments about sexuality. Young women often do not know how to avoid pregnancy, thanks in large part to the mindless resistance on the part of many of their elders to sex and contraception education. And some of the young adults who make this unyielding legislation just a little more humane. We wanted to exempt grandparents, for example, so that if dad rapes the daughter and the mother is not coping with reality or is perhaps not alive, mom’s mother can step in and take care of her granddaughter without facing a stretch in the Federal penitentiary and the threat of getting sued by the rapist. Unfortunately, even that modest effort to provide some ability for someone close to the young girl to help her proved too much for the Republican majority, which will go to any lengths, no matter who gets hurt, no matter whose life is ruined, no matter who has to die, to pander to the extreme fringe of the anti-choice radicals.

Well, being pro-life and pro-family should mean caring about what happens to real people facing real and tragic crises. This bill is a case in point, if evidence is needed that it is needed. Members of this House who do not care if a young woman must face the most difficult moment of her life alone, even, as has been the case in the past, she must die to prove the majority’s political bona fides.

She must die to prove the majority’s political bona fides.

I would note one other thing. Quite a few States, my own State of New York included, have refused to enact, to enact parental consent laws. I was a member of the State legislature when we considered such legislation, and I can tell my colleagues that we rejected that law, that bill, because the realities of these situations convinced us that it would do more harm than good.

Now comes the party of States’ rights in Federalism to tell us that they do not care why, and if we think of States that do not care, why are we to think of our State think, they do not care what the legislature of New York and other States think, they are going to subject people who come to New York to the laws of their own States. They want to enact the 21st century version of the Fugitive Slave Act. They want to tell young women that they are the property, the property of their home States, and that they carry the laws of their home States on their backs if they go to another State which has a different view, and that they may not engage in perfectly legal activity if the law of the State from which they came makes it illegal there. This is unprecedented in any real way in American law, except for the Fugitive Slave Act.

In the Fugitive Slave Act, the Fugitive Slave Act, the Supreme Court has required such a provision in State parental consent laws.

But the fact is, and this is no secret, that in many communities the so-called judicial bypass is a sham. Judges with a strong conservative disposition will choose other constitutional rights to choose often simply will not grant that permission. In some small communities, the judge may know the parents, may know the young woman, or may even be some other authority figure in her life.

To say that the judicial bypass will cure any ill parental consent laws may create is to ignore the realities of life; to ignore the complexity of the issue; to ignore the fact that the ideal world; and to let these young women suffer the consequences when reality turns out to be more unpleasant.

We are also told that by going to court the police will become involved in every case of rape or incest. The reality is not nearly so simple. Seeking a judicial bypass does not mean the court will believe the young woman or involve the authorities. Sometimes knowing the authorities will become involved is enough to scare the young woman away from going to court in the first place. Of course, a counselor at a clinic may be better able to involve the authorities in a manner that is helpful and non-threatening to the young woman than is a judge who may suspect that a teenager is lying in order to get the abortion that she wants. Judicial bypass procedures neither guarantee, nor does its absence preclude, the involvement of the authorities.

As in the past two Congresses, we had hoped to offer amendment to make this unyielding legislation just a little more humane. We wanted to exempt grandparents, for example, so that if dad rapes the daughter and the mother is not coping with reality or is perhaps not alive, mom’s mother can step in and take care of her granddaughter without facing a stretch in the Federal penitentiary and the threat of getting sued by the rapist. Fortunately, even that modest effort to provide some ability for someone close to the young girl to help her proved too much for the Republican majority, which will go to any lengths, no matter who gets hurt, no matter whose life is
There is nothing more offensive to the idea that we are a free people who can go wherever we want without the permission of the government, and help our neighbors, and follow the law than this bill. This is the third time we have considered this bill. Thankfully, it has never gotten close to passage by the other body. Despite the iron fist that rules this House and suppresses free debate and free ideas by not allowing amendments on the floor, I trust that this is the third time that the Congress disposes of this issue without sending it to the President.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 6 minutes to the gentleman from New York, my friend, Mr. CHABOT.

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

As chairman of the Subcommittee on the Constitution, I will address some of the Constitution issues and the legal issues relative to H.R. 476.

Mr. Speaker, H.R. 476, The Child Custody Protection Act, is a regulation of interstate commerce that seeks to protect the health and safety of young girls, and thus the rights of parents, to be involved in all medical decisions of their minor daughters, by preventing valid and constitutional State parental involvement laws from being circumvented. As such, it falls well within Congress’s constitutional authority to regulate the transportation of individuals in interstate commerce.

There is a solid body of case law which confirms that the authority of Congress to regulate the transportation of individuals in interstate commerce is no longer in question. Particularly instructive is the Mann Act, which flatly prohibited the interstate transportation of women for “prostitution or ... any other immoral purpose.” Upholding the Act, the Supreme Court held that under the commerce clause, “Congress has power over transportation among the several States, and characterized this power as being ‘complete in itself,’ and further held that incident to this power, Congress ‘may adopt not only means necessary,’ but also means ‘convenient to its exercise,’ which ‘may have the quality of police regulations.’

Congress’s House authority to enact H.R. 476 is not placed in question by the fact that it seeks to prohibit interstate activities that might be legal in the State to which the activity is directed. Application of the Mann Act has been upheld in the face of constitutional challenges.

Rather than exercising its full authority under the commerce clause by simply prohibiting the interstate transportation of minors for abortions without obtaining parental notice or consent, H.R. 476 respects the rights of the various States to make these often difficult decisions for themselves, and ensures that each State’s policy aims regarding this issue are not frustrated. Nothing in H.R. 476 affects the ability of minors residing in States that have chosen not to enact a parental involvement law, or where a parental involvement law is currently not in force, from obtaining an abortion without the knowledge of their parents. Thus, it will not supersede, override, or in any way alter existing State parental involvement laws.

Opponents argue that H.R. 476 violates the rights of residents of each of the United States and the District of Columbia to travel to or from any State of the Union for lawful purposes. First, it does not appear that the Supreme Court has ever held that Congress’s power to regulate interstate commerce is limited by the right to travel. Even assuming, however, that Congress’s authority under the Interstate Commerce Clause is limited by the right to travel doctrine, the Supreme Court recognized in Saenz v. Roe that the right to travel is “not absolute,” and is not violated, so long as there is a “substantial reason for the discrimination beyond the mere fact that they are citizens of other States.”

Congress obviously has a substantial interest in protecting the health and well-being of minor girls and in protecting the rights of parents to raise their children.

In upholding the constitutionality of parental notice and consent statutes, the United States Supreme Court has consistently recognized that “during the formative years of childhood and adolescence, minors often lack the experience, perspective and judgment to recognize and avoid choices that could be detrimental to them.” Based upon this reasoning, the court has allowed the States to enact laws that “account for children’s vulnerability” and to protect the unique role of parents.

Thus, “legal restrictions on minors, especially those supportive of the parental role, may be important to the child’s chances for the full growth and maturity that makes of child participation in a free society meaningful and rewarding.”

Opponents of H.R. 476 also contend that its criminal intent requirement renders it unconstitutional. However, the requirement that defendants “knowingly” transport a minor with the intent that the minor obtain an abortion prevents H.R. 476 from acting as a strict liability law. Although H.R. 476 does not require defendants to be aware that the conduct is criminal, a mens rea requirement still exists, since the defendant must intend or know what he or she is doing in a physical sense, apart from any knowledge as to its legality.

Furthermore, as the court has stated, “The State may, in the maintenance of a public policy, provide that he who shall do particular acts shall do them at his peril and will not be heard to plead in defense good faith or ignorance of law.”

A stranger that secretly takes a minor across State lines for a dangerous medical procedure without ascertaining her parents’ consent is certainly aware that he or she has acted, in some measure, wrongly. By finding the transporter liable when he “in fact” abrides a State law, H.R. 476 puts the transporter under a duty to ascertain parental permission before action is taken in order to guard against possible wrong.
not used to frustrate the policy goals of these laws.

Thus, I urge my colleagues to support American families and vote in favor of this important bill.

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

Mr. Speaker, this debate is not really about the parental consent, parental notification laws; those debates occur in State legislatures. This debate is whether Congress should attempt to give itself such time as I may consume, or if you had no intent to cross the State border. The lines on the map are not lines on the street in front of you. You go to the nearest town, you help our young people do wherever they do it, not in this State, but elsewhere. We can criminalize anyone helping to do something elsewhere.

The gentleman from Ohio (Mr. CHABOT) says criminal intent can be inferred, we know that. Well, the fact is, in some cases, it can. But let us assume that someone crosses the New York-Pennsylvania border, not necessarily because they want to cross a border, but simply because the nearest town with a clinic happens to be across the State border. The lines on the map are not lines on the street in front of you. You go to the nearest town, you help your young friend, your niece, your grandson to do whatever it will be criminal, even if you had no intent to cross the State line, you were not even thinking about the States; it just happens that the nearest town is across the State line.

I would also like to ask the gentleman from Ohio to yield for a question, if he would, on my time. I will ask the gentleman from Ohio (Mr. CHABOT) a question, and then I will yield. The bill said, except as provided in subsection B, whoever knowingly transports an individual, et cetera, et cetera. What does the bill mean by transport? I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Speaker, could the gentleman from New York (Mr. NADLER) repeat the question?

Mr. NADLER. What does the bill mean by the word “transport”? Whoever knowingly transports an individual under 18, et cetera, et cetera. What does the bill mean by transport? I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Speaker, could the gentleman from New York (Mr. NADLER) repeat the question?

Mr. NADLER. What does the bill mean by the word “transport”? Whoever knowingly transports an individual under 18, et cetera, et cetera. What does the bill mean by transport? I yield to the gentleman from Ohio.

Mr. CHABOT. Mr. Speaker, under the meaning of the bill, if I transport a box, I if drive a car across the New York-Pennsylvania border, not necessarily because I want to drive a car across the State line but simply because the nearest town where someone happens to be across the State line. The gentleman from Ohio says, “Except as provided in subsection B, whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor’s abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than 1 year, or both.”

Mr. CHABOT. Mr. Speaker, if the gentleman would yield again, since I have answered it four times, I would like to read the bill. The bill clearly says, “Except as provided in subsection B, whoever knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion, and thereby in fact abridges the right of a parent under a law requiring parental involvement in a minor’s abortion decision, in force in the State where the individual resides, shall be fined under this title or imprisoned not more than 1 year, or both.”

Mr. NADLER. Reclaiming my time, I can read the bill, too.

Mr. CHABOT. I would suggest that the gentleman do that.

Mr. NADLER. Mr. Speaker, Mr. Speaker, re-claiming my time, my point is, whoever knowingly transports. If the person who is getting the abortion is doing the driving, she is transporting. She is not subject to this bill. The person sitting next to her is not transporting her, under the plain English language.

I have read the definitions in the bill. There are definitions in this bill of other terms, but not of the term “transport.” The plain English meaning of that is if she is driving, no one is transporting her. She is transporting herself. So what this bill does is criminalize someone going with her, depending on who is at the steering wheel.

Now, I do not think that was the intent of the law, of the bill, but I think it is the clear meaning of the bill. I think it is just one more instance of how sloppily drafted, of necessity, this bill has to be because of the nature of it.

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

Mr. SENSENBRNNER. Mr. Speaker, I yield 3 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN), the principal author of the bill.

Ms. ROS-LEHTINEN. Mr. Speaker, when asked, should a person be able to take a minor girl across State lines to obtain an abortion without her parents’ knowledge, 86 percent of Americans answered no in a recent poll conducted by Baselice and Associates. Whether pro-choice or pro-life, Americans agree that an abortion can leave
behind physical, emotional, spiritual, and psychological consequences.

Yet, advocates of the abortion industry continue to think that in the name of Roe v. Wade, parents need not be involved in a female’s decisions, regardless of the fact that she may be a 12- or 13-year-old vulnerable, frightened, and confused young girl.

Where is the outrage on mass-marketed Yellow Pages advertisements such as the one right here to my side, which markets business from young, confused girls, shouting out “no parental consent”? These are from the Yellow Pages.

Why is it that some of our opponents are instead outraged by cigarette ads which some say target minors? Do opponents of this bill not believe that a child is not mature enough to choose not to smoke, but is mature enough to choose to have a potentially fatal, invasive surgical procedure?

The ads cry out, “Come over here. No parent around. And it is a procedure, as we know, that has been linked to breast cancer, medical complications, and that has left many women barren for the rest of their lives. I call this hypocrisy.

It is wrong to keep those who are aware of their daughter’s medical history. They know the ways in which she may react to stressful situations, and they are best equipped to provide the necessary counseling and guidance. My bill, the Child Custody Protection Act, recognizes the inherent rights of parents, and upholds and enforces existing State laws without creating a parental Federal consent or notification mandate.

If parents have the right to decide a child’s curfew and the right to grant permission for a date for a year, they should certainly be enabled to exercise their inherent rights when making a life-impacting decision about a serious, complicated, and potentially life-threatening situation. It defies common sense to remove parents from any medical decisions concerning their children, but especially one that has lifelong consequences, such as an abortion.

I urge my colleagues to give parents the right to protect and care for their own children. Let us enable children to receive the guidance they need and deserve. I urge my colleagues to vote for passage of H.R. 476, the Child Custody Protection Act.

I hope the gentleman from Wisconsin (Mr. SENSENBRENNER) for his leadership on this issue.

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

Mr. Speaker, the previous speaker, the gentlewoman from Florida, showed us the horrifying example of a perfectly legal ad in the Yellow Pages offering perfectly legal services in a State where it is legal to do so, as if there were something terrible about that.

I do not think it is terrible, I think it is praiseworthy. The fact is, there are many young women under the age of 18, maybe 17, maybe 16, who cannot go to their parents; who desperately need an abortion and cannot go to their parents for fear of violence or whatever. This ad says, “You can have help here.” Nothing wrong with that.

Many young women justifiably feel they would be physically or emotionally unable to discuss their pregnancies to their parents, unfortunately. Nearly one-third of minors who choose not to consult with their parents when contemplating an abortion have experienced violence in their family, or feared violence, or feared being forced to have the abortion.

We know of the case of Spring Adams, an Idaho teenager who was shot to death by her father, shot to death after he learned she was planning to terminate a pregnancy caused by his act of incest with her. Do Members think she could have gone to him?

And we know that judges often will not grant permission to have an abortion because of their own personal opinions. One study found that a number of judges and district attorneys either refused to handle abortion petitions, or focus inappropriately, inappropriately under the law, on the morality of abortion, which is none of their business to determine, except for themselves, because the Supreme Court’s judicial bypass guaranteed by the law of that State.

The American Medical Association has noted that because the need for privacy may be compelling, minors may be entitled to procedures to maintain the confidentiality of their pregnancies. The desire to maintain secrecy against the parental notification and consent laws has been one of the leading reasons for illegal abortion deaths, deaths, since 1973. That is what we are dealing with here, young women who are so fearful of telling their parents, for whatever reason, that they would rather have a coat hanger abortion and have died as a result.

When the Constitution held hearings on this bill, we heard from an Episcopal priest, the Reverend Katherine Ragsdale, the vicar of St. David’s Episcopal Church, who discussed the actual case of a 15-year-old girl who had been raped and had become pregnant. She could not go to her father, who would throw her out of the house, and she had no other family to turn to. Of course, if she did, this legislation would place those other relatives in legal jeopardy if they helped her.

Though they did not cross State lines, the Reverend Ragsdale drove the young woman to an abortion clinic, rather than allowing her to travel several hours alone by bus to and from the procedure. This is an act of kindness, not a criminal act. Reverend Ragsdale movingly described the pastoral counseling she provided to the young woman during the drive. This bill would make criminals of clergy providing this sort of pastoral care and guidance.

Reverend Ragsdale’s observations at the subcommittee are worth repeating:

“Mr. Chairman, you talked about all the reasons it is important for a girl to have parental involvement before a medical procedure, and you are absolutely right. If I thought that this bill would accomplish parental involvement, if I thought it would eliminate the kind of parental involved, if I thought it would accomplish parental involvement, if I thought it would eliminate the kind of parental involvement, I would have spoken about this panel would be even more unbalanced than it is, because I would be on the other side.

“But it won’t do that. This bill is not about resolving problems, this bill is about absolving people. I think we understand that we can see the best of us have punitive impulses from time to time, we have no business codifying them in law. They are venal. They are beneath the dignity of any member of the human family.”

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority whip.

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

Mr. Speaker, the Child Custody Protection Act is such a needed and necessary step because it closes a destructive loophole that gives parents the right, for whatever reason, that they feel is right, to keep their children from abortion. This is just wrong. We know of the case of Spring Adams, an Idaho teenager who was shot to death by her father, shot to death after he learned she was planning to terminate a pregnancy caused by his act of incest with his daughter.

I urge my colleagues to vote yes on this bill.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding time to me.

Mr. Speaker, the Child Custody Protection Act is such a needed and necessary step because it closes a destructive loophole that gives parents the right, for whatever reason, that they feel is right, to keep their children from abortion. This is just wrong. We know of the case of Spring Adams, an Idaho teenager who was shot to death by her father, shot to death after he learned she was planning to terminate a pregnancy caused by his act of incest with his daughter.

I urge my colleagues to vote yes on this bill.

Mr. NADLER. Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished ranking member for yielding time to me.
concerned about family and children and relationships.

I know, Mr. Speaker, that it is difficult for me to convince many of my colleagues on my view of the ninth amendment of the Constitution and the right to privacy and choice. I am an advocate of choice, a virtual leader. This is a somewhat different debate. The legislation is called "the Child Custody Protection Act." It is a constitutional debate, because privacy is still an element. It is still an element of States' rights. It is interesting that my colleagues can come to the floor in one instance and promote up the value and the high virtues of States' rights, but at the very same time, we had a debate some few years ago in the same subcommittee, blocking orders in various States, where we were trying as a Congress, the Republican majority, to eliminate those busing plans.

Mr. Speaker, I stand in strong opposition to H.R. 476, the "Child Custody Protection Act" (CCPA) because it criminalizes any good faith attempt by a caring adult to assist a young woman in obtaining abortion services across state lines.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. Speaker, imagine a father who loves his daughter, pretty little 15-year-old girl, all the boys are crazy about her and so is daddy, but she has got a special boyfriend and daddy knows those two little ones are going to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble.

Mr. Speaker, I thank the gentlewoman from Wisconsin for yielding me the time.

Mr. Speaker, imagine a father who loves his daughter, pretty little 15-year-old girl, all the boys are crazy about her and so is daddy, but she has got a special boyfriend and daddy knows those two little ones are going to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble. So in order to make sure that his daughter is safe, he blocks and piles him in a car and takes him to get into trouble.
I have got another friend who is a daddy. I love daddies. Daddies love their kids so much. I have got a friend who has got a 15-year-old son and he has got a 14-year-old girl for a beautiful little girl, but she has got bad need of dental work. Her parents do not get her dental care.

This papa loads that little girl up in the car and drives her to Oklahoma and see an orthodontist, pulls out her wisdom teeth, does other surgeries on her mouth. Who in this room is going to condone that, who in this room will accept that? What right does that father have to take somebody else’s child from Texas to Oklahoma to have her teeth pulled?

My colleagues would be outraged. My colleagues would bring the force of law on that person, but here we have people in this body, people in this body, so-called enlightened people, who believe in safe sex. Safe sex being a child does not get a serious disease or does not get pregnant. How about all the emotional trauma and so forth?

People in this body say, hey, here is the deal, we have got a 14-year-old son. He has got a 13-year-old girlfriend, they get reckless, they get careless, they can just take that little girl, pile her in a car, take her to Arkansas for an abortion, and we will protect a person’s right to take somebody else’s child across the State line for a medical procedure that endangers her life. I have got a 14-year-old son. We will protect the parent who does it. What kind of heinous law would we have? This is no, as we say in Texas, this is no thinkin’ thing.

The most precious moment in any family’s life, you get married and fall in love, you love one another and you get married and you some day come back from the hospital and you have got this very precious little bundle of joy in your hands and you look down on this beautiful baby and you say this is my baby. All my life it will be me. I will pour my tears over this child. I will pour my heart into this child. I will say my prayers over this child. I will teach this child. I will hold this child. I will console this child. I will protect this child. If something goes wrong, my heart will break.

We would dare to leave any avenue in law that would allow somebody else to take that child across a State line for a life threatening surgical procedure that even if it inflicts no physical harm on the child will leave that child emotionally scarred for a lifetime? We would dare to leave that avenue for exploitation open?

I must say this, if my colleagues would vote no on this bill, then they are either without heart or without children.

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

I have heart. I have children, or at least one child, and I will almost certainly vote no on this bill, and the gentleman has no right to cast aspersions on my motives or anybody else.

Mr. Speaker, I yield 4 minutes to the gentleman from Indiana (Mr. HOSTETTLER), a member of the committee.

Mr. HOSTETTLER. Mr. Speaker, I yield 4 minutes to the gentleman from Wisconsin, the distinguished chairman of the committee, for yielding me the time.

Mr. Speaker, I rise today to urge passage of this common sense legislation. I am disappointed that we even need to debate a bill that is designed to prevent people from circumventing State laws in order to abort a baby carried by a minor.

I do not think most of our constituents consider parental involvement in their children’s lives a radical notion. I do not think most Americans consider parents to be the enemy of their children. I do think most parents desire to support and love their children through the most difficult circumstances they may face.

Under current law, any person in the world can take a pregnant girl into his car, drive her to another State and coerce her to get an abortion, all without her parents’ knowledge or consent. That is a frightening and unacceptable scenario.

Why do we treat abortion differently than we do any other medical procedure? If, for example, a minor was taken across State lines to receive an appendectomy without parental consent, I would take the position that for the purpose of the gentleman from New York, the Fugitive Slave Act already applies to appendectomies.

If a school counselor or second cousin took a minor in for a tonsillectomy without the permission of the child’s parents, they would be turned away. Once again, the Fugitive Slave Act, using as an analogy, already applies to tonsillectomies.

A schoolteacher cannot even take children to the local museum without their parents’ permission, and yes, the Fugitive Slave Act already applies to museum field trips.

Opponents of this bill argue that an adult, even if he is a rapist or a child molester, should be allowed to transport a girl miles from her home, across State lines for the invasive surgical operation known as abortion. Since the Supreme Court created a right to an abortion out of thin air 28 years ago, our children have become fair game to ideological predators who care more about their proabortion agenda than they do about frightened vulnerable girls.

The gentleman brought up the testimony of the vicar from Massachusetts, and I would like to return to that testimony. It has been discussed here that the people that are involved in this procedure are confidantes of the individuals. According to the testimony of the one witness supplied by the minor, her head woman, she said this: "I didn’t know the girl. I knew her school nurse. The nurse had called me a few days earlier to see if I knew
where she might mind find money to give the girl for bus fare to and cab fare home from the hospital. I was stunned. A 15-year-old girl was going to have to get up at the crack of dawn and take multiple buses to the hospital alone on her own, but she explained that the girl had no one to turn to. She feared for her safety if her father found out, and there was no other relative close enough to help."

The vicar never testified that the father had made her feel unsafe at home as the gentleman from New York earlier spoke. It was up to the nurse and the child who was under duress at this time to come up with this excuse, and the vicar used that opportunity to pray on the child’s weakness and to move ahead with this.

Mr. Speaker, I ask my colleagues to remember that parents should ultimately be given this opportunity to have a decision in their child’s most critical time in her life, should that ever happen.

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

Mr. Speaker, the gentleman makes a non sequitur point. In that case, if the vicar had not traveled with the young woman, she would have traveled alone and gotten the abortion. That would have been preferable! In this case, the school nurse called in the vicar because the young woman had told her that she feared for her life or that she would run away from home if she had, that she could not under any circumstances, would not under any circumstances tell her parents but she would get the abortion.

So she called in the vicar, the vicar spoke with her, counseled her, and rather than let her go alone, helped her. This is not praying on the young woman. This is giving pastoral guidance and helping her.

Mr. Speaker, we are told that this bill is somehow constitutional, but the Supreme Court has clearly and consistently held that States cannot prohibit the law enforcement conduct of its citizens if its lawful out of State nor may they impose criminal sanctions on this behavior as this bill does.

The court reaffirmed its principles in its landmark right to travel decision Saenz versus Roe. In its decision, the court held that even with congressional approval, California’s attempt to impose on recently arrived residents the welfare laws of their former States of residence was an unconstitutional penalization upon their rights to interstate travel.

The decision also reaffirmed that the constitutional right to travel under the privileges and immunity clause of Article IV of the Constitution provides a similar type of protection to a non-resident who enters a State with the intention of eventually returning to his home State. This principle applies to minor’s rights to seek an abortion on nondiscriminatory terms as well as through welfare benefits.

In Saenz, the court specifically referred to Roe v. Bolton, the companion case to Roe v. Wade, which established the right to abortion which held that under Article IV of the Constitution, a State may not restrict the ability of an individual to seek to terminate a pregnancy by abortions on the same terms and conditions under which they are made available to lawful State residents. “The Privileges and Immunities Clause, Constitutional Article IV, section 2, protects persons who enter a State claiming to have enjoyed the medical services that are available there.” It is also clear that such protections will flow to minors given that Planned Parenthood v. Danforth, a 1976 decision, held that pregnant minors have a constitutional right to choose whether to terminate a pregnancy.

Mr. Speaker, it is clear this bill is unconstitutional as well as unwarranted as well as cruel.

To: United States House of Representatives Committee on the Judiciary, Subcommittee on the Constitution From: Lawrence H. Tribe, Tyler Professor of Constitutional Law, Harvard University Peter J. Rubin, Associate Professor of Law, Georgetown University Re: H.R. 476 and Constitutional Principles of Federalism

INTRODUCTION

We have been asked to submit our assessment of whether H.R. 476, now pending before the House, is consistent with constitutional principles of federalism. It is our considered view that the proposed statute violates those principles, principles that are fundamental to our constitutional order. That statute violates the rights of states to enact and enforce their own laws governing conduct within their territorial boundaries, and the rights of the residents of each of the United States and of the District of Columbia to travel to and from any state of the Union for lawful purposes, a right strongly reaffirmed by the Supreme Court in its recent landmark decision in Davis v. Utah (506 U.S. 444 (1993)).

We have therefore concluded that the proposed law would, if enacted, violate the Constitution of the United States. H.R. 476 would create criminal and civil penalties, including imprisonment for up to one year, for any person who knowingly transports an individual who has not attained the age of 18 years across a State line, with the intent that such individual obtain an abortion... [if] an abortion is performed on the individual, in a State other than the State of residence, without the parental consent or notification, or the judicial authorization, that would have been required by that law in the State where the individual resided.

H.R. 476, § 2 (a) (proposed 18 U.S.C. §243(a)(1) and (2)). In other words, this law makes it a federal crime to assist a pregnant minor with a lawful abortion. The criminal penalties kick in if the abortion the young woman seeks would be performed in a state other than her state of residence, and in accord with the less restrictive laws of that state, unless she complies with the more severe restrictions her home state imposes upon abortions performed upon minors within its territorial limits. The law contains no exceptions for situations where the young woman’s home state purports to disclaim any such extraterritorial effect for its abortion law. It is the government, not the young pregnant young woman’s close friend, or her aunt or grandmother, or a member of the clergy, who accompanies her “across a State line” on this frightening journey, even where she would have obtained the abortion anyway, whether lawfully in another state after a perilous trip (and far safer) or at home (and far safer) in her home state because she is too frightened to seek a judicial bypass or too terrified of physical abuse to notify a more favorable legal guaranteed, be the cause of her pregnancy. It does not exempt health care providers, including doctors, from possible criminal or civil penalties. Nor does it exempt the woman-state laws on pregnant minors who obtain out-of-state abortions. The law applies only where the young woman seeks to go from a state with a more restrictive regime into a state with a less restrictive one.

This amounts to a statutory attempt to force this most vulnerable class of young women to carry the restrictive laws of their home state strapped to their backs, bearing the great weight of those laws like the bars of a prison that follows them wherever they go (unless they are willing to go alone). Such a law violates the basic premises upon which our federal system is constructed, and therefore violates the Constitution of the United States.

ANALYSIS

The essence of federalism is that the several states have not only different physical territories and different governments, but also different political and legal regimes. Crossing the border into another state, where every citizen has to consider all those laws, may perhaps not permit the traveler to escape all tax or other fiscal or recordkeeping duties owed to the state as a condition of remaining in that state and that state, but necessarily permits the traveler temporarily to shed her home state’s regime of laws regulating primary conduct in favor of the legal regime of the state she has chosen to visit. Whether cast in terms of the destination state’s authority to enact laws effective throughout its domain without having to make exceptions for travelers from other states, or cast in terms of the individual’s right to travel—which would almost certainly be deterred and would in any event be rendered virtually meaningless if the traveler could not shake the conduct-constraining laws of her home state—the proposition that a state may project its laws into other states by following its citizens there is bedrock in our federal system.

One need reflect only briefly on what regulatory framework would be necessary in order to understand how axiomatic it is to the structure of federalism. Suppose that your home state or Congress could lock you into the legal regime of your home state as you travel across the country. This would mean that the speed limits, marriage regulations, restrictions on adoption, rules about assisted suicide, firearms regulations, and all other controls over behavior enacted by the state you sought to leave behind, either temporarily or permanently, would in fact follow you all 49 of your 50 states as you traveled the length and breadth of the nation in search of more hospitable “rules of the road.” For many years, your presidency would favor legal environment in which to make your home, you might as well just look up the laws of distant states on the internet rather than roam the entire nation, to find the most hospitable, to look for a less hostile law, to avoid the laws of your home state.

To return to the case of a young woman who seeks an abortion. The statute is essentially one that seeks to make the woman-state laws on pregnant minors who obtain out-of-state abortions. The law applies only where the young woman seeks to go from a state with a more restrictive regime into a state with a less restrictive one.

This amounts to a statutory attempt to force this most vulnerable class of young women to carry the restrictive laws of their home states strapped to their backs, bearing the great weight of those laws like the bars of a prison that follows them wherever they go (unless they are willing to go alone). Such a law violates the basic premises upon which our federal system is constructed, and therefore violates the Constitution of the United States.

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Unless the right to travel interstate means nothing more than the right to change the scenery, opting for the open fields of Kansas or the mountains of Colorado or the beaches of Florida while living within the legal regime of whichever state you call home, telling you that the laws governing your behavior will remain constant as you cross from one state's borders into another is tantamount to telling you that you may in truth be compelled to remain at home—although you may, of course, engage in a separate state travel experience much like that of the visitor to a virtual reality arcade who is strapped into special equipment that provides the feel of alternative physical environments—from sea to shining sea—but that does not alter the political and legal environment one iota.

In home-state registration, or congressional legislation, may saddle the home state's citizens with that state's abortion regulation regime, then it may saddle them with their home state's adoption and marriage regimes as well, and with piece after piece of the home state's legal fabric up to the home state's citizens are absolutely hobbled by a straitjacket of the home state's entire legal regime. There are no constitutional scissors that can cut this process short, no principle that would save a state that chooses not to outlaw obscenity from the citizens of each state the disabilities of alienage in the other state. Paul v. Virginia, 8 Wall. 168, 180 (1869). It provides important protections for nonresidents who enter a State whether to obtain employment Hicklin v. Orbeck, 437 U.S. 518 (1978), to procure medical services, Shapiro v. Thompson, 394 U.S. 618, 629-630 (1969) (invalidating an Act of Congress mandating a durational residency requirement for residents seeking to obtain welfare assistance).

In 1999, this Committee heard testimony from Professor Lino Graglia of the Unversity of Texas School of Law. An opponent of constitutional abortion rights, he candidly conceded that the proposed law would "make...
it . . . more dangerous for young women to exercise their constitutional right to obtain a safe and legal abortion.” Testimony of Lino A. Graglia on H.R. 1218 before the Committee on the Judiciary, U.S. House of Representatives, May 27, 1999 at 1. He also concluded, however, that “the Act furthers the principle of federalism that the Constitution reserves or makes effective the very small amount of policymaking authority on the abortion issue that the Supreme Court, an arm of the national government, has left to the States.” Id. at 2. He testified that he supported the bill because he would support any constitutional amendment that could define and control the issue back into the hands of the States.” Id. at 1.

Of course, as the description of H.R. 476 we have already illustrated, its proponents contend that the proposed statute would do nothing to move “back” into the hands of the States of any of the control over abortion that was precluded by Roe v. Wade, 410 U.S. 113 (1973), and its progeny. The several states already have their own distinctive regimes for regulating the provision of abortion services to pregnant women; those that are protected under the Supreme Court’s abortion rulings. That, indeed, is the very premise of this proposed law, which seems to rest on respect for federalism by permitting each state’s law to operate within its own sphere, the proposed federal statute would contravene that essential freedom by saying that the abortion-seeking young woman with the restrictive law of her home state wherever she may travel within the United States unless she travels unaided. Indeed, it would add insult to this federalism injury by imposing its regime regardless of the wishes of her home state, whose legislature might recall from the perception that enforcing its parental notification laws, enacted ostensibly to encourage the provision of loving support and advice to distraught young women, into an obstacle to the most desperate of these young women, compelling them in the moment of their greatest despair to choose between, on the one hand, telling someone close to them of their situation and perhaps exposing this loved one to criminal punishment, and, on the other, going to the back alleys or on an unaccompanied trip to another, possibly distant state, to obtain the advice that the law does not do a thing for parental control over the rights and responsibilities of the in-state and out-of-state minors, the law would therefore violate rather than reinforce basic constitutional principles of federalism. The fact that the proposed law “applies only to those involving the interstate travel of minors seeking abortions may make the federalism-based constitutional infirmity somewhat less obvious while at the same time rendering the law more vulnerable to constitutional challenge because of the danger in which it will place the class of frightened, perhaps terrified, young women least able to travel safely on their own. The importance of protecting the relationship between parents and their minor children cannot be gainsaid, but the fact remains that the proposed statute involves the interstate travel only of minors does not alter our conclusion.

No less than the right to end a pregnancy, the constitutional right to travel interstate and to take advantage of the laws of other states exists even for those citizens who are not yet eighteen. Nonetheless, the Court has held that the Constitution grants to those states a constitutionally permissible medical regulations that may make abortion more costly) even when they traveled out of state to avoid those states’ constitutional prohibitions of abortion might be obviously unconstitutional, it might be argued that a law like the proposed one, which seeks to force a young woman to comply with her state’s constitutional consent laws regardless of her circumstances, is, because of its focus on minors, somehow saved from constitutional invalidity. It is not, for two reasons. First, the importance of the constitutional right in question for the pregnant minor too desperate even to seek judicial approval for abortion in her home state—either because of its futility there, or because of her terror at a judicial proceeding held to discuss her pregnancy and personal circumstances means that government’s power to burden that choice is severely restricted. As Justice Powell wrote over two decades ago:

The pregnant minor’s options are much different from those facing a minor in other situations, such as deciding whether to marry . . . A pregnant adolescent cannot preserve for long the possibility of marriage, pregnancy, and motherhood, which requires a matter of weeks from the onset of pregnancy. Moreover, the potentially severe detriment fascinating a pregnant woman is not mitigated by her minority. Indeed, considering her probable education, employment skills, financial resources, and emotional maturity, unwanted motherhood may be exceptionally destructive. This fact, as well as the fact of having a child brings with it adult legal responsibility, for parenthood, like attainment of the age of majority, is one of the traditional criteria for the termination of the legal disabilities of minority. In sum, there are few situations in which denying a minor the right to make an important decision will have consequences so grave and indelible. Bellotti v. Baird (Bellotti II), 443 U.S. 622, 642 (1979) (plurality opinion) (citations omitted).

Indeed, the principles of having a child brings with it adult legal responsibility, for parenthood, like attainment of the age of majority, is one of the traditional criteria for the termination of the legal disabilities of minority. In sum, there are few situations in which denying a minor the right to make an important decision will have consequences so grave and indelible. Bellotti v. Baird (Bellotti II), 443 U.S. 622, 642 (1979) (plurality opinion) (citations omitted).

To begin with, the proposed law, unlike one that even-handedly defers to each state’s determination of what will best protect the emotional health and physical safety of its pregnant minors who seek to terminate their pregnancies, simply defers to states with a domestic relations exception to the decision that might otherwise be available that principle of federalism. If, for instance, the law would operate fatally undermines any argument that might otherwise be available that principle of federalism. For example, given by this law seeks to ensure that the health and safety of pregnant minors are protected in the way their home states have determined would be best.

In addition, the proposed law, again unlike one protecting parental involvement generally, selectively targets one form of control with respect to a constitutionally protected procedure of terminating a pregnancy before viability. The proposed law does not do a thing to provide that if the minor is being assisted into another state (or, where the relevant regulation is local, into another city or county) for the purpose of obtaining a tattoo, or undergoing surgical correction of a foot problem, or laser surgery for an eye defect. The law is activated only when the medical procedure being obtained is one that Congress deemed a “domestic relations” exception to the Constitution. It is as though Congress proposed to assist parents in controlling their children’s behavior in other situations, such as deciding whether to marry . . . A pregnant adolescent cannot preserve for long the possibility of marriage, pregnancy, and motherhood, which requires a matter of weeks from the onset of pregnancy.

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The pregnant minor’s options are much different from those facing a minor in other situations, such as deciding whether to marry . . . A pregnant adolescent cannot preserve for long the possibility of marriage, pregnancy, and motherhood, which requires a matter of weeks from the onset of pregnancy. Moreover, the potentially severe detriment fascinating a pregnant woman is not mitigated by her minority. Indeed, considering her probable education, employment skills, financial resources, and emotional maturity, unwanted motherhood may be exceptionally destructive. This fact, as well as the fact of having a child brings with it adult legal responsibility, for parenthood, like attainment of the age of majority, is one of the traditional criteria for the termination of the legal disabilities of minority. In sum, there are few situations in which denying a minor the right to make an important decision will have consequences so grave and indelible. Bellotti v. Baird (Bellotti II), 443 U.S. 622, 642 (1979) (plurality opinion) (citations omitted).

The basic constitutional principle that such laws overlook is that the greater power does not necessarily include the lesser. Thus, for example, even though so-called “fighting words” may be banned altogether despite the First Amendment, it is unconstitutional, the Supreme Court held in 1992, for government to selectively ban those fighting words that are racist or anti-semitic in character. See R.A.V. v. City of St. Paul, 505 U.S. 377, 391–392 (1992). To take another example, Congress could not make it a crime to assist a minor who has had an abortion in the past to cross a state line in order to obtain a lawful form of cosmetic surgery elsewhere if that minor has not complied with her state’s valid parental involvement law for such surgery. Even in a state where abortion is a state law that would cover all the minors in the class described, it could not enact a law aimed only at those who have had abortions. Such a law would obviously burden the right to obtain abortion for special burdens. The proposed law does so as well. Thus, even if a law that were properly drawn to protect minors could constitutionally discriminate, the basic rules of federalism, the proposed statute can not.

Lastly, in oral testimony given in 1999 before the Subcommittee on the Constitution, Professor John Harrison of the University of Virginia, while conceding that ordinarily a law which imposed upon an individual her home state’s laws in order to prevent her from engaging in lawful conduct in one of the other states, would be constitutionally “dead-on-arrival,” suggested that the constitutionality of this law is resolved by the fact that it relates to “domestic relations,” a sphere in which, according to Professor Harrison, “the state with the primary jurisdiction over the rights and responsibilities of parties to the domestic relations is the state of residence . . . not the state where the conduct occurred.” See transcript of the Hearing of the Constitution Subcommittee of the House Judiciary Committee on the Domestic Child Custody Protection Act, May 27, 1999.

This “domestic relations exception” to principles of federalism described by Professor Harrison, however, is at least not in any context relevant to the constitutionality of H.R. 476. To be sure, acting
Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I speak on behalf of a parent who was overloaded with grief and profound sorrow upon learning after the fact that some adult stranger deliberately kept the parents out of the decision-making process and took an underaged girl for a secret abortion in another State. Imagine the feelings of helplessness, hopelessness, and violation that you would feel when your 14-year-old, often with the assist from a grandfather or sister or a clergy person in doing so, help her to have her own abortions. The intent of this bill is to force a minor to have her baby destroyed in a horrific procedure. I urge my colleagues to wake up. Abortion is violence against children. Enabling a stranger to facilitate a minor's secret abortion only adds abuse to abuse.

Mr. NADLER. Mr. Speaker, I yield myself 3 minutes as I may conscientiously disagree. Mr. Speaker, let me state my views of abortion. There are clearly differing views. We are not going to settle them in this debate today. He thinks it is a cruel procedure. Some of us think it is a procedure which in many cases is unavoidable. But in any event, the Supreme Court of the United States says it is the right of a woman to choose if she wishes, and she should be counseled as to the consequences and so forth; but it is her choice.

Mr. Speaker, if Congress thinks it is something that is perfectly legal in New York or some other State because it is not legal where she came from, and I cited the Supreme Court decisions before, which are recent Supreme Court decisions.

We cannot look at the interstate commerce clause. Women are not objects of commerce. I hope the majority is not telling us that women are objects of commerce under the meaning of the interstate commerce clause, that Congress can regulate interstate commerce. Women are citizens of the United States and people, not subjects of commerce. We said in the Norris-LaGuardia Act that labor is not to be considered commerce. Just as we have a crime in a State, we are going to criminalize women, and Congress has said that that is not possible. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. That was enacted after the Civil War because of the Fugitive Slave Law. We now say that that is not going to be entitled to tell an escaped slave in New York, although New York does not have permanent slavery, South Carolina's laws do, and we are going to extend our law here and drag the slave back and force the slave into our laws of slavery.

Mr. Speaker, Congress cannot do the same thing. Congress cannot say to a young woman that we are going to force her to obey the law of her own State, we are going to criminalize women. We are going to try to stop her from having an abortion, but even if she would have done it anyway; but at least she had someone to help her along and give her counseling and hold her hand. The intent of this bill is to try to stop her from having an abortion because the people in this House have determined that they are right and she is wrong and she should not be able to have an abortion.

Forgetting that question, the real question in this bill is: Can the Congress of the United States say to a young woman, she is the property of the State in which she lives, and she must carry around on her back the law of her own State? I hope the majority cannot do that. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. That was enacted after the Civil War because of the Fugitive Slave Law. We now say that that is not possible. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. That was enacted after the Civil War because of the Fugitive Slave Law. We now say that that is not possible. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. That was enacted after the Civil War because of the Fugitive Slave Law. We now say that that is not possible. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States. That was enacted after the Civil War because of the Fugitive Slave Law. We now say that that is not possible.
Custody Protection Act. Unfortunately, in May of 2000, Florida’s parental notification laws were challenged in circuit court and a permanent injunction was granted. So we in Florida are very much involved with this debate. To give amnesty to those who manipulate State laws by bringing into States without parental notification laws, in my opinion the people who support this bill, it is irresponsible and a misguided use of the law.

When we talk about this law, we are talking about safety here. To leave parents out of such a serious decision for the child with potentially long-term medical, emotional and psychological consequences is to jeopardize the health of the child. So when we talk about the Fugitive Slave Act or we talk about commerce, we are missing the point. We are talking about safety.

To leave parents out of this decision for minors, in my opinion, is irresponsible and suggests that parents are not being reasonable but their primary concern is their teenaged daughter. One study has shown that up to two-thirds of the school-aged mothers were impregnated by adult males. These mothers are prosecuted under State statutory rape laws, giving them a strong incentive to pressure the young woman to agree to an abortion without involving her parents.

Let us put this into perspective. A child must have the parental consent to be given an aspirin. Should the child want to go on a field trip, parental consent is required. Play in the school band, parental consent. Cosmetic ear piercing, that requires parental consent. Why? Because they are concerned about safety for fear that the girl may contract dangerous infections.

Here we have advertising to minors that they can cross State lines, but surely the gentleman from New York would say that advertising cigarettes to minors to allow them to smoke, so this kind of advertising should be prohibited; and obviously we should prohibit allowing young minors to go across State lines.

Parents know what is best for their daughters’ medical condition and can best help their daughters in times of need. I ask my colleagues to support this bill and pass it.

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

Mr. Speaker, I would like to expand on his point, to get our friends and colleagues all to agree with us on the question of choice, but I have already said that more than 75 percent of minors under 16 already involve one or both parents in the decision to have an abortion. What about the individual, however, that is living on their own, that has been raped by a close family member, whose parent may be in some condition that they are not able to give counsel?

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

Mr. SENSENBRNER. Mr. Speaker, I yield 1 minute to the gentlewoman from Virginia (Mrs. Jo Ann Davis).

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. NADLER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. I thank the gentleman for yielding.

I would like to expand on his point, just to reinforce a point that I think is being lost in this debate. I indicated that Congress usually rises to the occasion to respond when there is a crisis, when we find that the law is being violated and being ignored, the laws of particular States who may have these laws regarding parental consent.

I would like to note that Congress will not get our friends and colleagues all to agree with us on the question of choice, but I have already said that more than 75 percent of minors under 16 already involve one or both parents in the decision to have an abortion. What about the individual, however, that is living on their own, that has been raped by a close family member, whose parent may be in some condition that they are not able to give counsel?

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Mr. Speaker, I reserve the balance of my time.
though we recognize the validity and the stand of parents, I too am a parent and would hope that I am always in a position to counsel with my two children, encourage that. But we are also trying to save lives and avoid the very examine that my colleagues were speaking to, boyfriends taking them across State lines if that is the case, when these amendments dealing with special friends, special relatives in a relative position were not allowed.

And so we have a situation where, as I said, a standard on State rights. We now want to intrude our Federal process on States that do not have these laws and, therefore, we are violating constitutional rights of minors which do exist. I think we are going too far with this legislation.

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

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. SULLIVAN).

Mr. SENSENBRENNER. Mr. Speaker, one of my commitments as a Member of Congress is to protect the rights of the traditional family. The family is the building block of society, and parents must have the ability to know where their children are going and be able to protect them.

I am a proud cosponsor of this bill. It prohibits transporting an individual under the age of 18 across State lines to obtain an abortion. It is wrong that a child can legally be taken across State lines without parents’ knowledge for an abortion. A medical procedure of this magnitude with such serious implications for physical health of the girl and moral and emotional fabric of the entire family must be a family decision. Young girls today are exposed to many forces but the forces that should have the most strength in their lives, both morally and legally, should be their parents, the government, and not strangers.

I have seen the phone book ads marketing out-of-state abortions and safe abortions to minors. It is truly sickening to think that my daughters may grow up to one day be told by the abortion industry that abortions are as easy to receive and as safe as taking candy. I have heard the doomsday tales of children afraid to tell their parents they are pregnant but nothing could possibly be scarier for these young girls than the image that the person they barely know escort them to a place they have never been to have major surgery that ends a life.

Opponents of this bill are saying a parent can know what is best for their child except when she is receiving an abortion. That makes no sense whatsoever. Whose child is it, anyway?

By passing the Child Custody Protection Act, Congress will take a clear stand against the notion that the United States Constitution confers a right upon strangers to take one’s minor daughter across State lines for a secret abortion, even when a State law specifically requires the involvement of a parent or judge in the daughter’s abortion decision. It is amazing to me that a child cannot get aspirin from a school nurse without parental consent but can cross State lines to get an abortion without the consent of their parents. There are school counselors who set up out-of-state abortions for minor students to hide this life-changing decision from the girls’ parents. There are even sexual predators who would take their victims thousands of miles through a culture of death, all without parental notification.

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

Mr. Speaker, there are many injustices in the world, but can you put yourself in the position of a parent who has taken her young daughter to school and later in the day finds that a stranger has taken your 13-year-old daughter into another State to have an abortion? This is currently legal in the United States and that is why we need to bring into being the Child Custody Protection Act to stop it.

Mr. Speaker, as a strong supporter of the sanctity of human life and parental rights, I am proud to vote for this legislation and urge my colleagues to do the same.

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

The protestations of people on the other side about strangers transporting minors across State lines would be somewhat better heard if they had not refused amendments to exempt non-strangers.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BARCIA).

Mr. BARCIA. I want to thank the gentleman from New York for yielding this time even though we happen to be viewing this legislation differently.

Mr. Speaker, I rise in support of H.R. 476, the Child Custody Protection Act. I would like to thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her tireless efforts to bring this important legislative effort to the floor for consideration.

In light of all that has happened recently, our Nation has had a growing concern about the moral fabric of our society. We have felt an increasing need to do everything that we can to protect our children as they are our most precious resource. We must provide them with a safe environment so they can thrive as they move into adulthood.

One of life’s harsh realities is that some young women become pregnant
at too early an age. H.R. 476 does not
terminate a person’s right to an abor-
tion but does provide important protec-
tions for young children who become
pregnant. H.R. 476 will make it illegal
for any person to transport a minor ac-
cross state lines in violation of state
law to obtain an abortion without first
consulting a parent or judge. It will make
it a Federal crime if an individual know-
ingly evades the laws of their State to seek
an abortion for any mother 17 years of age
or younger. It is most unfair for an
older male who preys on a young girl, im-
pregnates her, and then takes her il-
legally across state lines to have an abor-
tion without the knowledge and consent
of her parents.

We should all find this manipulative
behavior disgusting and disheartening.
Not only is this a crime for an older
male to be sexually active with a
young girl, but it can be dangerous for
that child to receive an abortion. Only a
parent knows their child’s health his-
tory, including allergies to medication.
A parent should be informed and the
older male should be prosecuted.

Laws in an increasing number of
States, now numbering more than 23,
including my home State of Michigan,
require parental notification or con-
sent by at least one parent or author-
ization by a judge before an abortion
can be performed. This legislation will
not mandate parental consent in the
States which do not currently have pa-
rental consent or notification and will not
require parental consent in States which do
require parren-
tal consent.

Many of my colleagues are concerned
that this bill will prohibit young girls
from confiding in a close family mem-
ber or friend if they feel they cannot
talk to their parents. That is abso-
lutely wrong. There is a provision in
H.R. 476 which will allow a judge to re-
lieve the parental notification require-
ment in certain circumstances.

I urge my colleagues to support H.R.
476, which will support the rights of
States to protect the relationship be-
tween parents and children and ensure
the safety of young girls who are in un-
fortunate circumstances.

Mr. SENSENBRUNNER. Mr. Speak-
er, I yield 2 minutes to the gentleman
from Indiana (Mr. PENCE), a member of
the committee.

Mr. PENCE. Mr. Speaker, I thank the
chairman for yielding me time and
commend his leadership and that of the
gentlewoman from Florida for her vi-
sionary leadership on this legislation. I
do not stand in opposition to the Child
Custody Protection Act.

Today, Mr. Speaker, the House will
determine who it serves. I am a pro-life
Member of this institution, but I would
offer respectfully today that this is not a
debate about the right to have an
abortion. It is about the right to be a
parent. And we will decide today in the
Congress whether or not we will serve
the beleaguered parents of the United
States of America, of whom I am
proudly one, or whether we will serve
the interests of the abortion lobby.

As a father of two daughters I can
tell you, we live in a society today
where parents are expected to be ac-
countable to the lives of our chil-
dren. When a child commits a crime, the
first question we hear is, why were
the parents not aware? We are
bombarded with antidrug advertise-
ments commanding parents to ask
their children questions, no matter
how rude they might be, but what
were and when they were there. But for
some inexplicable reason today we are
debating whether parents should have
the right to know if their daughter is
considering an abortion, a decision
that even pro-life and pro-abortion
opponents agree will have lifelong con-
sequences.

Mr. Speaker, this is even more out-
rageous when you consider that my
children cannot even attend a field trip
at school without informing my wife
without my or my wife’s consent. Are we
willing to stand here today and say
that the life and death decision that we
debate pales in comparison to taking an
aspirin?

Last week, Mr. Speaker, I took my
children, two of them, one daughter and
one son, to get braces. In addition to
the extraordinary ordeal and the
wires and the pain and the anxiety, we
spent about an hour filling out consent
forms for the procedure. Why in the world
would we not have parental consent for even
a more extraordinary procedure, invasive, that
is an abortion?

Mr. Speaker, I urge all of my col-
leagues to choose life, cast a vote in
favor of parental rights, and support
the Child Custody Protection Act.

Mr. NADLER. Mr. Speaker, I yield
myself such time as I may consume to
close for our side.

Mr. Speaker, there really are, I sup-
pose, in summation, two things to say
about this bill: one is that parental
consent bills in general, although the
providence of the States, in our opin-
ion, are very ill-advised, because al-
though we all would wish that young
women who are pregnant and are con-
templating an abortion would consult
with their parents, and certainly most
do and should, there are those situa-
tions where a young woman feels she
must have an abortion for whatever the
violent reaction the parent might have,
where a parent may have been abusive
to her, where the pregnancy may be
the result of rape or incest on the part
of the parent, and we should recognize
reality and understand that a parental
consent bill in no circumstances makes
any sense, and it is certainly not in the best interests
of the young woman; but that is a matter
for the State legislatures.

The second thing to say about this
bill is that none of that, none of the
question of the validity or the intel-
ligence or the desirability of a parental
consent and notification bill, is before
us. Those are State legislative deci-
sions, and quite a few legislatures have
passed such bills; and others have refused
to do so.

The bill before us has nothing to do
with that. The bill before us is con-
cerned with trying to criminalize someone
who accompanies a young woman from
one State to another, knowing that she
is going to get an abortion legally in
that State.

The proponents of this bill are trying
to use the power of the Federal Govern-
ment to impose the laws of one State
in the jurisdiction of the other State.

The proponents of this bill are trying
to place on the back of a young woman
from one State the burden of the law
of that State, to carry it around wherever
she goes, to another State where the
law is different. We do not have the
constitutional power to do that. In a
Federal system we do not have the
right to do that.

The bill passed earlier to the Fugitive
Slave Act because it was the last major
attempt in this country to do that,
where some of the Southern States said
if a slave flees or goes to a State which
does not recognize slavery, that person
will be seized and sent back to that
State, and the Federal Government
will enable the State to exercise its
long arm and bring him back to bond-
age in the State that allows slavery.

Here this bill says that the Federal
Government will use its jurisdiction to
try to prevent a young woman from
doing a perfectly legal act, because the
State she came from does not regard it
as a legal act; to force that young
woman to carry the burden of the law
she disagrees with from her home State
to another State. This bill is uncon-
stitutional for that reason and obnoxious
for that reason.

This bill also would send grand-
mothers and ministers to jail, grand-
mothers and ministers who know the
situation, who judge that the young
woman cannot, as she judges, go to the
parent, because they know there has
been a rape, they know there has been
incest, or they know there is family vio-
lence involved, they know the situa-
tion of the family.

In plenty of families it is perfectly
fine to have parental consent. But by
drawing a bill that says all families, no
matter what, you are plainly putting
many young women at risk or death.
But, again, that is a State leg-
islative matter. What this bill says is
that ministers and grandmothers and
brothers and sisters of a young woman
whose life would be at risk perhaps,
they cannot help her when she needs
help on penalty of going to jail. This
bill will not bring families together;
but it may, in such circumstances, tear
them apart.

On all these grounds, Mr. Speaker, I
say let the States make their deci-
sions, as they are allowed to do under
the Constitution. Let us not butt in the
Federal Government, as we are not per-
mitted to do under the Constitution,
and as good judgment should indicate we should not do in any event.

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

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

Mr. Speaker, listening to the gentleman from New York the last hour and a half, he seems to be making two points. One is that this bill requires that the parental involvement laws of a minor's home State of residence carry along with the minor if they are brought across the State line into a jurisdiction that does not have a parental involvement law, and that this is some new notion in American jurisprudence and in our history of Federalism.

Well, the gentleman from New York, he and I carry the burden of our respective State income taxes with us to the work that we do here; and as most people know, New York and Wisconsin's State income taxes are quite high, and we both pay those State income taxes as residents and as representatives of the States for the work that we do at our Nation's Capital.

The other thing is that it is somehow cruel and unconstitutional to force the involvement of other adults where the involvement of the parents or other legal activity, why should we make an exception here?

What if the teenager has been subject to physical or sexual abuse by one of her parents? What if the pregnancy is the result of incest? There is no exception in this bill for minors who have experienced physical or sexual abuse in their home. Nor is there an exception for a young woman who might be subject to grave physical abuse if she confided to her parent or parents.

Mr. Speaker, there are all children to confide in their parents, we all want a society with strong families. But let us not forget those children in our society who are victims of incest or physical abuse. Let us encourage them to reach out to an adult rather than deal with a crisis that could disrupt their lives forever.

Mr. STARK. Mr. Speaker, I rise today in strong opposition to H.R. 476, the Child Custody Protection Act. This bill would make it a federal crime for a person, other than a parent, to transport a minor across state lines for the purpose of obtaining an abortion. If Congress had already fulfilled the requirements of her home state's parental involvement law, this bill would deny teenagers facing unintended pregnancies the assistance of trusted adults, endanger their health, and violate their constitutional rights.

This flawed legislation is dangerous to young women and should in fact be called the "Teen Endangerment Act."

Minor women who seek abortions come from a wide variety of religious, cultural, socioeconomic, geographic, and family backgrounds and equally as wide variety of reasons. In 86 percent of counties nationwide for example, the closest abortion provider is across state lines.

Data shows that the majority, 61 percent, of minors willingly involve their parents in their decision to have an abortion. Many that do not wish to involve their parents make that decision because of a history of physical abuse, incest, or the lack of support from their parents. Parental involvement laws cannot and do not open lines for healthy, open family communication where none exist, and they can put a minor in danger of physical violence.

When a young woman does not have the ability to involve a parent, public policies and medical professionals should encourage her to involve a trusted adult, such as a grandparent. Instead of giving young women this alternative, this bill does exactly the opposite. If passed into law, it would create havoc by potentially allowing grandma to be prosecuted and jailed for traveling across state lines to obtain needed reproductive health services for her granddaughter.

While proponents of this bill will argue the alternative to parental consent is a judicial bypass, this simply is not an option for many teenagers. Many judges never grant bypass petitions, and many teenagers have well-grounded fears of being recognized in a local courthouse and/or of revealing their personal intimate details in a potentially intimidating legal process. Moreover, many states with parental involvement laws do not provide a procedure for ruling on a minor's right to an abortion. In some instances, judicial bypasses are available only in theory and not in practice.

Rather than tell their parents, some teenagers resort to unsafe, illegal, "back alley" abortions or try to perform the abortion themselves. In doing so, they risk serious injury and death, or in some cases, criminal charges.

In my home state of California, a minor who wishes to obtain an abortion may do so without any legal requirements that she involve her parents or that she seek a court order exempting her from forced parental involvement requirements. This bill will override California's law for some minors obtaining abortions in California by requiring enforcement of other states' laws within California's borders. States such as California are most likely to be visited by minors in need of abortions. These states will bear the burden of having their medical personnel and clinic staff subject to potential liability from a number of complex provisions regarding conspiracy, accomplice and accessory crimes, where the parental involvement acts have been held constitutional by the Federal courts.

Now, a constitutional parental involvement act is not cruel; it is loving. It is not unconstitutional, because the courts have already said it is not unconstitutional. So to merely cross the State line for the purpose of evading a constitutional parental involvement act is not unconstitutional in and of itself, because Congress has got the exclusive right to regulate interstate commerce under the United States Constitution.

For all these reasons, this is a good bill. The House should pass this bill today, like it has done in the two previous occasions. I wish to involve their parents make that decision.

Mr. BALDWIN. Mr. Speaker, this bill would make the tragic situation of teen pregnancy even worse.

I believe that adolescents should be encouraged to seek their parent's advice when facing difficult circumstances. And when young people do go to their parents in trying times, most often their parents offer love, support, direction and compassion. Most young women do turn to their parents—ever when faced with something as emotional and private as pregnancy. Even if a child said it is not unconstitutional. So to merely cross the State line for the purpose of evading a constitutional parental involvement act is not unconstitutional in and of itself, because Congress has got the exclusive right to regulate interstate commerce under the United States Constitution.

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For all these reasons, this is a good bill. The House should pass this bill today, like it has done in the two previous occasions. I wish to involve their parents make that decision.

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child's father or step-father could have done such a horrible thing. She may even share the child's confidences with the very person who committed the deed—thus potentially putting the child at greater risk.

Let me tell you about the tragic case of Springtime, a 13-year old sixth grader from Idaho. She was impregnated by her father's acts of incest. When he learned that she was planning to terminate a pregnancy caused by those acts, he shot her to death.

Mr. Speaker, H.R. 476 addresses this problem. When the child in such a situation turns instead to a grandparent, adult sibling, boyfriend, or religious leader, we should let her do so. And we should let them help her. Otherwise, we will find young girls, impregnated by relatives, forced to endure a dangerous and illegal abortion. Seeking to deal with it in any way they can—whether they do so by traveling alone to another state for the procedure, or taking care of it through a self-induced or illegal, back-alley abortion.

Unfortunately, the closed rule we have before us means that none of my colleagues can add to the problem with H.R. 476. Instead, these children, who have been victims of incest or nonconsensual sex with a household member, will be forced to confide their pregnancy to the same persons who violated them. We should not demand that of the child.

I urge a rejection of this rule that blocks valuable amendments from an overly harsh bill. Vote "no" on the rule.

Mr. Speaker, I rise today in support of H.R. 476, the Child Custody Protection Act.

Twenty-seven states, including my home state of Nebraska, have laws requiring that a parent receive notification or give consent before young girls can be transported into another state for an abortion. In one example, a 12 year-old girl was taken to an out-of-state abortion clinic by the mother of the man who had raped and impregnated her. The young girl's mother learned what had happened only when her daughter returned home with severe pain and bleeding that required medical attention. H.R. 476 would help prevent such terrible situations by making it a Federal crime to dodge a parental involvement law by transporting a minor to an out-of-state abortion provider.

If a teenage girl needs permission to take her birth control pills, how much as we might wish otherwise, family consent is required for a child to receive an abortion across State lines, because her own situation is not acceptable for third parties with their own agendas and interests to circumvent the role of parents, particularly when the state of residence has reinforced these rights for parents. All too often third parties such as sexual predators and abortion providers take advantage of these girls for their own purposes, and the parents are left to deal with the consequences. When the long-term repercussions such as medical complications and depression set in, old boyfriends and abortion companies are not there for the child, instead the parents are left to suffer as they watch their daughters suffer.

Last September Eileen Roberts whose daughter was a victim of a non-parent assisted abortion, testified before the House Judiciary Committee about the horrors of this practice. She stated:

I am horrified that our daughters are being dumped on our driveways after they are seized from our care, made to skip school, lie about their whereabouts to avoid detection, and accompany a young woman across State lines for an abortion.

I am reminded of the many young adolescent teens, especially Dawn from New York, whose parents were notified in time to make funeral arrangements after their daughter's legal abortion. Mrs. Ruth Ravenell and her husband were awarded $1.3 million dollars by the State of New York for the wrongful death of their daughter. Mrs. Ravenell, shared with me and the Senate Education and Health Committee in Richmond, VA that she sat in the hospital before her daughter died, in her hand over her hand to help keep herself from screaming. Eileen Roberts, whose daughter was encouraged by her boyfriend, with the assistance of an adult friend, to obtain a secret abortion without telling her parents. Eileen's daughter suffered from depression, medical complications, and severe pelvic inflammatory disease which caused the family terrible pain and suffering and cost $27,000 in medical bills.

Mr. Speaker, we must take action to protect our children from these attacks on the family. We must make sure that young girls are offered the protection of law, and the right to an abortion without even their parents' knowledge. Children should not be transported across state lines for major medical procedures with the express intent to circumvent the laws and parental involvement. H.R. 476 will preserve the right of parents and will protect our children.

Mrs. LOWEY. Mr. Speaker, I rise in opposition to the bill. The legislation we are considering today would prohibit anyone—including a step-parent, grandparent, or religious counselor—from accompanying a young woman across State lines for an abortion. The legislation is a dangerous, misguided bill that isolates our daughters and puts them at grave risk. Under this legislation, young women who feel they cannot turn to their parents when facing an unintended pregnancy will be forced to fend for themselves without help from any responsible adult. Some will seek dangerous back-alley abortions close to home. Others will travel to unfamiliar places seeking abortions by themselves.

Thankfully, most young women—more than 75 percent of minors under age 16—involve another responsible adult in the decision to terminate a pregnancy. We must encourage the involvement of responsible adults in this decision—be it a step-parent, aunt or uncle, religious minister or counselor—not criminalize that involvement. Unfortunately, this bill will impose criminal penalties on adults who help young women to involve their parents in an hour of need. We need to teach teenagers the importance of an adult friend, to obtain a secret abortion. That's the good news. And as a mother and a grandmother, I hope—as we all hope—that every child can go to her parents for advice and support. But not every child is so lucky. Not every child has loving parents. Some have parents who are abusive or simply absent. Now, I believe that those young women who cannot go to their parents should be encouraged to involve another responsible adult—a grandmother, an aunt, or minister—in what can be a very difficult decision.

Already, more than half of all young women who do not involve a parent in the decision to terminate a pregnancy choose to involve another adult, including 15 percent who involve a religious relative. Some will seek dangerous back-alley abortions close to home. Others will travel to unfamiliar places seeking abortions by themselves.

I am a grandmother of six—and I believe grandparents should be able to help their grandchildren without getting thrown in jail. As a grandmother, I might wish otherwise, open and honest parent-child relationships cannot be legislated. When a young woman cannot turn to her parents, she should certainly be able to turn to her grand- mother or a favorite aunt for help. Unfortunately, this legislation tells young women who cannot tell their parents: don't tell anyone else. Parental consent laws do not force young women to involve their parents in an hour of need. We know that it can do just the opposite. Indiana's parental consent law drove Becky Bell away from the arms of her parents and straight into the back alley. Parental consent laws don't protect our daughters—but they can kill them. They don't bring families together—but they can tear them apart. And so I ask, why can't we do more to bring families together to keep kids safe and healthy. We do need a bill that isolates teenagers and puts them at risk. I urge my colleagues to vote no on this legislation.
Mr. PAUL. Mr. Speaker, in the name of a truly laudable cause (preventing abortion and protecting parental rights), today the Congress could potentially move our nation one step closer to a national police state by further expanding the list of federal crimes and usurping power from the states to adequately address the issue of parental rights and family law. Of course, it is much easier to ride the current wave of criminally federalizing all human malfeasance in the name of saving the world from some evil than to uphold a Constitutional oath which prescribes a procedural structure by which the nation is protected from what is perhaps the worst evil, totalitarianism carried out by a centralized government. Who, after all, wants to give these power to those members of Congress who are portrayed as trampling parental rights or supporting the transportion of minor females across state lines for ignoble purposes.

As an obstetrician of more than thirty years, I have personally delivered more than 4,000 children. During such time, I have never performed a single abortion. On the contrary, I have spoken and written extensively and publicly condemning this "medical" procedure. At the same time, I have remained committed to upholding the constitutional procedural protections which leave the police power decentralize and in control of the states. In the name of protecting states' rights, this bill usurps states' rights by creating yet another federal crime.

Our federal government is, constitutionally, a government of limited powers. Article one, Section eight, enumerates the legislative area for which the U.S. Congress is allowed to act or enact. Having regard for every other purpose, the federal government lacks any authority or consent of the governed and only the state governments, their designees, or the people in their private market actions enjoy such rights to governance. The tenth amendment is brutally clear in stating "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Our nation's history makes clear that the U.S. Constitution is a document intended to limit the power of central government. No mere reading of historical events surrounding the creation of the Constitution could reasonably portray it differently.

Nevertheless, rather than abide by our constitutional limits, Congress today will likely pass H.R. 476. H.R. 476 amends title 18, United States Code, to prohibit taking minors across State line to avoid laws requiring the involvement of parents in abortion decisions. Should parents be involved in decisions regarding the health of their children? Absolutely. Should the law respect parents rights to not have their children taken across state lines for contemptible purposes? Absolutely. Can a state pass an enforceable statute to prohibit taking minors across State lines to avoid laws requiring the involvement of parents in abortion decisions? Absolutely. But when asked if there exists the constitutional authority for the federal criminalizing of just such an action the answer is absolutely not. This federalizing may have the effect of nationalizing a law with criminal penalties which may be less than those desired by some states. To the extent the federal and state laws could co-exist, the necessity for a federal law is undermined and an important bill of rights protection is virtually obliterated. Concurrent jurisdiction crimes erode the right of citizens to be free of double jeopardy. The fifth amendment to the U.S. Constitution specifies that no "person be subject for the same offense . . . " In other words, no person shall be tried twice for the same offense. However, in United States v. Lanza, the high court in 1922 sustained a ruling that being tried by both the federal government and a state government for the same offense did not offend the doctrine of double jeopardy. Under the unconstitutionally expanding the federal criminal justice code is that it seriously increases the danger that one will be subject to being tried twice for the same offense. Despite the various pleas for federal correction of societal wrongs, a national police force is neither prudent nor constitutional.

We have been reminded by both Chief Justice William H. Rehnquist and former U.S. Attorney General Ed Meese that more federal laws could co-exist, the necessity for a federal crime is undermined and an important bill of rights protection is virtually obliterated. Rehnquist has stated that "The trend to federalize crimes that traditionally have been handled in state courts by the threat of criminalizing a federal offense undermines the federalism of a federalized criminal code and a federal police force is that states may be less effective than a centralized federal government in dealing with those who leave one state jurisdiction for another. Fortunately, the Constitution provides for the procedural means for preserving the integrity of state sovereignty over those issues delegated to it via the tenth amendment. The privilege and immunities clause as well as full faith and credit clause allow states to exact judgments from those who violate their state laws. The Constitution even allows the federal government to legislatively preserve the procedural mechanisms which allow states to enforce their substantive laws without the federal government imposing its substantive edicts on the states. Article IV, Section 2, Clause 2 makes provision for the rendition of fugitives from one state to another. While not self-enacting, in 1783 Congress passed an act which did exactly this. There is, of course, a cost imposed upon states in working with one another rather than relying on a national, unified police force. At the same time, there is a greater cost to state autonomy and individual liberty from centralization of police power.

It is important to be reminded of the benefits of federalism as well as the costs. There are sound reasons to maintain a system of smaller, independent jurisdictions. An inadequate federal law, or an "adequate" federal law improperly interpreted by the Supreme Court, preempts states' rights to adequately address public health concerns. Roe v. Wade should serve as a sad reminder of the danger of making matters worse in all states by federalizing an issue.

It is my erstwhile hope that parents will become more involved in vigilantly monitoring the activities of their own children rather than shifting parental responsibility further upon the federal government. There was a time when a popular bumper sticker read "It's ten o'clock; do you know where your children are?" I suppose we have devolved to the point where it reads "It's ten o'clock; does the federal government know where your children are?" Further socializing and burden-shifting of the responsibilities of parenthood upon the federal government is simply not creating the proper incentive for parents to be more involved.

For each of these reasons, among others, I must oppose the further and unconstitutional centralization of police powers in the national government and, accordingly, H.R. 476.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to support a common-sense bill to empower parents and protect children. The Child Custody Protection Act is first, last and always about the youngest and most vulnerable members of our society.

Girls under the age of eighteen should be protected from people who set out to break a state's law—especially when the decision is one that can never be reversed.

States have wisely enacted parental consent and notification laws to ensure mothers and fathers are fully involved in their children's lives. Just as they have control whether or not to permit an aspirin to be dispensed to their son or daughter in school, the parent-child relationship must not be undermined on the subject of abortion.

There is an abundance of evidence from the Yellow Pages to prove abortion clinics advertise to minor girls. "No parental consent needed" caters to the out-of-state girl who is often scared and confused. Children should not have their parents' counsel replaced by the phone book.

I commend the sponsors and supporters of this legislation—both Democrat and Republican—and urge passage of the bill.

Ms. BROWN of Florida. Mr. Speaker, I rise today in strong opposition to this bill. While the other side likes to call this bill the Child Custody Protection Act, I have named it the Rapist and Incest Perpetrator Protection Act. This bill does not protect girls and their families. This bill protects the rights of those who rape and molest young girls by forcing these vulnerable girls to gain permission from the very person who has committed this awful crime to exercise her constitutionally protected rights.

The fact is that over 60 percent of parents now are already involved in this important decision of their daughters' lives. But if a parent is the perpetrator of a crime against these girls, and she turns to a grandparent or a teacher or a religious leader for help, that grandparent or religious leader can be dragged off to jail for doing what is right.
Under this bill, if a man from my state of Florida helped his younger sister across state lines to Georgia because she feared telling her abusive parents or because the clinic in Georgia was actually closer and more convenient, this older brother could be charged with a felony. Not only that, but anyone who knew that he helped her could be charged as a co-conspirator. The receptionist at the clinic who gave directions from Florida could be charged. The person performing the intake interview or counseling who knew of her Florida address would be charged. If they spent the night at an aunt’s house in Georgia, that aunt could also be thrown in jail.

This is wrong. This bill is wrong. The government cannot mandate healthy and open family communications where it does not already exist. If passed into law, this bill will cause many young women to face very important decisions alone, without any help. I urge Members to vote overwhelmingly against this bill.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the Child Custody Protection Act. This parental rights legislation prohibits the transportation of a minor across state lines to obtain an abortion if the requirements of a law in the state where the individual resides requiring parental involvement in a minor’s abortion decision are not met before the abortion is performed. Twenty-seven states require parental consent or notification of minors seeking to abort their babies. It is a shame that as we are working to promote parental involvement, their rights are being activity circumvented.

News reports and published studies reveal that large numbers of minors are crossing state lines to obtain abortions, and many of these cases involve adults rather than parents transporting the minors. This is especially worrisome when the pregnancy is a result of statutory rape. Not only are our daughters being preyed upon by older men, but they are further psychologically damaged by having to obtain an abortion without even the support of their parents. A California study found that two-thirds of the girls were impregnated by adults, usually with a median age of 19 years. Twenty-two. It is estimated that 58 percent of the time girls seek an abortion without parental knowledge, they are accompanied by their boyfriend. Even those of you who support the supposed “choice” to abort babies cannot be in favor of the intimidation of teenage girls by older males.

The Child Custody Protection Act is not a federally parental involvement law; it merely ensures that state laws are not evaded through interstate activity. It does not encroach on or interfere with a medical decision or the right of a woman to travel for any purpose. The Child Custody Protection Act is a federal law designed to protect the health and safety of minors.

DEBATE ON THE BILL

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to H.R. 476, the Child Custody Protection Act because the bill is unconstitutional, dangerous, and has broad and varied consequences for the mental health and physical well-being of our nation’s young women.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to H.R. 476, the Child Custody Protection Act because the bill is unconstitutional, dangerous, and incredibly broad. The bill is blatantly unconstitutional in at least three respects:

First, the bill violates minors’ due process rights by increasing their risk of physical harm. This violates the principles of Carey v. Population Services, where the Supreme Court held that a state may not seek to deter sexual activity by “increasing the hazards attendant on it.”

Second, H.R. 476 contains an inadequate exception to protect women’s lives, and it does not have the necessary safeguards to protect a woman’s health—in clear violation of Planned Parenthood v. Casey.

Finally, the bill violates the Privileges and Immunities Clause by denying citizens the right to travel freely and enjoy the legal rights and privileges of citizens of other states. In violation of these principles of federalism, the bill saddles a young woman with the laws of her home state no matter where she travels in the country.

The bill is also dangerous because it takes away from young women safe altar-of-parental-involvement—such as turning to close relatives, close family friends, and incredibly broad. The bill will inevitably lead to increased family violence. We know that one-third of teen-agers who do not tell their parents about a pregnancy have already been the victim of family violence. We also know that the inci- dence of family violence only escalates when a teenage daughter becomes pregnant. This bill will only exacerbate those problems.

3. In addition, the bill is anti-family because it will turn family members into criminals. In a state that requires the consent of both parents, a single parent who takes a child across state lines would be subject to criminal charges, even if the other parent was estranged or their whereabouts were unknown. In states that require both parents would also be subject to prosecution, even if they were the child’s primary caregiver.

4. Finally, the legislation is incredibly broad. Supporters of this bill claim to be targeting predatory individuals that force and coerce a minor to obtaining an abortion. However, the net cast by this bill is far broader and far more problematic.

Under the legislation, anyone simply transporting minor could be jailed for up to a year or fined or both. Any bus driver or taxi driver unaware that the young woman has not engaged a formal parental involve- ment process could conceivably be sent to jail under this prohibition. The same applies to emergency medical personnel who may be aware they are taking a minor across state lines to obtain an abortion, but would have no choice if a medical emergency were occurring.

What we have is yet another shortsighted effort to politicize a tragic family dilemma that does nothing to respond to the underlying problem of teen pregnancies or dysfunctional families.

I urge the Members to vote “no” on this simple-minded, dangerous, and misguided legis- lation.

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

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. JACKSON-LEE of Texas moves to recommit the bill H.R. 476 to the Committee on the Judiciary with instructions to report the same to the House forthwith with the following amendment:

Page 4, after line 7, insert the following: “(c) The prohibitions of this section do not apply with respect to conduct by an adult sibling, a grandparent, or a minister, rabbi, priest, or other religious leader of the minor.”

Ms. JACKSON-LEE of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentle- woman from Texas?

There was no objection.
The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes in support of her motion.

Ms. JACKSON-LEE of Texas. Mr. Speaker, was just listening to a discussion, it seems to me that we have come repeatedly to the floor to discuss this issue, and I do not intend by this motion to recommit any of the debate that has preceded us to diminish the consciousness and the sense of dedication and commitment that our colleagues have to the task of protecting the heart of the House; but I believe it is extremely important that this Congress, this House, reach to their higher angels, and understand that there are people who suffer every day, whose lives may be different from those of us who have spoken today.

I have heard women in this debate mention their family members, their children and the relationships they have. I have a 22-year-old daughter and 16-year-old, whom we work very hard to keep the lines of communication open, being there for them. If they were talked to by someone else, they might say on some things I want to not speak to parents who are loving and nurturing, and not my husband and myself believe that we try to be. I could not give you a response. I know what we try to do as a family.

But even in the instance where we try, what about the reality of life? What is the majority doing today? Mr. Speaker, is ignoring their own proposition, which says we have a responsibility to protect a child from someone who may be putting his interest ahead of the child's at a most vulnerable time. Those are words by the majority leadership. Yet this bill does that. It takes the political and moral views of the Majority and imposes them on young women who may not feel the same way.

This motion to recommit says this. This is a motion to recommit that no one should oppose, and that is that the prohibitions of this section do not apply with respect to the conduct by an adult sibling, a loving sister or brother, a loving grandparent, a minister, rabbi, pastor, priest or other religious leader of a minor.

Mr. Speaker, is life real, and I do not know if many of you are aware of lives that young people live. Thirteen-year-old Anita lives with her grandmother. Joy, a loving and nurturing one of which my husband and myself believe that we try to be. I could not give you a response. I know what we try to do as a family.

At first Anita denied she could be pregnant. Joy finally got Anita to open up, and Anita revealed, Mr. Speaker, that she had been raped. Anita could not stop crying, shaking and vomiting as she told Joy the story; and she told Joy that she did not want to have a baby, because Anita was 13 years old.

Anita was raped. Anita was not engaging in frivolous sex. She was raped. Fortunately, Joy and Anita do not live in a State with parental consent, because Anita's mother is a drug addict, Mr. Speaker. She is part of America's society, but she is not a mother who is able to counsel with this young girl.

Had Joy and this mother lived in another State, a girl, who had already been so traumatized by rape, would have further been harmed by parental involvement, but even more so harmed by this Federal law that would keep Momma, Momma, who this little girl called her, from going to a place of safe haven, where they might have consulted with their religious leader, and little Anita be able to re-build this young girl's life. Raped.

This bill does not answer the health of the child. This bill does not confront the reality of American life, where children live in homes where there is no parent. This bill does not confront the constitutional rights of children and choice and the right to privacy.

Mr. This was Mr. Speaker, is a fair motion. How can anyone in this body vote against a grandparent, a loving adult sibling, a minister, a rabbi or pastor or priest or religious leader who would guide and consult with the family? These are the very same rights and privileges that we give to all who claim to live in the bounty of this land.

This is tragic. It is well known that young people live alone as well, like the one I mentioned, April, the single mother, 16 years old, of a 2-year-old child and whose stepfather abused her and, therefore, no relationship with the natural mother.

We are denying the privileges of a familial situation, and I would ask my colleagues who value this legislation as family values, where is your heart to match the family values? Where is it understood that you would deny that grandmother, this sibling and that ministerial or that religious leader from helping to protect the constitutional rights that exist?

Mr. Speaker, I ask my colleagues to instruct by a motion to recommit this bill to go back and be able to emphasize family values for real, with a heart.

Mr. Speaker, I am very disappointed. Here we are, adult legislators who raise families and promote family unity. But yet this bill before us alienates young adolescents from their families and people that care about them.

H.R. 476, the Child Custody Protection Act, would criminalize anyone transporting a minor across state lines if this circumvents the parental involvement laws. Furthermore, states that do not demonstrate that minors are capable of making competent medical decisions without parental involvement. Further, states that do not permit minors to consent to abortion do permit them to consent to childbirth. If the true purpose of this bill is to protect children rather than to impose the moral values of any adult, this bill will not accomplish this.

Many young women who feel they cannot seek the counsel of their parents turn to other trusted family members when they face a crisis pregnancy. As a matter of fact, one study found that 93% of minors who did not involve a parent were accompanied by someone else in the reproductive health facility. This bill would criminalize the conduct of a grandmother who helps her granddaughter in time of need. Aunts, uncles, and other trusted family members would face imprisonment if they accompany a young relative across state lines without complying with her home state's parental involvement law. This bill would isolate young women from supportive and protective family members rather than uniting families.

If my colleagues on the other side of the aisle really believe in family unity and cared about their health, then they would have been amenable to the amendments that we attempted to make in order.

This is why I am offering this motion to recommit. Our ultimate goal is to provide access to health care that is in the best interest of the adolescent. This bill prohibits that. My motion is to send this back to the House Judiciary Committee and report back exempting adult siblings, a grandparent, or a religious leader who helps a young woman in this situation.

These are adults who care for adolescents and would offer assistance when confiding in their parents is not feasible. My colleagues on the other side say that this bill protects minors who cannot tell their parents because minors can appear before judges and bypass any parental involvement law. Judicial bypass procedures often pose formidable obstacles to young women facing crisis pregnancies. Somebeschizophrenic judges routinely deny minors' petitions.

For example, a judge in Toledo, Ohio, denied permission to a 17-year-old woman—an 'A' student who planned to attend college and who testified that she was not financially or emotionally prepared for motherhood at the same time. The judge stated that the young woman had "not had enough hard knocks in her life."
Mr. Speaker, if we really care about the health and well-being of our young citizens, then we must send this bill back.

Mr. CHABOT. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, these individuals that are referred to in this motion to recommit, siblings and grandparents and religious leaders, ministers, that sort of thing, do not have the authority now to authorize any medical procedures for a minor child or to council or guide that child in making important medical decisions. So why should the fundamental rights of parents to consent and advise their pregnant daughters be thrown aside, only in the context of abortion?

The purpose of this bill is to ensure that the rights of parents to be involved in their daughter’s abortion decision is not interfered with. Judicial bypass procedures contained in all parental notice and consent statutes allow a pregnant minor in some circumstances to obtain an abortion without parental involvement by refusing them consent or knowledge about an abortion.

Mr. Speaker, this legislation has been very carefully crafted by the gentleman from Florida (Ms. ROS-LeHTINEN) and members of the Committee on the Judiciary. This is a killer motion, and I hope it will be defeated.

Mr. BEREUTER. Madam Speaker, this Member rises in strong support of the motion to override the motions to recommit. The purpose of this motion is to ensure that the underlying State laws that only provide parents a right to consent to or knowledge about an abortion are truly interested in the best interests of the pregnant young girl, they are in the best position, not anybody else. For reasons and others, I urge my colleagues to vote against this motion to recommit.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH. Mr. Speaker, I rise in strong opposition to this motion. I would remind my colleagues that this motion is supported by the gentleman from Texas (Ms. JACKSON-LEE) essentially the same as the one that was offered in 1999, and it was defeated by this body 164 to 268. This motion again seeks to cut out the parent. And the parent, as the gentleman from Ohio (Mr. CHABOT) just pointed out—not the religious leader, not some grandparent, not a sibling that happens to be an adult—is the legal guardian. If there is a problem, if there is some kind of injury that results as a result of that abortion, who is responsible? It is not going to be the brother or the sister. It is certainly not going to be the grandparent. It will be the parent. We should not cut the parent out of parental involvement by refusing them consent or knowledge about an abortion.

Mr. Speaker, this legislation has been very carefully crafted by the gentleman from Florida (Ms. ROS-LeHTINEN) and members of the Committee on the Judiciary. This is a killer motion, and I hope it will be defeated.

Mr. Speaker, I object to the vote on the question being taken by electronic device, if or ordered on the ground that a quorum is not present.

The vote was taken by electronic device, and there were—yeas 173, nays 246, not voting 15, as follows:

[(Roll No. 96) YEAS—173

Abercrombie—Gilmor
Ackerman—Gonzalez
Allen—Green (TX)
Andrews—Greenwood
Baca—Guiterrez
Baum—Harman
Baldacci—Hilliard
Balderston—Hines
Bartlett—Hollingsworth
Bass—Hooffel
Beccera—Holt
Bentzen—Homan
Berkley—Hooley
Berman—Houghton
Beyon—Hoyn
Bishop—Irwin
Blanenmar—Israel
Boehlert—Jackson (NY)
Boggs—Jackson-Lee
Boswell—Jefferson
Boucher—Johnson (CT)
Boehner—Johnson (PA)
Brown (FL)—Kaptur
Brown (OH)—Kennedy (OH)
Bilbray—Kilpatrick
Capseno—Kilgore
Cardin—Kucinich
Carson (IN)—Lafauci
Carson (OK)—Lampton
Castle—Lang
Clayton—Larsen
Condit—Larsen (WA)
Corder—Lee
Connors—Lesso
Coyne—Levin
Crowley—Lewis (GA)
Cuellar—Lofgren
Davis (CA)—Lowey
Davis (OH)—Lowey (NY)
DeFazio—Lynch
DeGette—Maloney (NY)
Delahunt—Maloney (NY)
Delaros—Marcy
Deutsch—Matheson
Dicks—Matsui
Doggett—McCarty (MO)
Dooley—McCarty (TX)
Ehlers—McCullum
Ehio—Mcdowell
Ehlers—McGovern
Evans—McKinney
Farr—Meehan
Fattah—Meek (FL)
Fazio—Meeks (MD)
Ford—Menendez
Frank—Morrison
Fulop—Mica
Gephardt—Millender
Gohmert—Michaud
NAYS—246

Aderholt—Boehner
Akin—Bonilla
Armey—Bono
Bachus—Boozer
Baker—Bork
Ballenger—Boyd
Barbara—Brady (TX)
Barc—Brown (NC)
Bates—Brown (SC)
Bereuter—Burr
Berry—Butler
Bilirakis—Buyer
Binn—Callahan
Bink—Cox]
The SPEAKER pro tempore (Mr. LINDER) is informed that the question of the passage of the bill was taken, and the Speaker pro tempore announced that the ayes had prevailed.

**RECORDED VOTE**

Mr. SENSENBRENNER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 260, noes 161, not voting 13, as follows:

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Mr. BARCIA, Mr. Speaker, due to an unavoidable conflict I was unable to cast a vote on rollcall No. 97. Inasmuch as this bill, the Child Custody Protection Act, also passed the Senate, I ask that the RECORD reflect that if I were able to cast my vote it would have been "aye."

Mr. CALLAHAN. Mr. Speaker, on rollcall No. 97, I was unavoidably delayed. Had I been present, I would have voted "aye."

Mr. WATTS of Oklahoma. Mr. Speaker, my vote was not recorded on the Child Custody Protection Act, vote No. 97. I ask that the RECORD reflect that my vote had been recorded. I would have voted "aye."

So the bill was passed. The result of the vote was announced as above recorded.

Messrs. KILDEE, RAHALL, ORTIZ, MCNULTY, BILIRAKIS and STUPAK changed their vote from "yea" to "nay."

Mr. GILMAN, Ms. SANCHEZ, and Messrs. GREENWOOD, SHAYS, and FORD changed their vote from "nay" to "aye."

So the motion to reconsider was rejected.

The result of the vote was announced as above recorded.

Mr. LANGEVIN. Mr. Speaker, my vote was recorded incorrectly on the motion to reconsider on H.R. 476. My vote would be a "no" on the motion to reconsider.
The Speaker pro tempore (Mr. Lind-er). Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker’s approval of the Journal.

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

Mr. KENNEDY of Minnesota. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Mr. KENNEDY of Minnesota. Mr. Speaker, I inadvertent-ly voted "yea" on final passage of the Child Custody Protection Act (rollcall vote 97) when I meant to vote "no." Please let the Record reflect my true intention and note this state-ment in the appropriate place in the CONGRESSIONAL RECORD.

The JOURNAL

The SPEAKER pro tempore (Mr. Lind-er). Pursuant to clause 8 of rule XX, the pending business is the question on agreeing to the Speaker’s approval of the Journal.

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

Mr. KENNEDY of Minnesota. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Mr. KENNEDY of Minnesota. Mr. Speaker, I inadvertent-ly voted "yea" on final passage of the Child Custody Protection Act (rollcall vote 97) when I meant to vote "no." Please let the Record reflect my true intention and note this state-ment in the appropriate place in the CONGRESSIONAL RECORD.

[Roll No. 98]

The result of the vote was announced as:—

RECORDED VOTE

Ayes 361, noes 51, yeas appeared to have it.

MOTION TO INSTRUCT CONFEREEES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. SMITH of Michigan. Mr. Speaker, I offer a motion to instruct con-ferees.

The Speaker pro tempore. The Clerk will report the motion.

The Clerk reads as follows: Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed—

(1) to agree to the provisions contained in section 335 of the Senate amendment, relating to agricultural trade with Cuba.

PERMISSION FOR SPEAKER TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. SMITH of Michigan. Mr. Speaker, I offer a motion to instruct con-ferees.

The Speaker pro tempore. The Clerk will report the motion.

The Clerk reads as follows: Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed—

(1) to agree to the provisions contained in section 159(a) of the Senate amendment, relating to payments for commodities programs; and

(2) to insist upon an increase in funding for research programs that are amended or established by title XXI of the Senate amendment—

(A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the House bill or title II of the Senate amendment; and

(B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. SMITH) and the gentleman from Arkansas (Mr. BERRY) will be recognized for 30 minutes each.

The Chair will also announce that at 2:45 we will conclude temporarily the business of the House. If we are not finished, we will come back to it.

Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent to yield

NOT VOTING—22

So the Journal was approved.

The result of the vote was announced as above recorded.
half of my time to the gentleman from Michigan (Mr. BONIOR) for purposes of control.

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

The Chair. The request is granted.

Mr. Smith of Michigan. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what we are talking about this afternoon is should we have any limitations on farm subsidy programs. We have a situation in law now that allows a loophole so there are no payment limitations in terms of price support programs. Just to be somewhat specific, we have loan deficiency payments, we have marketing loans, and there are limits on those marketing loans and those LDPs, loan deficiency payments.

However, once that maximum is reached, there is a loophole. There is an exemption that can be achieved by farmers, and that is through the non-recourse loan where they can either forfeit the nonrecourse loan where they give the government possession of that particular crop and they keep the money. The money they keep is exactly the same subsidy benefit as they would have achieved through a marketing loan or a loan deficiency payment.

So what we have ended up with is many farmers getting millions of dollars in payments, and let me say why I think this is so important that we have some limit on these payments. This is doing farmers ill-will throughout the United States. We have had a lot of publicity on these millionaire farmers getting all of this money from government subsidy programs. We have had all of this publicity on landowners getting subsidy payments, sometimes in the millions of dollars; and not only does that affect what happens to farm programs at the Federal level, it also affects the reaction of local municipalities when they are discussing property tax and State laws that might help farmers. There is a negative image because of the publicity and because of the fact that a lot of these huge landowners and megafarms are getting megabucks.

With that, Mr. Speaker, I would strongly suggest that we move ahead and unanimously support this motion to instruct that says we should go ahead with the Senate version of payment limitations in their part A of the bill, and that we should use some of that money for expanding agricultural research programs and increasing conservation programs.

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

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

Mr. Speaker, I particularly appreciate one more opportunity to fore this House and talk about the fabulous job that the American farm does every day and has done since the beginning of this great nation. I am always amazed and surprised at the people that some way or other have gotten the idea that the best way to keep the American farmer down on the farm is to starve him to death.

I hear people come to the floor and talk about how this House has made these stories in the paper that talk about all of the payments that these farmers get, and I am intimately familiar with some of these situations. These stories are simply not true. They have many limits imposed on them, and they comply with the payment limits. In the end what happens is the current system the American farmer is the most productive, the most incredible production machine that there has ever been in the history of the world.

At the same time, for good reasons I am sure that the Members that are proposing that this amendment be accepted and that this instruction be made, they have good intentions. They think this is the way that they are doing the right thing. They just simply do not understand what it takes to produce the food and fiber for this country, and a good portion of the rest of the world.

So what we have ended up with is many farmers getting millions of dollars in payments, and let me say why I think this is so important that we have some limit on these payments. This is doing farmers ill-will throughout the United States. We have had a lot of publicity on these millionaire farmers getting all of this money from government subsidy programs. We have had all of this publicity on landowners getting subsidy payments, sometimes in the millions of dollars; and not only does that affect what happens to farm programs at the Federal level, it also affects the reaction of local municipalities when they are discussing property tax and State laws that might help farmers. There is a negative image because of the publicity and because of the fact that a lot of these huge landowners and megafarms are getting megabucks.

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

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

Mr. Speaker, I thank the gentleman from Michigan (Mr. SMITH) for raising this important issue today. I appreciate this leadership of this bill as well as those who worked very hard on this last fall: the gentleman from Wisconsin (Mr. KIND), the gentleman from Michigan (Mr. DINGELL), the gentleman from New York (Mr. BOEHLER), and the gentleman from Maryland (Mr. GILCHREST).

The problem with this farm bill is that it would reward the largest corporate farmers with $120 billion in Federal handouts; yet it will provide less than a third of that for conservation.

Now, back in 1930, 70 percent of Federal support for agriculture went to conservation because we realized we were losing our topsoil and our prime agricultural land. Today's threats are not soil erosion, they are dust storms. The threats today of overdevelopment and sprawl are real. In Michigan, we continue to lose 68 square miles of prime agricultural land every year. That is the size of two townships in our State. We are going to lose our agricultural base at this rate. Large unchecked animal feeding operations in the southwestern part of our State are raising serious environmental health and safety concerns. Salmon from agriculture is a major source of pathogens and other contaminants in our drinking water.

All we have to do is remember what happened a few years ago in Milwaukee, Wisconsin, where pathogens got into the drinking water: 104 people died in Milwaukee, Wisconsin, as a result of that. The system that we live in in the Great Lakes cannot take it; but it is not too late to turn this around.

We can keep our family farmers in business and protect our water and our wildlife habitat and our environment. Voting for this motion to instruct will begin shifting our priorities and get us moving in the right direction.
Mr. Speaker, they are the natural barriers of filtration. They are the filtration. We cannot build anything better than what nature gives us. It is in our own economic interest to encourage farmers to set aside these wetlands.

We need to put funding into the environmental quality incentive programs that help us protect our water quality from nitrates and pathogens. In our State, we use 250,000 tons of nitrate a year to produce one gallon of milk, and I would just suggest, I have been a farmer all my life, a director of the Michigan Farm Bureau. I understand farm programs. To respond to your question why are farmers going broke, it is because of Federal programs encourage more production, and that more production comes from the largest farmers. This amendment helps the smaller farmer. It limits the amount of subsidies that can go to those huge megafarms.

Mr. Speaker, I yield myself 35 seconds.

Let me react to the agricultural leader from Arkansas, that the people that are offering this amendment do not understand farms. I think has led to a great deal of misunderstanding throughout the country. The Web site has been very comprehensive and fair way to address the growing problem.

I would like to point out that the House Committee on Agriculture went through a 2-year process in formulating this farm bill. They had 47 hearings all around the country. I was a bipartisan bill. It was passed by a large majority on the House floor, 291-120. The other body, I think, has worked hard but primarily has done a bill within the last couple of months. It has been somewhat of a rushed process. I think most people would agree, and so therefore I am a little bit reluctant to accept the other body's version without careful thought, without making sure we have really understood fully what the consequences are and what the repercussions might be.

Currently the conferences are working hard. It is a complex issue. I am confident they will reform the payment limitation process. I would like to point out that the payments that are posted on those websites do not constitute profit. People see a $500,000 payment and they assume that the person received a $500,000 profit. I do not think that. I believe that the receiving fairly large payments are still operating in the red. In my area of the country, almost every farmer will tell you that without farm payments, they would go under very quickly. Bankers will tell you that. The Commodity Credit Corporation, if they took their funding, it is very important.

The Environmental Working Group and their Web site that oppose the payments that farmers have received. I think that has led to a great deal of misunderstanding throughout the country. We have seen editorsials, we see public opinion and all of these things that seem to be very much against commodity payments. I would like to point out that the payments that are posted on those websites do not constitute profit. People see a $500,000 payment and they assume that the person received a $500,000 profit. I do not think that. I believe that the receiving fairly large payments are still operating in the red. In my area of the country, almost every farmer will tell you that without farm payments, they would go under very quickly. Bankers will tell you that. The Commodity Credit Corporation, if they took their funding, it is very important.

I want to thank my colleague the gentleman from Michigan that the House version of the farm bill does increase conservation payments by 80 percent. EQIP, which adds the construction of clean water, clean air standards, is increased by 600 percent, from $200 million to $1.2 billion. Also, research is substantially increased, both versions, the House and the Senate. So I believe that those issues are being addressed.

We are losing it an alarming rate. We cannot build anything better than what nature gives us. It is in our own economic interest to encourage farmers to set aside these wetlands. We need to put funding into the environmental quality incentive programs that help us protect our water quality from nitrates and pathogens. In our State, we use 250,000 tons of nitrate a year to produce one gallon of milk, and I would just suggest, I have been a farmer all my life, a director of the Michigan Farm Bureau. I understand farm programs. To respond to your question why are farmers going broke, it is because of Federal programs encourage more production, and that more production comes from the largest farmers. This amendment helps the smaller farmer. It limits the amount of subsidies that can go to those huge megafarms.
Mr. SMITH of Michigan. Mr. Speaker, I ask unanimous consent that the statement be inserted under my name.

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

Mr. SMITH of Michigan. Mr. Speaker, with us is Senator CHUCK GRASSLEY of Iowa, one of the sponsors of the Senate payment limitation amendment. These are his comments on the pending decision on the amendments for payment limits to the largest farms.

Mr. President, I stand before you today to offer one of the most important amendments for the family farm we have ever considered. This is the most important amendment this Congress has considered during the farm bill debate, and a couple have been adopted, but if we are truly sincere about improving this farm bill for the family farmers we have a golden opportunity in front of us right now.

The farm bill reported by the Senate Agriculture Committee fails to adequately target assistance to family farmers and will disproportionately benefit our nation’s largest farms. In fact, unreasonably increases the payment limitations established in the Freedom to Farm Act which allowed an individual to receive nearly a half million dollars in payments. Moreover, the Committee bill fails to address the use of generic commodity certificates which allow farmers to circumvent payment limitation limits. In years we have heard reports about large corporate farms receiving millions of dollars in payments through the use of these generic certificates. Generic certificates do not benefit family farmers but allow the largest farmers to receive unlimited payments.

I am pleased to join my colleagues, Senators Dorgan, Johnson, Hagel, Fitzgerald, Ensign, Durbin, and Wellstone in support of this amendment to establish reasonable payment limitations. Our amendment would more effectively target the assistance provided by this legislation to small and medium-sized family farms.

Senator Dorgan and I have worked together to make this amendment what it is right now. Without Senator Dorgan’s efforts we would not have the bi-partisan coalition supporting this amendment we currently enjoy. I know how hard Senator Dorgan has worked in his own caucus to get this issue to the floor of the Senate, and his crucial input was in the drafting process and I appreciate his efforts.

With that said, let’s talk about the specificities of the amendment. Our amendment would limit direct and counter-cyclical payments to $75,000. It would limit gains from marketing loans and LDPs to $150,000, and generic commodity certificates would be included in this limit. The amendment would also establish a combined payment limitation of $275,000 for a husband and wife.

Mr. Speaker, I ask unanimous consent that his statement be inserted into the RECORD at this point in the testimony.

The SPEAKER pro tempore (Mr. LAHood). The gentleman should not refer to the presence of a Senator. House rules do not provide for a Senator’s statement to be inserted in the RECORD except as authorized by clause 1 of rule XVII.
public respectability for federal farm assistance by targeting this assistance to those who need it the most.

This amendment has been endorsed by 35 groups which includes the California Institute for Rural Studies, California Sustainable Agriculture Working Group, Center for Rural Affairs, Church Women United (NY), Community Food Security Coalition, Community Food and Agriculture Network (CFAN), Community Food Security Coalition, Environmental Working Group, Evangelical Lutheran Church in America, Illinois Stewardship Alliance and the Kansas Rural Center.

Land Stewardship Project (in Minnesota), Michigan Agricultural Stewardship Association, Michigan Integrated Food and Farming Systems, Minnesota Project, National Farmers Union Coalition, National Farmers Union, National Grange, National Campaign for Sustainable Agriculture and the National Catholic Rural Life Conference.

NOFA—NY, North Dakota Council of Churches (Rural Life Committee), Northern Plains Sustainable Agriculture Society, Ohio Citizen Action, Ohio Ecological Farm and Food Association, Rural Advancement Foundation International (USA), Rural Coalition, Rural Roots (ID), Sustainable Agriculture Coalition and the Union of Concerned Scientists.

United Methodist Church (General Board of Church and Society), Washington Sustainable Agriculture Network, Washington Rural Impact Network, Washington Tilth, Western Sustainable Agriculture Working Group, Center on Budget and Policy Priorities, America’s Second Harvest, Food Research and Action Center and Bread for the World.

This is no time to be making backroom deals or playing games. This is going to be our only shot at this issue and we all know it. Look at what we have already accomplished on the Feingold/Grassley amendment limiting mandatory arbitration and the Johnson/Grassley amendment banning packer ownership. Senators Feingold and Johnson knew those were important issues to family farmers and helped me to offer amendments in a bipartisan fashion.

It’s time to do the right thing again, support payment limitations and support the family farmer. Help Senator Dorgan and I re-store these programs, respect the difference on rents and land prices, dampen overproduction, raise farm income, and help maintain family farms and the culture that surrounds communities. In addition, we will be funding additional nutrition crop insurance research and development, and ag.

Mr. BONIOR. Mr. Speaker, I also would like to welcome the distinguished gentleman from Iowa whom I had occasion to serve with in this body and appreciate all his good works.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Oregon (Mr. ORTIZ).

Mr. BLUMENAUER. I appreciate the gentleman’s courtesy in allowing me to speak on this motion.

Mr. Speaker, it is hard to imagine anything worse than the Beltway where having a subsidy of $275,000 limit is starving people to death. Yes, it is possible that people in this current system are involved with slowly spiraling down into greater and greater debt. Overproduction, my colleague from Michigan pointed out that, where we are encouraging people to plant crops, overproduce, driving down the cost and leaving the problem either for the individual to bear the burden or for the taxpayer. There is a better way.

There is the opportunity here with this motion to instruct us to be able to deal with how we spend the money more wisely. There is no reason that we cannot and, in fact, around the country do things that will make a difference to help them stay in business. It is expensive to be able to comply with water quality, to be able to change some agricultural practices. It is expensive to be able to help around the country into subdividing farms because of market pressures. We can have money for conservation payments, for purchase of development rights, to be able to help them stay in business.

The current system, with its lavish spending, is not stopping the loss of farms. We just heard in Nebraska, a thousand farms went out of the hands of family farmers. We are having a system now without the limitation that it drives the incentives toward larger and larger activities, more and more overproduction for a few commodities, and then in my State where there are row crops, there are especially crops that do not get the help, there are people that are literally bulldozing orchards because they cannot afford to maintain it. This is goofy.

We should go along with this motion to instruct to be able to have the support for the Senate efforts for conservation. Remember, on this floor earlier, my colleague from Wisconsin, there was a broad cross-section, the gentleman from Maryland (Mr. GILCHREST) and others, had a strong showing, there is a strong basis of support for increasing conservation payments, limiting commodity. It narrowly was defeated here. It was passed in the Senate. That is no justification for the committee only cut back on conservation payments.

What we are going to face here as we continue to have celebrity farmers help from Beverly Hills to Houston to Denver, somewhere over a half billion dollars, we can crank down on that. We have the wherewithal to be able to limit payments to families. We do not have to be discriminating against one sex or the other. We can make sure that we are going to be able to have the help to the people who need it the most. But $17.1 billion for conservation programs means that people are going to be lining up, they are not going to get the money that they want. They are still going to lose their farms, and the taxpayer will pay the bill.

Mr. SMITH of Michigan. Mr. Speaker, I yield 1½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding time. It is interesting to hear this debate, to hear the other side say, “Well, nobody’s getting payments over $275,000. That’s just a myth. That’s just something we hear out there that’s in the press. Nobody really does that.”

If that is the case, then why oppose this motion? I commend the gentleman for bringing it forward. In my view, we ought to get back to the Freedom to Farm Act of 1996. We ought to be moving in the other direction. That is my position. But this motion makes what I believe is an obscene farm bill just a little more palatable. I would urge support of this motion.

Mr. BERRY. Mr. Speaker, I yield myself 1 minute to respond to the gentleman from Arizona (Mr. ROSS).

This particular motion to instruct would actually help the Scottie Pippen of the world. It would add more money to that program.

I would also add at this particular time and by way of a question that the people that support this motion to instruct do not understand agriculture and the high-technology business that it is today. It will be a long time before anybody can positively change my mind on that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. Mr. Speaker, I thank the gentleman from Arkansas for yielding me time.

Mr. Speaker, I rise today to oppose this motion to instruct. This same motion, as a resolution, was voted down by a vote of 238 to 187 simply under a different name. Here we go again.

We farm families need a new farm bill. I am a member of the Committee on Agriculture. I come from a district in south Arkansas where agriculture is a huge part of our economy, and I can tell you that our farmers need a new farm bill. They do not need it today, they do not need it tomorrow, they needed it last year. And this body in this very Chamber approved a good farm bill last year. Now it is stuck in conference, gutted with amendments that will totally destroy farming in America and farming in Arkansas as we know it today.

We already have payment limits. And for the gentleman that mentioned we need to go back to the days of the Freedom to Farm bill, that is what we are living under now; and we have fewer family farms today than ever before.

It is pretty obvious to me that the majority of those who passed Freedom to Farm simply did not get it; they did not understand farming in rural America. It is not apple and oranges any longer. We then renamed, Freedom to Fail, because that is exactly what has happened. We have lost many good farm families because
of that so-called Freedom to Farm bill passed back in 1996. It was so horrible, that is why we are here 1 year early trying to pass a new farm bill.

We already have payment limits. Our farm families are also small business owners, and they make decisions based on land on equipment, loans, employees, based on the current payment limits, based on the farm bill. To change those rules for them will require many of them to file bankruptcy, laying off 10 or 12 employees.

I remind you of the annual Watson Fish Fry in Watson, Arkansas; and a gentleman came up to me, a grown man, with tears in his eyes, as he talked to me about how, just that morning, he had filed bankruptcy and laid off 10 employees, eight of whom had been working for him for over 20 years.

Mr. Speaker, we have a farm crisis in America. I recently called another farm family to tell them I was sorry to learn that they were forced to sell; and when I reached the gentleman, guess where he was? He was at another farm family’s auction, and that was the morning after the Senate amendment was put on the floor, reducing payment limits. And guess what? Overnight the price of farm equipment at auctions dropped 35 percent.

I was not real good at math, and you do not have to be to understand this: our farmers, every farmer, to get $1.50 a bushel for rice. Today they are getting $1.50. Cotton, it costs them 60 cents to grow it. If they are getting 30 cents today, they are doing good.

Our farmers do not want to be welfare farmers. They simply need a basic safety net to help them survive when market prices are down and when our government does crazy things like imposing sanctions and embargoes on them.

The sanctions and embargoes against Cuba, that happened the year I was born, 40 years ago. Cuba is still getting rice. They are just not getting it from Arkansas farmers; they are not getting it from American farmers. They are getting it from China. They want to buy our rice. They can get it in 4 days as opposed to a month.

Our government does have a duty and an obligation and a responsibility to assist those who assist us to get $1.50 a bushel for rice. And what did we do? We put a punitive measure, let us help them using our military, let us stop turning our farm families and their crops into a weapon.

The issue of payment limits, let me tell you that if you take a look and you hear the talk that, well, we need to reduce payment limits so we will quit overproducing, I cannot believe that anyone would think that we are overproducing in a world where people go to bed every single night hungry. People are starving to death.

We need fair trade. We need to remove sanctions and embargoes. We need a safety net. If we do not do that, we will not be overproducing; and if we do that, the prices will go back up at the market, and these farm families will not need our help. But as long as we stand in their way of doing what they do best, that is feed America and the world, yes, there is a need for them, they need our help, they need a new farm bill. They do not need this motion to instruct.

Mr. BONIOR. Mr. Speaker, I yield 4½ minutes to the distinguished gentleman from Wisconsin (Mr. KIND), who has been a great leader on this issue.

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

Mr. BONIOR. Mr. Speaker. Mr. Speaker, thank you from Michigan for yielding me this time and the leadership he has shown on this issue, as well as my friend, the gentleman from Michigan (Mr. SMITH), for the courage to bring this motion to the floor. I would like to thank my Michigan Colleagues Boehlert, Dingell, and Gilchrest, helped assemble a coalition last fall, Mr. Speaker, a bipartisan coalition, an urban-suburban-rural coalition, offering to do basically what this motion to instruct suggests, and that is taking a look at the current subsidy program, the income support program that exists in this country, and seeing if there was a way of moving some of the subsidy payments from the biggest of the big producers in this country, the upper 2 percent, over 97 percent of the farmers in this country would not have been affected by the conservation title amendment that many of us offered last fall, and see if we can move some of these precious resources into other areas to benefit all family farmers in all regions of the country.

It did pull up a little bit short. We had 200 votes. Nevertheless, I think it was a strong showing of the need for this type of new approach in agricultural policy.

This motion today is about developing a sensible and sustainable farm policy for all of our family farmers, but also for our communities. This motion is about not attacking family farmers. This motion is not about attacking the women in this country. It is about good economic policy, because right now we are operating under a perverse economic farm policy, one that pays more money to big producers based on how many acres they plant and how much they produce in a certain category of crops.

This distorts the marketplace. This encourages production, not based on market price and what the market can bear, but, rather, based on the government paycheck. And we are seeing this across the country throughout all of our districts.

I still have roughly 10,500 family farms in my congressional district alone in the State of Wisconsin. We have roughly 60,000 family farms in Wisconsin. This motion to instruct would affect 14 farms in my State; and you remember of the way the farm bills in the past have been produced, where 90 percent of farm bill funding goes to a few producers, producing the, quote-unquote, “right commodity crop,” it distorts the marketplace. It encourages overproduction and oversupply, and costs the American consumer billions of dollars on food prices as we have seen over the last few years, and then either farmers having to file bankruptcy and forced out of business, or for there to be farm relief bills, multi-billion farm relief bills coming before Congress every year to do something about it.

I would submit that a farm policy that only provides income support payment to just 30 percent of the farmers and misses 70 percent of the rest of the producers we have in this country is no safety net at all.

This motion really gets to the fairness issue of what we can do with the limited resources we can devote to help our farmers in this country, but in a much more equitable manner, so all of our family farms in all regions of the country can participate.

A great State like California, the largest agriculture-producing State in the Nation, and if it was a separate country would be one of the top producing countries in the world in agriculture, gets 3 cents on the dollar because they are not producing the right crop in California.

What would this motion to instruct do? It would take the savings between the $75,000 cap, as we are recommending, from the $550,000 that passed out of the House, and apply those resources in voluntary and incentive-based conservation programs so we can provide economic assistance to family farmers who want to participate, but also encourage better watershed management, quality drinking supplies and the protection of wildlife and fish habitat.

Anyone who does not think that sound, sustainable conservation practices should not be a major part of farm policy in the 21st century has not been looking at the type of issues I have seen in regards to quality water issues, which is going to one of the predominant issues facing this Nation in the next 100 years. There is a way for us to be able to assist in that great endeavor, in that great challenge that we all face.

The other part of the motion would direct resources to important agriculture research programs so we can talk about value added and creating wealth within the agriculture industry, rather than the proposed 40 percent cut in agriculture research spending that is currently being proposed in the conference committee.

So, again, I commend my friend, the gentleman from Michigan (Mr. SMITH);
my friend, the gentleman from Michigan (Mr. BONIOR), for offering this motion to instruct; and I would recommend to my colleagues to support this motion and send a message to the conferees that this is the direction we need to move in in farm policy in our Nation.

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would announce that the gentleman from Michigan (Mr. SMITH) has 9½ minutes remaining, the gentleman from Michigan (Mr. BONIOR) has 9½ minutes remaining, and the gentleman from Arkansas (Mr. BERRY) has 14½ minutes remaining; and that pursuant to the previous order of the House of today, further proceedings on this motion are postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair. Accordingly at 2 o’clock and 41 minutes p.m., the House stood in recess subject to the call of the Chair.

□ 1711

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. HARR) at 5 o’clock and 11 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 580, FAIRNESS FOR FOSTER CARE FAMILIES ACT OF 2001

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–412) on the resolution (H. Res. 290) providing for consideration of the Senate amendment to the bill (H.R. 586) to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. BACA. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct the conference on H.R. 2646. The form of the motion is as follows:

Mr. BACA moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill, H.R. 2646, an Act to provide for continuation of agricultural programs through fiscal year 2011, be instructed to agree to provisions contained in section 452 of the Senate amendment, relating to restoration of benefits to children, legal immigrants who work, refugees, and the disabled.

MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

The SPEAKER pro tempore. The pending business is the further consideration of the motion to instruct conferees on the bill, H.R. 2646, offered by the gentleman from Michigan (Mr. SMITH).

The Clerk will rereport the motion.

The Clerk reads as follows:

Mr. SMITH of Michigan moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed to agree to provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs and (2) to insist upon an increase in funding for—

(A) conservation programs, in effect as of January 1, 2002, that are extended by title II of the House bill or title II of the Senate amendment; and

(B) research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment.

The SPEAKER pro tempore. When proceedings were postponed earlier today, the gentleman from Michigan (Mr. SMITH) had 9½ minutes remaining; the gentleman from Arkansas (Mr. BERRY) had 14½ minutes remaining; and the gentleman from Michigan (Mr. BONIOR) had 2 minutes remaining.

Mr. SMITH of Michigan. Madam Speaker, I ask unanimous consent that the Gentleman from Michigan (Mr. BONIOR) be returned to my time to be yielded to the gentleman from New York (Mr. HINCHEN) upon his arrival.

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

There was no objection.

□ 1715

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

Just to review from where we were an hour ago, I think it should be made clear to all of our colleagues and the American public that the purpose of subsidies since the beginning, since back in the 1930s when we tried to make sure that the agricultural industry was going to survive, the purpose has been to protect family farmers. Unfortunately, over the years, we have had programs that made it tough for any farmer to survive, because part of the farm policy in this country has been to encourage a little more production than what we need.

The effect of that increased production, which was above the current market demand meant that prices tended to stay down. So there was an attempt, of course, to keep those prices somewhat low for consumers and what happened in the evolution and the pressures that were put on farms in the United States over these years was that the small farmer was backed up against the wall, the medium-sized farmer felt like if he added more acres, then he might be able to send his kids to the same music lessons and schools and have the same benefits as their country cousins, so that medium-sized farmer said, “Look, well, I’ll buy some land. I’ll spend so many hours a day and try to make it.”

What we have done is had programs that encouraged larger and larger farms. That is part of the reason that we have this motion to instruct today, that we have this conference to look at, to try to make sure that the smaller farms by, in effect, saying all of your production is going to be eligible for the price support payments that we have in farm programs.

Where the big, larger farms, the very big farms, we are saying, there is going to be a limit to how much of your commodity that you produce that is going to be eligible for this price protection.

The effect, it is going to have an effect on these larger farmers to think twice about what the market price is going to be if there is no support subsidy price.

The gentleman from Arkansas (Mr. BERRY) and I, we both want to have a situation where we expand markets, where we have better farm prices and hopefully the kind of farm prices that the support payments that are guaranteed in this farm bill will not even be applicable because that is what we are looking at, is better farm commodity prices to keep more farmers in business.

Unfortunately, today, about 82 percent of all of our farm subsidies go to just 17 percent of the farms. By providing unlimited subsidies, we have encouraged huge corporate farm operations to get bigger and bigger, squeezing out family farmers. With this we have encouraged excess production that has tended to reduce prices paid to farmers.

That is why I think it is so important that we have some kind of price limit, that somehow, someway, someplace, whether it is a limit of 250,000 as suggested by the Senate or maybe a half a million, but it is bad for farmers, it is bad for the support they get from the American people to have these exorbitant millions of dollars given to some of these mega farm operations.

Madam Speaker, I reserve the balance of my time.

Mr. BERRY. Madam Speaker, I yield myself such time as I may consume. Once again, I want to say how much I appreciate the opportunity to speak here before this House and proclaim what a wonderful job and what an extraordinary thing the American farmer is. I know the gentleman from Michigan is a good fellow. I know he means well. He does not intend to hurt anyone. And I have great respect for him. Unfortunately, I would have to say that he just
simply does not understand the food production system in this country and as hard as I have tried to explain it, we still seem to be hung up on this issue.

Let me just tell you what would happen if this motion to instruct were honored by the conferees. We would resurrect the marriage penalty, something we did away with last year. A divorced couple would be eligible for $175,000 more in government subsidies than a married couple. It discriminates against women. It disenfranchises women. We would get one fifth of what a man gets when they qualify for farm programs. There is nothing right about that. But one of the worst things it would do, and I cannot imagine that the people that wrote this really knew what they were doing when they wrote it, it would basically impose the death tax.

Mr. SMITH of Michigan. Point of order, Madam Speaker.

Mr. BERRY. Madam Speaker, if I may, I do not remember saying anything about the Senate.

Mr. SMITH of Michigan. Was that a derogatory remark towards the Senators that wrote this language in the farm bill and is that appropriate in the Chamber?

Mr. BERRY. Madam Speaker, if I may. I do not remember that.

Mr. SMITH of Michigan. The SPEAKER pro tempore (Ms. HART). The gentleman will state his point of order.

Mr. BERRY. Madam Speaker, if I may, I do not remember saying anything about the Senate. But having dealt with that issue, it resurrects the death tax. In the First Congressional District of Arkansas, people work hard. They save their money. They try to accumulate a small farm. They are able to do that in some cases, and they have been able to do it in the past 60 to 70 years because we had a good, strong farm program. And they pass it on to their widow. That land has gone forever that widow until she is gone from this earth. If this motion to instruct were honored by the conferees, we would lose that ability for the widow to benefit from farm programs, because they would not be eligible anymore the way this is written. That is the reason I question the way it was written.

It has been said over and over today that these farm programs cause overproduction. I would try to explain one more reason why we do not have farm programs and a safety net for our farmers in this country is to ensure the adequate production of food and fiber so that the American people do not have to depend on production offshore to get enough to eat. If this program is in place, why do we not have a great accumulation?

We do not have overproduction today. I would also make the point to have enough to eat, you have to have too much, because there is no way to gauge accurately how much crop to plant so that you produce exactly so much that the American people have enough and that they have a reasonably priced food supply and a safe food supply.

What the people that support this motion to instruct do not understand is, if this were allowed to stand, if the conferees accepted this, it would be a move toward bad conservation. We would resurrect the marriage penalty, something we did away with last year. That has changed. It takes a lot more equipment. It takes more expensive equipment. That is what is driving the consolidation of American agriculture.

We have heard people talk today about how bad conservation needs to be dealt with, and I agree with that. But the fact is poor folks have poor ways. When our farmers are nearly broke, they cannot take the necessary conservation measures that they would like to take and that they know they need to take in some cases.

They are forced to take bad short-cuts. They are forced to do things that they do not even want to do in an attempt to produce. Over and over again, we have heard that these payment limits that have been talked about so much, and the fact is we have payment limits today. We have had payment limits since 1985. That is 30 years. This is not new. We have complied with those laws all along.

We will comply with whatever law is written and whatever the House and Senate come out with for a farm bill, out of the conference committee with. But the fact is, that has nothing to do with the size of the farms. What we are talking about here is penalizing the most efficient producers in the world, the people that are really, really good at what they do, we are talking about making it much more difficult for them.

We have to have a safety net, as I said, because it is a national security issue to have enough food supply within our own country. If we do not have a safety net in times like this when the value of the dollar is so high that it takes American producers out of the market through no fault of their own, it is not because of overproduction. It is because the value of the dollar is so high that you can go to Argentina or Brazil and buy as much a product as you can in the U.S. for the same amount of money.

When our farmers are caught in that situation, they have to be protected. This is the only way we have of doing that. That is why we need a farm bill. That is why you have to have payment limits set at least high enough so that you can have an economically viable unit and so that that producer can be economically efficient enough to be the provider of the cheapest food and fiber supply in the history of the world.

I would also point out that if this motion to instruct conferees were passed, it would ignore that there is a lot more to farming and to being a successful farmer and a successful producer than just sitting on a tractor. It would be denying benefits to farmers who may not labor but handle finances and risk management. It would create a situation where it would be very difficult for some of our producers because they do not spend all their time in the field. It would put in question almost any producer. I think one thing that has been missed by the upper Mid-west is that the rules that this would put in place for many producers of corn and soybeans in the Midwest, especially the ones that use no-till technology, would not even qualify themselves if they were required to put in a thousand hours before they were eligible.

Many of those producers that this bill is intended to help very likely would not qualify under these rules. I think that they need to be studied more carefully before we even think about adopting these. There are many things that have been said that just simply are inaccurate. I would go back to my original statement. The people that support this motion to instruct simply do not understand the food and fiber production system in this country, and they certainly do not appreciate the incredible productivity of the American farmer.

Mr. SMITH of Michigan. Madam Speaker, I reserve the balance of my time.
think suggesting that this measure has a limit or cap on anyone except the very, very large farmer is not being fair in terms of communicating what this legislation does.

Let me just suggest that you may have heard of the fact that national commodity traders or farm groups in opposition to this idea; but make no mistake about it, they do not speak for the majority of farmers and ranchers in the United States. Here is how I would back up that statement.

Last May, the Nation’s Land Grant colleges from all of the Nation’s regions came together to poll their farmers and ranchers on their opinion of the farm bill. On the issue of farm payment cap there was enormous consensus, and that was, nationwide, 81 percent of the farmers and ranchers agreed that farm income support payments should be limited and targeted more to the small farms.

With that, Madam Speaker, I will reserve the balance of my time for a comment or reaction from the gentleman from Arkansas.

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

Madam Speaker, as I have already said this afternoon, farmers already have limits. No one disagrees with that. I guess what we are having a problem agreeing on is what defines a small farmer.

I can tell you that when combines cost $250,000 to farmers, when tractors cost anywhere from $100,000 to $250,000, when everything else that we use is in the same price range, it does not make any difference what a group of people that come together and declare that they think there needs to be a limit applicable to some of these things, it does not matter whether they think there should be a limit or not. It becomes a matter of economic reality that we have to deal with those high prices of our inputs and labor. It does not matter where that takes place, whether it be in the upper Midwest, or in the mid-South, where I come from.

I would also make the point that the numbers that have just been put out here are just a part of the story. I do not think that the $150,000 on loan deficiency payment has been in question. I think it has been in everybody’s bill, and I certainly do not have any problem with it. But, as I said, that is only a small part of the story.

I would go back to what I said in the beginning a few minutes ago. To run the risk of disqualifying a widow that very likely is something over 70 years old and disenfranchising her just because she is not physically able anymore to manage her property and she is not going to be able to take advantage of the estate that her husband passed on to her, to run the risk of doing something like that I think is shameful; and I think it is terrible that that can happen into this bill that way.

Now, the gentleman from Michigan has said that there is no question in his mind that everybody that was involved in this knew what they were doing, and I will take him at his word. I would make the point that if you look at the entire bill, what this limit really does in California, a cotton farmer would hit the limit at 355 acres. In Georgia, a cotton farmer would hit the limit with 682 acres. So that is a considerable difference from the numbers from the CRS that were just put out a few minutes ago.

I also think that we cannot stress enough the fact that this particular motion to instruct and the amendment that it supports disenfranchises women. I have never understood, I still do not understand, I do not think I will ever understand, why we would treat women differently under a farm bill than we do men.

I can tell you that until the time when I came to Washington, D.C., my wife and I were full partners in my production. She was every bit as much responsible for any degree of success that we had. She worked just as hard as I did, and she was not entitled to anything.

Now, this bill corrects that a little bit, makes it so she is entitled to one-fifth of what I would be entitled to. But why would we want to intentionally disenfranchise women and create a situation where the widows in farm country that were left with a nice farm to help take care of them the rest of their days and have a decent standard of living would be disenfranchised to the point where they would lose the benefits that helped them have a decent standard of living? I just simply do not understand why we would want to do that.

I would also once again emphasize that the whole purpose of a farm bill and a safety net for our agriculture production is to have adequate production and processing capacity in this country, to be sure that we are able to feed ourselves for a reasonable portion of our disposable income. That is an incredibly important part of our economy.

And over and over again I would also stand on this floor and belabor the point that we have not taken care of business as far as our energy supply is concerned, and I hear them talk about production and I hear them talking about big farmers taking advantage and big farmers getting too much.

We are talking about doing something in a farm bill that would severely damage the most incredibly successful production system that has ever existed in the history of the world. The United States farmer, the American farmer, has done the greatest job of producing a commodity of any industry in the world, and it is very likely it will ever exist; and we are talking about a system that has worked, a system that has served the American people so well. In my part of the country they have a saying, “If it ain’t broke, don’t fix it.” Well, this ain’t broke, and it does not need to be fixed.

I agree, there should be limits; but they should be set at a level where our producers can have an economically viable unit, and where they can have the opportunity to be successful and to do so well what they do best.

Mr. SMITH of Michigan. Madam Speaker, I yield myself such time as I may consume.

The Speaker pro tempore (Ms. HART). The gentleman from Michigan has 5 minutes remaining.

Mr. SMITH of Michigan. Madam Speaker, I would like to correct the gentleman from Arkansas when he states that this proposal limits the participation of retired farmers or retired farmers’ spouses or widows of retired farmers. The Senate proposal provides exemptions. For example, retired farmers and widows of farmers can have their labor and management requirements met by a relative. If you have additional sons or relatives on the farm, if they are actively participating, they are also eligible for the $150,000.

I think we should remind everybody that up until the last 2 years, the limit on LDPs and marketing loans was $75,000. The year before last, because prices were so low, we upped that to $150,000. We are facing a situation now when we pass this bill through the House, unfortunately, in the bill we passed through the House it was stated that there were limits on commodity loan payments, marketing loan payments.

Technically that is true, but it is not totally honest, as I pointed out, because there was a loophole, and the loophole was the ability of farmers to use certificates and forfeitures.

So they went and got a non-recourse loan. They were given the lending money. They gave title of that commodity to the government. Then, if they wanted the same benefits as a loan deficiency payment or a marketing loan, they simply kept the money and told the government to keep the commodity.

Moreover, this bill fails to address the use of generic commodity certificates that I think are so important, and that is why we are suggesting to this body that we look very closely at closing this loophole and not hoodwink the individuals and people that might think there is some kind of a limit simply because there is a limit on part of that price support payment.

Farmers are going to need help to the smaller family-sized farms. When I say smaller family-sized farms, maybe it is 1,000, 2,000, 5,000, 10,000 acres; but it is not the 80,000 acres, it is not the 100,000 acres, where land bearers have these lands, they have tenants, where they can divide up this money. That is why we have these press reports of these enormous amounts of millions of dollars that some of these farmers and farm operations were receiving, is because of that particular loophole.

Madam Speaker, in closing let me say that we often hear that farmers and ranchers are too independent to
grams that send out billions of dollars to the biggest farm entities? All this does is damage our ability to help people we originally intended to help, the small, average, medium-size farms, and even now the larger family-size operations.

Look back at the intent of our first farm bills. We have never intended to subsidize every single acre of every single bushel. We need to move back closer to having the marketplace be part of that decision on how much of what crop a producer produces. So to say to these giant farm operations that we are going to support you at a level that is going to protect however many bushels or pounds that you produce of whatever commodity, then we encourage that additional production.

I say one of the effects of this kind of limitation is to have that big farmer think twice and look at the marketplace, and put some effort into expanding our international markets, expanding our ability to sell our products in foreign lands.

So I would ask, Madam Speaker, that we support this effort to have some kind of a limit on payments. I am so convinced, spending my life in agricultural research that can help all farmers, greater effort in conservation and in agricultural research that can help all farmers. We support this effort to have some limitation is to have that big farmer think twice and look at the market-

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<th>Season average price ($/bu)</th>
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The calculations in this table assume LDPs are made on the difference between market loan price and season average price. In practice, farmers are in a position to receive the LDP when the season average price is above the market loan price, payments are not applicable. Estimated prices for the USDA World Agricultural Supply and De-
But even viewed as realpolitik, our benign attitude toward Venezuela’s coup was remarkably foolish. It is very much in our interest that Latin America break out of its traditional political cycle, in which crude populism alternates with military dictatorship. Everything that matters to the U.S.—trade, security drugs, you name it—will be better if we have stable neighbors.

But how can such stability be achieved? In the 1990’s, it seemed, finally, to be a formula: call it the new world order. Economic reform would end the temptations of populism; political reform would end the risk of dictatorship. The United States, the亚太地区 hope to gain from his overthrow? True, he has spouted a lot of anti-American rhetoric; political reform would end the risk of dictatorship. The United States, the Latin Americans had done themselves a service, which was to tell them that its policy toward the dizzying events in Venezuela. Mr. Chavez is a populist in the traditional mold, and his policies have been incoherent and erratic. Yet he was fairly elected, in a region that has come to understand the importance of democratic legitimacy. What did the United States do? With its wont, it seemed, to lend a hand.

Yet as the day wore on, Venezuela’s new president started taking some anti-democratic actions of his own, dissolving the National Assembly, shutting the Supreme Court, and arresting the opposition leader. “As it started to unravel,” a diplomat said, “the United States became less and less eager to try to lead the state.” When Sunday morning found Chavez back in power in Caracas, Latin American governments hailed it as a victory for democracy. White House national security adviser Condoleezza Rice told NBC’s “Meet the Press” viewers that she hoped Chavez had learned his lesson. At the State Department, Reeker described the Venezuelan situation as “fluid,” and said the administration was continuing to monitor it. The important thing, he said, “is that the OAS and the Democratic Charter that countries of the region signed up to play an important role in this process.”

DOOLITTLE’S RAIDERS REUNION

Mr. WILSON of South Carolina. Mr. Speaker, this week marks the 60th anniversary of the famous Tokyo raid conducted by Doolittle’s Raiders, highlighted by a reunion of this courageous contingent being held in Columbia, South Carolina. Mr. Speaker, a South Carolinian, I am particularly pleased to participate in this important event. Mr. Speaker, “The high points of Japanese civilization. From the Washington Post, Apr. 16, 2002"

U.S. SEEN AS WEAK PATRON OF LATIN DEMOCRACY

[By Karen DeYoung] The Bush administration said yesterday that its policy toward the dizzying events in Venezuela had been fully in tune with the rest of the hemisphere, and that it will continue to support Latin American partners to preserve Venezuelan democracy and justice.
strategic consequences for America’s ultimate victory.

South Carolina is especially proud of native son First Lieutenant William G. Farrow of Darlington. Lieutenant Darrow was one of eight members of Doolittle’s Raiders who were captured by the Japanese. He endured 6 months of brutal torture and deprivation before being executed at age 25. Lieutenant Farrow’s ultimate sacrifice will never be forgotten, and his influence continues with his authorship as a student at the University of South Carolina of “An American Creed for Victory.”

As we honor Doolittle’s Raiders for their courageous sacrifices for our Nation during World War II, it is my hope that Lieutenant Farrow’s patriotic words will inspire all generations of Americans to serve their country with pride and honor.

The document referred to is as follows:

Farrow’s Creed
After Raider Lieutenant William Farrow’s execution on October 15, 1942, his mother found this list in a trunk belonging to him.

Farrow: I am givng this Creed to yourrowned pety with pride and honor.

1. I must not waste energy or time in fruitless pursuits.
2. I must not lack of curiosity.
3. I must not softness in driving myself.
4. I must not lack of constant diligence.
5. I must not lack of seriousness of purpose—sober thought.
6. I must not scatter-brained dashing here and there and not getting anything done—spur-of-themoment.
7. I must not let situations confuse the truth in my mind.
8. I must not lack of self-confidence.
9. I must not letting people influence my decisions too much. I must weigh my decisions—then act.
10. I must not too much frivolity—not enough serious thought.
11. I must not lack of clear-cut, decisive thinking.

Second, what must I do to develop myself?
1. I must stay in glowing health.
2. I must work hard on each day.
3. I must stay in glowing health—take a good, fast walk every day.
4. I must work hard on each day’s lessons—shoot for an „A”.
5. I must stay close to God—do His will and commandments. He is my friend and protector. Believe in Him—trust in His ways—not in my own confused understanding of the universe.
6. I must not waste energy or time in fruitless pursuits. Pursue to act from honest fundamental motives—simplicity in life leads to the fullest living. Order my life—in order, there is achievement, in aimlessness, there is regression.
7. I must not fear nothing—be it insanity, sickness, failure—always be upright—look the world in the eye.
8. I must not keep my mind always clean—allow no evil thoughts to destroy me. My mind is my very own, to think and use just as I do my arms. It was given to me by the Creator to use as I see fit, but to think wrong is to do wrong!
9. I must concentrate—choose the task to be done, do it to the best of my ability.
10. I must fear not for the future—build on each day as though the future for me is a certain. If I die tomorrow, that is too bad, but I will have done today’s work!
11. I must never be discouraged over anything! Turn failure into success!
April 17, 2002
CONGRESSIONAL RECORD—HOUSE

(Mr. McKeeon), chairman of the Subcommittee on 21st Century Competitiveness of the Committee on Education and the Workforce, introduced H.R. 4092, the Working Towards Independence Act.

Let it be known, Madam Speaker, none of these proposals will strengthen families, move families towards self-reliance and independence, or reduce poverty. To the contrary, the proposed changes to welfare will erode the successes of the past and severely limit the States’ flexibility.

The Republican bills, while largely similar in most respects, promote increased work requirements, introduce an acceleration in the number of families in specified work activities, and devote $300 million a year to marriage and family formation. The problem with these proposals is that States are expected to make sweeping changes to their programs and move more welfare recipients into work with the current level of federal assistance. This level of funding will erode the States’ ability to provide services such as child care, transportation, vocational training, skills, and barrier assessments, all of the important ingredients of work promotion, poverty reduction, and self-sufficiency. Recent analyses have indicated that these proposals will cost the States $15 billion over the next 5 years. Any plan must avoid imposing unfunded costs upon the States that could lead them, in turn, to shift resources away from low-income working families in order to finance new requirements.

Furthermore, 41 governors from the States, both Republican and Democratic, have voiced their concerns about the fundamental changes proposed in these bills. A new 40-hour work requirement would be an enormous burden on the States, and the new rules would be far too rigid. These proposals decrease State flexibility, one of the champion successes of the past legislation that enabled States to move families off of welfare.

In addition to these concerns, the 40-hour work week is counterproductive and makes no sense, given the rules and limited flexibility. If TANF participants work off their benefits in a work fair or community service job, and if their job is valued or paid at the Federal minimum wage, they would earn too much to qualify for the benefits and would move into a class of the working poor. The proposals really do not add up.

In addition to this dilemma, the proposals do not account for the large number of families needing child care or transportation in order to work. By demanding increased work requirements and an acceleration in the number of families in specified work activities, the demands for child care and transportation will only increase. Flat level funding is a need.

The need, in closing, for child care has increased by 21 percent over the past few years.

Madam Speaker, we need to relook at these proposals, for they simply do not add up.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. Norton) is recognized for 5 minutes.

(Ms. Norton addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Weldon) is recognized for 5 minutes.

(Mr. Weldon of Pennsylvania addressed the Members. His remarks will appear hereafter in the Extensions of Remarks.)

UNITED STATES SHOULD STAND WITH ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. Souder) is recognized for 5 minutes.

Mr. SOUDER. Mr. Speaker, I rise today in support of our friend and ally, Israel, for celebrating the 54th Independence Day for the State of Israel. It is important at this time that we stand with our friend and ally, Israel.

There is a famous story that Davy Crockett once told to three friends at the Alamo. "Roads to the Alamo." Davy Crockett got into an argument and then there was a brawl afterwards. One of his friends did not help him out and Davy Crockett got kind of beaten up in the brawl. He asked his friend afterwards, how come you did not help me? His friend said, well, it was really controversial and it was kind of a difficult decision, and I was not sure if I wanted to back you up. He said, hey, you do not need friends when everybody is in agreement with you. You do not need friends when everybody thinks what you are doing is wonderful. You need friends when you are in a fight and there is a question over the principles.

We are not the government of Israel. It is a difficult time for Israel. They made some decisions to go after terrorists that were attacking their right to exist, just like we have gone after terrorists that are attacking our right to exist. Whether or not I would have done the completely same methods that Israel did. I do not know. I think so, but I am not the leader of Israel. Ariel Sharon is the Prime Minister of Israel and the leader of Israel, and I believe it is important that we stand with them.

One of the debates when I have been in the Middle East is whether or not Israel has displaced the Palestinians. Any student of history, even somebody who does not know and who does not believe that the Nation of Israel was created in 1948, that suddenly the people who were displaced at that point had any more of a legitimate claim, even in a secular way, than the people who were moved out and dispersed before.

It is important that we recognize that that is an independent state of Israel. When we met with Dr. Arakat and the Palestinians in Jericho, Dr. Arakat was promoting that they needed a contiguous state, a Palestinian state. Part of the argument that I had was why should we trust you when you still have it in your Constitution that Israel does not have the right to exist. Conflict erupted, very conflict in the meeting, because he said that that was not politically possible. But why should Israel trust the words of the Palestinian Authority if they do not grant their right to exist?

Part of the problem is, as we have seen multiple times there, when we pushed and western powers pushed Israel to back off the Golan Heights, people can look right down on Israeli citizens and shoot at them, and the reason that they cannot have a contiguous state is that there is not much water in that area.

The reason they cannot have a contiguous state is there is not much water in that area. They have water pipes going through. If those things are controlled by people committed to their destruction, they cannot exist as a state.

Furthermore, we have a longtime moral and secular argument about who controls Jerusalem. Jerusalem is a shrine to many nations. We have some conflicts that are not easily reconciled. Israel, unless they have the flexibility to take out the terrorists, will not exist as an independent state, so we can commemorate the independence of Israel, but unless they can make sure they have a water supply that comes, unless they make sure people are not shooting down on them from the heights people who can hide in terrorist camps, they cannot exist and have an independent state.

Furthermore, we have a lot of wishing about how Israel treats the Palestinians. It is tough. Quite frankly, I myself handle some of these things slightly differently. But we know this for a fact, Palestinians can become citizens in Israel. They can vote in Israel, in the Israeli elections. They can own property in Israel. They can own land.

But when we go to the Arab countries around Israel, they treat the Palestinians like dirt. They cannot own land.
They cannot vote. They are a homeless people. They only want to put the Palestinians in the Israeli territory, but they will not give any flexibility to these poor people in their countries. Why is it totally Israel’s burden to give up their land to make themselves unsafe? Use Jordan, Kuwait, Bahrain, Saudi Arabia, and Syria do not want the Palestinians in their country?

These borders have been fungible for thousands of years. To argue that the Palestinians’ border should be precisely defined here, the Arab countries need to show some real concern; not just lip service on what Israel’s obligation is to the Palestinians, but what their own obligations are to help these poor homeless people.

The big conflicts in the Middle East are not going to be between Israel and the Palestinians. There are other conflicts far broader with bigger countries. Israel clearly needs to come to peace with their Palestinian neighbors. They have much more, and long-term, in common with these countries than they do with Iran and Iraq, and other greater sources of conflict in that region.

But ultimately, Israel must have the right to exist. People have to be able to go to a bar mitzvah, to a pizza place, to go to the synagouge, without being in fear of being terrorized and blown up. They have to be able to live in their houses without people shooting down on them from the mountains, or from planes overhead.

It is important on this Independence Day that we show courage and stand with our friend and ally, Israel, as they stand with us.

The SPEAKER pro tempore (Mrs. HART). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

(Mr. ALLEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LANTOS) is recognized for 5 minutes.

(Mr. LANTOS address the House. His remarks will appear hereafter in the Extensions of Remarks.)

The IMPORTANCE OF SOCIAL SECURITY TO ALL AMERICANS, AND ESPECIALLY TO WOMEN

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentlewoman from California (Ms. MILLENGER-MCDONALD) is recognized for 5 minutes as the designer of this Subcommittee’s legislation. Ms. MILLENGER-MCDONALD. Madam Speaker, tonight many of the Democratic women come to the floor to speak on issues that were raised during the debates we have visited with the women members and women constituents in our districts.

Because I represent the caucus chair on the Democratic side, I have been asked to speak at a lot of organizations to talk about where we are going in terms of Social Security. Madam Speaker, tonight we will try to see whether we can find some sense of where Social Security is going, and in fact speak about the vital importance of Social Security to all Americans, but especially women and minorities and persons who suffer from disability.

At the present time, it is a lightning rod here in the House, and it incites strong responses. That is what the women across this Nation are asking. We recognize that the administration and the majority here in this House have proposed to privatize Social Security, which has created a firestorm of controversy. This proposal, if enacted, would create the possibility of individuals to invest in the stock market through personal accounts.

Now, women whom I have spoken with certainly say that this will not benefit them at all, and they believe that a proposal such as this is a bad idea, and reckless public policy.

So the Democratic women have grave concerns about the implications of privatizing Social Security for the following reasons: Women constitute the majority of beneficiaries, equalling approximately 60 percent of the recipients over the age of 65. Roughly 72 percent of beneficiaries above the age of 65 are women. So as a matter of necessity, 27 percent of women over 65 count on Social Security for 90 percent of their income. These are reasons why they cannot see anything that will drive funding from a pot that they perceive will give them the benefits that they sorely need in the event of the death of their husbands.

Privatization of Social Security will be devastating because women earn less than men, and they count upon Social Security’s progressive benefit structure to ensure that they have an adequate income upon retirement. Women are also less likely to be covered by an employer-sponsored pension plan. Hence, Social Security makes up a larger portion of their retirement income, and in many instances, it is their only source of income.

In the context of Social Security, women are also affected by other factors, which include living 6 to 8 years longer than men and having to stretch their retirement savings over a longer period of time. Furthermore, Madam Speaker, women lose an average of 14 years of earnings due to time out from the work force. We recognize what that is: from raising children to taking care of ailing parents. In most cases, a lot of women have to take care of sick husbands.

So because women generally experience a higher incidence of part-time employment, many of them have less opportunity to save for retirement, thus relying completely on Social Security to subsist.

There are also some startling economic realities that Americans need to be informed about relative to privatizing Social Security. Privatization would result in a drawdown of over $1.2 trillion from the Social Security and Medicare trust funds over the next 10 years to finance individual accounts, thereby increasing the long-term deficit of Social Security by 25 percent.

Furthermore, privatization efforts will not restore long-term solvency to the trust fund, and will result in reduced benefits for women, the elderly, and minorities who benefit from the progressive structure of the Social Security system. In fact, Madam Speaker, one plan put forward by the President’s Commission on Social Security would reduce benefits to all recipients by 46 percent. Benefits for future retirees would be tied to growth in prices, rather than wages.

Now, under this scenario, retirees would not be able to maintain the standard of living in retirement that they earn during their working years. The combined effort of the proposed changes would mean benefit cuts of 30 percent for a worker retiring in 2075.

A very important fact, Madam Speaker, that is not being touted by advocates of privatization is that although investing in individual accounts is voluntary, benefit cuts would apply to everyone. Current reality makes it abundantly clear that it is foolhardy to trust a universal defined benefit and totally portable system to the variances of the stock market.

If we want a glimpse of the future, we need to look no further than the Enron situation to get a glimpse of what might loom on the horizon if we allow Social Security to be privatized.

As Democrats, we believe in supporting and protecting the interests of all American workers. Therefore, we cannot and must not allow privatization to become a reality. We are duty bound to preserve Social Security into the future. Privatizing Social Security and raiding its trust fund would be unfair and irresponsible.

As leaders of this House and as women representatives of constituents across the Nation, we are compellled to tell Americans the truth about proposals to privatize Social Security.
My colleagues and I will be vigilant in our efforts to raise national awareness about the crisis our Nation will face if we adopt a policy of privatizing Social Security. The women around the country are watching very closely to see what this House does with the tremendous importance of knowing the facts about the Social Security and Medicare. They recognize that this trust fund was set there for the purpose of making sure that their retirement benefits. Some want them to do what they want to do with it.

We can ill afford to speak on behalf of the women of this country, and certainly can ill afford to take their money that they have put in for their benefits and to even suggest that there is a privatized type of system.

Madam Speaker, we all know that women are hamstrung in trying to find the benefits in the financial wherewithal to support themselves upon retirement. To even suggest the privatization of any type of trust funds of Social Security and Medicare would be devastating to women of this country. We will continue to keep them posted, as they will continue to watch us in this House as we move into the realms of privatizing Social Security.

I am happy tonight to be joined by women of this House on the Democratic side who will speak tonight on this issue, and to raise the awareness of what is at stake if in fact the trust fund is raided and the Social Security funding is put into any privatization account.

We have with us the gentlewoman from Florida (Mrs. THURMAN), who is a point person and the expert on Social Security. She comes with a wealth of knowledge, and is the leader, with all of us, of the issue of Social Security.

Madam Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN).

The SPEAKER pro tempore. The Chair will reallocate the balance of the time, approximately 50 minutes, to the gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Madam Speaker, I thank the gentlewoman for those wonderful remarks, but most of all, I think that we appreciate her leadership on women's issues and bringing us together tonight to talk about these important issues.

Madam Speaker, I know the gentlewoman from California talked earlier about some of the statistics, but I have to say that the thing that we most need to remember is that Social Security is so important, and why is it important. So repeating these statistics I think is probably good for all of us to continue to keep in our minds why we will fight so hard to keep this safety net.

Remember that women rely more on Social Security income than men. About two-thirds of all the women 65 and older get at least half their income from Social Security. For one-third of these women, Social Security makes up 90 percent or more of their income. Women live longer than men. We all know that women live longer than men, approximately 8 years longer. So fully 72 percent of Social Security recipients over 85 are women, and on average, women over age 85 rely on Social Security, again, for 90 percent of their income.

Traditional Social Security continues to pay benefits as long as the beneficiary is alive. However, in talking about private accounts, women risk exhausting their savings in their most vulnerable years because they are not lifelong.

Women take time out of the work force to care for children and elderly parents. This is a big issue for families. This is not just about women at this point, it is about families, because in fact we take that time out of our work life and we have been asked to do, which is our children and our elderly parents.

So, because of that, we rely more heavily on our husband's Social Security benefits. Over 60 percent of women are married, and, on Social Security, receive spousal benefits, while only 1 percent of men receive such benefits. So, again, listen to this: Over 60 percent of the women on Social Security receive spousal benefits, with only 1 percent of men receiving that same benefit.

So it is important to preserve the traditional Social Security for women. Unlike private accounts, Social Security is automatically adjusted for inflation, and for women who live longer lives, private accounts run the risk of being worth less due to inflation or devalued accounts.

Let us talk about privatization. Seems to be what everybody is talking about, what has been the options, what? In what we have been talking about and what has been the options, the fact of the matter is that is the one way we could do it.

So, one, we have to dip into the trust fund or we have to cut senior Social Security benefits. Why in the face of a recession and the impending retirement of baby boomers would we be taking the money to be paid to future retirees and gamble on it? With lower economic projections to support other important efforts, it becomes even more important to oppose the privatization of Social Security.

Currently, Social Security, as I said, helps women. It helps minorities and it helps the disabled. It would be impossible to protect disability and survivor benefits for these groups in a private account system. Benefits for spouses and children could not be protected in such a system.

So I would also say to my colleagues that there are women across this country, and us in this Congress, who have gathered to do these special order speeches against the privatization proposal, but quite frankly, there is a letter that was put out April 9 of 2002 by a group of women, 150 women's organizations signed a letter to Congress against the privatization proposal.

The President, in his guidelines for the Social Security Commission, stated that any proposal they create must not invest Social Security dollars in the stock market. He also stated that the Social Security payroll taxes must not be increased. However, the President wants people to be able to use a portion of their payroll taxes for investing in stocks.

So what happened? The Commission recommended three options for reforming Social Security. What they had all in common was all three options diverted at least some percentage of payroll tax to private accounts.

Listen to these numbers. Diverting as little as 2 percent of payroll taxes to private accounts, which the Commission recommended as much as 4 percent, could result in a loss to the trust fund, the Social Security trust fund, of $1.1 trillion over 10 years. Diverting just 1 percent, well, does not take much to figure out, would result in a loss of $538 billion over 10 years.

What we need to remember here is that money is already designated to pay for benefits for future retirees. One option in the Commission's work, and the Wall Street Journal wrote this, benefit options would be changed in so many ways that grandma's head would spin.

The President's guidelines leave us only one option for supporters of privatizing Social Security, cut senior Social Security benefits. Today, again, in this very same article that I talked earlier where there are many polls in focus, we have to promise not to raise the retirement age and pledge not to touch the benefits of current and soon to be retirement. Guess what? In what we have been talking about and what has been the options, the fact of the matter is that is the one way we could do it.

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Tomorrow, we are going to be doing or trying to make tax cuts permanent. Well, I would just want to say that we should not be spending Social Security on anything other than Social Security. This is something that almost every Member of Congress, Democrats and Republicans, agreed to do last year by overwhelmingly passing the lock box for Social Security and Medicare. Unfortunately, the Social Security trust fund would lose two-thirds of its surpluses under President Bush’s budget, and the Congressional Budget Office projects that $740 billion of this money would be used to fund things other than the Social Security benefit, such as what we are going to be talking about tomorrow, which is the tax cuts. The nonpartisan Center on Budget and Policy Priorities, and I thought this was an interesting piece of information and certainly something to think about, estimates that the size of the tax cut is more than twice as large as the yearly financial gap. So we could be fixing Social Security by using these resources instead of doing what will probably pass the House tomorrow.

I would just say I think we need to make sure that our seniors continue to remain secure in their retirement. Women who live longer and take more time off from work to care for loved ones would be hurt by the President’s privatization proposals.

In summary, I have to say the privatization of Social Security cannot be ignored as an issue of great national concern. The effect privatization would have on women and seniors in general is alarming. Reducing Social Security benefits for women who typically rely more heavily on Social Security than men is not the way to go.

Mr. Speaker, I will be leaving, but I would like to turn the additional part of this hour over to the gentlewoman from California (Ms. Waters). The SPEAKER pro tempore (Mr. Brown of South Carolina). The Chair will reallocate the balance of the time, approximately 40 minutes, to the gentlewoman from California (Ms. Waters).

Ms. WATERS. Mr. Speaker, I rise tonight to highlight the importance of Social Security. Social Security is important to millions of people, but it is particularly important to women and I think that it is so very, very important that we as women in the Congress of the United States pay very special attention to what is happening to Social Security.

I would like to thank my colleague the gentlewoman from California (Ms. MILLER-MCDONALD) for organizing this hour for us to talk about Social Security. It is very important that we talk about it, and particularly because we will have a vote tomorrow to make the tax cuts permanent.

We can’t take Social Security for granted. Many people think, well, it has been there for a long time and it will always be there, and most people know that Americans depend on the fact that Social Security will be there for them in retirement.

The poverty rate for Americans 65 and older is 12 percent. The poverty rate for elderly women is almost 12 percent. While this number is tragic, it could be worse. Without Social Security, over half of all women aged 65 and older could be poor. According to the National Women’s Law Center, the average monthly benefit for a woman is $775. For about two-thirds of women, this is half of their monthly income. For nearly half of women 85 years of age and older, it is 90 percent of their income. The reality is that of all the people that Social Security lifts out of poverty, three-fifths are women. Social Security is an extremely important program. On average, women live 5 to 7 years longer than men. In addition, because women are more likely to stay home while raising children, they work less than men and often have smaller pensions and other retirement savings to help them through their twilight years.

Social Security allows these women to live in a secure and comfortable retirement. However, Social Security is on shaky grounds. By 2017, Social Security will begin to pay out more than it takes in. The program will continue its important work for another 24 years after that, until 2041, before it becomes completely empty. Then recipients will only be able to receive 72 percent of their promised benefits or will be subject to either a tax increase or delay of the retirement age.

Despite the obvious importance to women, the Bush administration and the Republican leadership have shown they have no plan to preserve Social Security. In fact, over the next 10 years the Republican budget spends nearly all of the Social Security surplus, completely throwing away any opportunity to strengthen the program.

Despite voting six times to preserve the Social Security surplus, the Republican budget will spend 86 percent of those funds. In January 2001, the Federal Government was expecting a Social Security surplus of over $3 trillion, but today, we are operating on a $1.6 trillion deficit, a reversal of over $4.5 trillion.

The Republican Party can no longer beg the party of fiscal discipline. It is obvious that we need an open discussion on the best way that we can return Social Security to financial standing.

Lately, the debate has been hidden by smoke, mirrors and budget gimmicks. We cannot protect our seniors if we resort to these budget games. Far too many individuals, men and women, black, white and Hispanic, depend on it to allow them to retire in relative comfort.

The longer we put this off, the more severe the problem and the more difficult it will be to fix.

So I urge my colleagues, both Democrat and Republican alike, but particularly my friends on the opposite side of the aisle, to get real about Social Security and let us talk about how can we make tax cuts permanent and stop this drain, and at the same time, preserve Social Security. It cannot be done and I think we need to face up to it. Now is the time to do it.

Again, we must share with the American public that Social Security is not guaranteed if we continue down the road that we are going. As a matter of fact, it will put many, many people in this country in great jeopardy.

Ms. JACKSON-LEE of Texas. Madam Speaker, I join with my colleagues to emphasize that Social Security must be preserved, not privatized, for the sake of women and children.

Social Security in America’s most comprehensive and important family protection system. It provides not just retired worker benefits, but also important benefits for elderly and surviving spouses as well as for disabled workers and their dependents and the young surviving children of workers who die before retirement.

Several months ago, the President’s Commission on Social Security failed to advance the cause of Social Security reform. Of three plans put forward by the Commission, not one achieves the goal to “restore fiscal soundness” set out by the President by closing the gap in the program’s solvency over the next 75 years.

Each of the proposals put forward by the Commission require specific, massive cuts in defined benefits—even for those who do not opt for the voluntary accounts. The Commission should consider ways to encourage workers to invest and save more. Unfortunately, this Commission was limited only to the option of investment accounts to be carved-out of the revenue currently earmarked for defined benefits.

Although Social Security is gender neutral, it matters more for women for four reasons:

First, women live longer than men. In 2000, a 65-year old woman was expected to live an additional 19 years, almost four times more than a man of the same age. A longer life expectancy translates into more retirement resources and more secure sources of income. Social Security provides guaranteed life benefits and full annual cost-of-living adjustments.

Second, women spend fewer hour and fewer years in the paid workforce than men. Although the percentage of women ages 25 to 65 participating in the labor force increased sharply, women’s workforce experiences still differ from men. Women, on the average, accumulate fewer hours of paid employment over their lifetimes because they are more likely to hold part-time jobs or more likely to be “contingent” workers. Social Security provides vital protections such as spousal benefits, exspouse benefits and full benefits calculated using only a 35-year work history. Women are paid less than men. According to the U.S. Census Bureau, women earn 72 cents for every dollar that men earn. The situation is even worse for women of color. Half of all year-round, full-time African American women workers earn less than $11.42 per year, and the median for Latinas was $20,052.

Women are concentrated in low-paying jobs. Roughly 62% of women workers earn less
than $25,000/year, compared with less than 42% of men who work. Social Security provides progressive benefits that replace a higher proportion of pre-retirement income for low-income workers.

Fourth, women are more likely to be widowed than men. Longer life expectancy, combined with the fact that women often marry older men, means that most women die unmarried. More than one-half of women ages 65 and older are unmarried. Three-fourths of unmarried Americans ages 65 and older are women. And four in five nonmarried older women live alone. Not only are women less likely to have the guaranteed benefits of retirement income that guarantees benefits to widows. The elderly survivor program is especially important to women.

We cannot jeopardize the solvency of Social Security because a strong Social Security is critical for older women. Today, 60 percent of all Social Security recipients are women. Of recipients over age 85, nearly three-quarters are women. These women rely on Social Security for nearly 90 percent of their income. Without Social Security, over half of elderly women would be poor. If elderly women cannot rely on Social Security when they retire, they will need greater financial assistance from their middle-aged children.

For elderly people of color and women, the challenges confronting the Social Security system are cause for alarm, because elderly African-American and Hispanics rely on Social Security benefits more than elderly Whites. According to the National Committee to Preserve Social Security and Medicare, from 1994–1998 African-Americans and Hispanics and their spouses relied on Social Security for 44 percent of their income while elderly Whites received 37 percent of total income from Social Security. And, 43 percent of elderly women received their income from Social Security during the period 1994–1998. This fact is important because on average, Social Security payments replace 54 percent of women's lifetime earnings in relation to men, coupled with the fact that women tend to live longer than men, which results in us receiving more benefits for a longer period of time.

Today, Social Security works in ways that are important to women because of their different life experiences. The administration's proposals threaten the guarantees that make the current Social Security system so beneficial for women. We must work together to protect the future of women and children.

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

ENERGY INDEPENDENCE FOR THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise today to talk about the important issue of energy independence for the United States.

We have seen very clearly since the developments of 9/11 that we have significant foreign policy complications emerging from the development of Muslim extremists, extrajudicial executions, and violence in the Middle East, and of course, we have seen the tremendous tensions that have been raised in recent months within the area of Israel and Palestine and the tremendous conflicts, and in particular, the very, very difficult situation of the suicide bombers who are blowing themselves up in cafes and restaurants and killing innocent men, women and children, in many cases, the majority of people severely maimed and deformed.

What is particularly disturbing is to read news reports that one of our supposed allies in the region, Saudi Arabia, has actually been paying the families of the terrorists. This essentially, aiding and abetting the commission of these horrific acts of violence against innocent civilians by these suicide bombers.

Mr. Speaker, the situation that exists today is that the United States is dependent on foreign oil for about 50 percent of our energy requirements. I believe for us as a Nation that is an intolerable situation and that we need to take stock of this.

The President put forward a very positive proposal to open up for drilling the Arctic National Wildlife Refuge and pursue additional reforms that we passed out of this House and the other body is taking up, and I applaud the other body for finally getting to the issue. I believe we need a more aggressive proposal to reduce our dependence on specifically Middle Eastern oil over the next 10 to 15 years. What I put forward is that we begin an aggressive program using every tool that we have available in our research and development budgets, in our Tax Code, to do things to make electric vehicles more attractive for people to purchase, to develop alternative energy sources.

We have a tremendous potential with wind energy, with solar energy. Indeed, the President put forward a very cogent solution to deal with this pressing problem.

WELFARE REFORM

The SPEAKER pro tempore (Mr. BROWN of South Carolina). Under the Speaker's announced policy and procedure of January 3, 2001, the gentleman from South Carolina (Mr. WILSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WILSON of South Carolina. Mr. Speaker, over the next couple of weeks we will have a very rewarding experience explaining to the American people the success of welfare reform by the law that was passed in 1996, but also we will have an excellent opportunity to work with the Senate in the weeks and months ahead and develop a cogent solution to deal with this pressing problem.

I am a newcomer myself to Congress. I was sworn in 17 weeks ago today after the special election on December 18. This follows 17 years that I had the privilege to serve in the State Senate of South Carolina; and in that capacity I learned firsthand that we have got the best people working to promote services to the people of our country.
Additionally, I have a legislative background in the State Senate of South Carolina, and it is very similar to what is going on here in Washington, D.C. Back in 1995, I was honored to be the chairman of the General Committee of South Carolina in the State Senate. At that time people were questioning what the General Committee was. I knew first of all it had jurisdiction over the National Guard; and as a member of the National Guard, I was happy to serve. But I found out later that meant changing specific item or agency that did not pertain to specific other committees ended up in the General Committee. That was wonderful for me because the Department of Social Services came under their jurisdiction.

So I was in place to work in South Carolina for the development of the Family Independence Act, along with David Beasley and our lieutenant governor, Bob Feeler; and I also worked with many distinguished persons as the gentleman who is the Speaker pro tempore tonight, the gentleman from South Carolina (Mr. BROWN), who was chairman of the Committee on Ways and Means in the House of Representatives in South Carolina.

We were able to put together a very similar welfare bill and legislation in South Carolina as has been enacted nationally, and there has been a remarkable record of success. The landmark welfare reforms of 1996 on the Federal level was moving recipients from welfare to workfare. The 1996 reforms replaced guaranteed cash assistance with a work requirement. And when I say work, what I am talking about are jobs and education, training and giving persons the opportunity to be fulfilling citizens in our country. It has meant jobs, and it has meant education.

So when we hear the discussion of welfare reform, that is what we are largeing. The best characterization that I have read of the success of the 1996 bill was in the Carolina Morning News, which is the Savannah Morning News edition of the low country of South Carolina for Beaufort County, Jasper County, Sun City, for Bluffton and Hilton Head Island.

The editorial last month said the 1996 welfare reform bill passed by a Republican Congress and signed by President Clinton stands as one of the great social policy successes of the last 50 years. It was to the cycle of dependency on the dole what the collapse of the Berlin Wall was to communism, both literally and symbolically.

As we over the next couple of weeks discuss welfare reform, it is wonderful to really make it personal, and that is by having success stories brought to our attention.

Mr. Speaker, I yield to the gentleman from Florida (Mr. WELDON) to review several success stories.

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman for yielding, and I commend him for his leadership on this. He is newly elected to the House, and he is doing an outstanding job of bringing attention to this very important issue. I first came to this body in 1994. At that time what I had heard from the constituents in my district and people all throughout the State of Florida was what a terrible disaster the welfare system was, locking millions of Americans in a cycle of poverty that they were literally unable to escape from.

In the country that I live in, we had chronically 2,500 people on welfare. With the passage of welfare reform, that number has been reduced to 400 people, an 80 percent reduction. These kinds of reductions were felt all over the country. Millions of Americans have been able to move successfully from welfare to work.

Surprisingly, now that we are in the place that we need to reauthorize this legislation, there are some Members who want to turn the clock back and look at the tremendous success of welfare reform and say it was a failure and we need to go back to the old ways. I want to tell all of the people. The gentleman’s point about making this personal is important, so I want to talk about two Floridians who made the transition.

Sha-Tee Bonner entered the welfare transition program in October 1999, and was immediately assigned to Job Search, something that would not happen before. She would be locked in welfare. Now under the program, the reform program, she is immediately assigned to Job Search. In November 1999, she became employed at Hollywood Video and began earning enough money to end her cash assistance. Sha-Tee continued to work until she received unemployment at the Dunes Hotel in March 2001 as a guest service representative. Since working at the Dunes Hotel, she has received pay raises and much praise from her supervisor. In August of 2001, Sha-Tee began the pre-employment program at Pensacola Junior College. Her employer at the Dunes Hotel is willing to work around her school schedule because of her outstanding employment at the Dunes.

Mr. Speaker, here is a person who previously had been locked in welfare dependency. People are saying she is an outstanding worker. Sha-Tee believes that the responsibility of raising two daughters as a single parent has made her even more determined to make it through the tough times. She believes that self-sufficiency is an ongoing process. I agree. During the rough times, Sha-Tee and her two daughters lived with her grandmother. Recently, Sha-Tee has purchased her own apartment and has purchased her own transportation. Pensacola’s local Society for Human Resources Management recently honored Sha-Tee for being one of the welfare participants of the year. She is an outstanding welfare participant who has been successful in transitioning to the work environment.

Stephanie Paige entered the welfare transition program in April of 2001 with several barriers to self-sufficiency. She was a 20-year-old single mother of one child. She had already earned her GED, but had no vocational training. She actually was fortunate enough to have a car, but no insurance. In addition, she had several medical problems, one of which required her to undergo surgery in July 2000. Also in that same month, her 4-year-old son had surgery.

The Jobs Plus One-Stop staff in Crestview assisted Stephanie in developing a career plan that would allow her to achieve self-sufficiency for herself and her child. With guidance and support, the One-Stop staff were able to help her and her children to be self-sufficient. Stephanie was able to get her GED, obtained a nursing position at the Dunes Hotel, and began working full time. She was immediately assigned to Job Search. In November 2001, she became employed at Hollywood Video and began earning enough money to end her cash assistance. Sha-Tee continued to work until she received unemployment at the Dunes Hotel in March 2001 as a guest service representative. Since working at the Dunes Hotel, she has received pay raises and much praise from her supervisor. In August of 2001, Sha-Tee began the pre-employment program at Pensacola Junior College. Her employer at the Dunes Hotel is willing to work around her school schedule because of her outstanding employment at the Dunes.

Mr. Speaker, these are two human beings that have been converted over from being dependent on a failed and broken system to being self-sufficient. Most importantly, more important than anything else, more important than the tax money that is saved is these women are setting an example for their children that there is a value to work, there is a dignity and pride that comes with it. For those reasons, I strongly support reauthorizing our welfare reform package with no watering down amendments that would turn the clock back.
I again applaud the gentleman from South Carolina for his leadership on this very important issue.

Mr. WILSON of South Carolina. We certainly appreciate the gentleman from Florida’s hard work for the people of Florida, a proven story of success in your continued efforts.

Mr. Speaker, one of the most beneficiał acts that you can have as you serve in the State legislatures is to travel around the country and meet persons that you recognize right away or superstars in terms of future legislał activity. I was very fortunate to have met a State legislator from Pennsylvania. I was so pleased to learn of her election to Congress. I am very pleased to yield to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. I thank my fellow former State Senator. I think we are really well equipped as those who worked on the State level to implement the 1996 welfare reform to do what we are as we are going to do going forward. I have run into by being here in Congress some of the women that have been going through the reauthorization of the welfare reform on the Federal level.

I thank the gentleman for his kind words and for his work on the task force and also for giving me a few moments to talk about some of the things that have been happening in my area regarding the success stories, as the sign says, replacing welfare checks with paychecks, but also replacing broken spirits with very strong spirits, a lot of women who are going to be great leaders and examples to their children.

Those reforms have helped so many men and women get off the welfare payroll. We hear the statistics, but it does help, as the gentleman before me said, to hear the real story. One example I have is a woman I met during our time during the district work period named Michelle who was unfortunately left alone by her husband with her two small children. Obviously she had been a stay-at-home mother but was forced to go and find a job and also a new home.

If that did not present her with enough challenges, her parents were also diagnosed with serious illnesses. Michelle moved in with them to take care of them in addition to also caring for her own children. Welfare for her was the only lifeline she had to get her from day to day. But she had a greater future in mind for her family. Fortunately, she did what a lot of welfare recipients do, taking as a part of the normal regimen, taking classes, getting a job. She did both. That was 4 years ago. I am happy to report that today, Michelle does have full employment and she is helping others who are in a similar position to the position she was in.

She is now a case manager for the Lawrence County Social Services Organization. She took her skills, those she knew from her daily experiences and also those she acquired as a student while still receiving welfare. She uses those skills daily to help others who are going through the same difficulties that she faced. She is one of the great success stories, and now Michelle is going to help create a lot more success stories.

There are other organizations aside from those who are paid within the system that help us make a difference. Especially through legislation, there were a number of community organizations that stepped up to the plate. One I work with very closely called HEARTH, which stands for Homelessness Ends with Advocacy, Recovery, Support, and Housing. They have helped to many, mostly women, mostly victims of domestic violence, because they help provide some support via housing for these women as they again continue to struggle and move forward.

The first one I would like to tell you about is Cindy, who came to HEARTH’s facility called Benedictine Place with four small children. She wanted to provide a better life for them and for herself but she had been a victim of domestic abuse, and she was certain not at its highest. One of her sons did not want to live in a shelter. Unfortunately he did go to live with his father, but the other three stayed with Cindy and helped Cindy as she helped them to get a new view on life.

While receiving her benefits, Cindy went back to school. She had some nurse’s training from the past, but she knew she needed to update her skills. She took all of the face-to-face training and was eager to get her children established. She got her degree, she got a new job, she found a safe place to live. She is now working and is a supervisor at the hospital where she works as an RN. Her oldest daughter said it best to her recently. She said, “Thank you for making anywhere we lived a home.” That statement made the struggle worthwhile for Cindy because it could not have been easy. We all know that.

But we know that for Cindy and for Cindy’s children, there is a much better future. Not only is she a valuable and contributing member to society, but she is returning the favor to other members of her community by helping them as much as they helped her.

Finally, the last example I want to share with you is of a woman named Jackie. Jackie was in a very poor situation. She did not have any transporłation. She had small children as well and needed some support. Obviously the welfare system did help keep her going. But once again, she now said that it was a huge adjustment, but she has now moved into the workplace, she is making enough now to actually rent her own car. She has a job with full benefits. Jackie says it is much better for her. She loves going to work each day. She has given back as much as she can. She is now very pleased to be a taxpayer, as she said, instead of a burden on all the other taxpayers.

Granted, welfare has its place. Otherwise, we would not be considering reaułorizing welfare. But it is meant to be and has through these women been shown to be a very successful means for transitioning. These are women who have had hope. They have had influence from others who have maybe shown her an example, taken time with them, taught and shown the women who have done a wonderful job.

Over the break, I had a round table meeting with a number of caseworkers and those who work in the system, as well as some who have gotten through the system and several who are currently on welfare and trying to work their way off, whether they are receiving education, working part-time and moving in the direction of independence. It was a really inspirational meeting, partially because the first woman I spoke of, Michelle, was part of the round table is now a caseworker with Lawrence County Social Services, but partially because I saw the faces of some very strong people whose spirits were broken, but now were very much recovered, very much moving forward, and very much an inspiration to the rest of us. They show us just how much people can do if we give them the right tools to move forward. I would like to thank the gentleman from South Carolina (Mr. WICKER) for the opportunity to talk about these women and there are so many others.

I have several other examples I am not going to go into, but they are examples of all the people and put faces on all the people across the country who have benefited because of the changes. I certainly am very happy to be here and to be here now at the Federal level when we can reauthorize welfare reform and encourage both education and work and make sure that these families are on the way to a very prosperous and successful future, along with a great example for their children.

Mr. WILSON of South Carolina. I think the gentlewoman from Pennsylvania (Ms. HART) was the gentleman from Mississippi (Mr. WICKER).

I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I want to thank my colleague from South Carolina for those very kind and overly generous words. Like my colleague from South Carolina and the gentlewoman from Pennsylvania who just spoke, I was a member of the State Senate. I served for 7 years in that body until I was elected to Congress by the people to come here to Washington. During a portion of that time, Mr. Speaker, I served as chairman of the
Public Health and Welfare Committee in the State Senate in Mississippi, and so I share some of the same experiences that the two previous speakers have had. I think I can attest, Mr. Speaker, to the difficulty we had at the State level prior to 1996 in enacting meaningful welfare reform. We knew we tried and we tried to do our best, but we did not have the flexibility that we needed and that the 1996 Act brought. Were forced into going individually on a case-by-case, law-by-law basis to the Federal Government for what we called a waiver, and hoping that we could get the department, in both Republican and Democrat administrations, to agree to those particular waivers. It just simply did not give us the flexibility that we needed.

Also, I can tell you, Mr. Speaker, that there was not the solid commitment to a work requirement prior to the 1996 Act. And so I am so very, very proud that at least three of us and many more have been able to move from the State level where we made a gallant attempt to come here to Washington, D.C. Of course I got here with my friend from Florida who spoke earlier with the class of 1994. We worked real hard for 2 years. I am just so pleased to talk about the progress that we have had. One of our most prominent colleagues from that class is the chairman of the Republican Conference, the gentleman from Oklahoma (Mr. WATTS). He has made the Conference, the gentleman from Oklahoma, proud that at least three of us and the 1996 Act. And so I am so very, very pleased that we could get the department, in both Republican and Democrat administrations, to agree to those particular waivers. It just simply did not give us the flexibility that we needed.

Quite to the contrary, Mr. Speaker. We need to measure the success by how many people we have been able to move off the welfare rolls into meaningful employment, to move them from the welfare rolls to the tax rolls. I spoke in my 1-minute address earlier this morning about some statistics that I am very, very pleased about concerning the 1996 Act. There has been a 56 percent drop in welfare caseloads nationwide. Just think about that, Mr. Speaker. Over half of the caseloads, gone, a tremendous measure of success. The lowest levels of welfare rolls since 1965. Two million children, children, rescued by whose mothers are the daddies are now enjoying the benefits of a paycheck and the good life that we seek here in the United States of America. And, of course, the lowest child poverty levels in many, many years.

So I am pleased at the statistics that we can cite, and those statistics are real and they are meaningful. But I am also so pleased that my colleagues tonight have done, as the gentleman from Florida (Mr. WELDON) stated, reduce costs and tell individual facts about individual American citizens who have benefited from this excellent piece of legislation. And so when I heard that a number of my colleagues were going to present success stories, naturally, Mr. Speaker, I went back to my local welfare office to ask how the TANF program, the Temporary Assistance to Needy Families Program is doing on the local level in assisting those who want to make them as a State legislator and certainly now continue to be interested.

And so I was pleased, also, to receive story after story and example after example of ways in which this legislation has benefited individuals, as the gentleman from Florida, Mr. WELDON stated, revising the TANF program and reducing the raising of a child while going to school full-time.

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She went to school full-time while working full-time for the community college in the work-study program. After completing community college, Sarah commuted to one of our fine 4-year universities in north Mississippi where she obtained a 2-year degree. The TANF program enabled her to focus on the future by paying for transportation costs to and from school and for her daughter's day care expenses.

Now, listen to this, Mr. Speaker. Sarah received her degree, a master's in instructional technology in the year 2000. With this post-graduate degree, this former welfare recipient was able to find a job quickly and become self-sufficient, and I can now report with pleasure that she is the technology coordinator of one of our very fine local school districts in the public school system in northeast Mississippi.

We can all go on and on with these excellent examples of the way this program has worked.

I will simply mention Sandra, the mother of a child with spina bifida, who was able to go on the TANF program and is now a clerk at an equipment store in her local hometown.

I will mention Betty Ann, the mother of four, who for a time had to go on the TANF program, but now is working full-time at the Old Miss law school.

Then there is Jane, who was forced to leave her husband of 11 years because of some domestic abuse allegations, but has now, after being on the TANF program, been able to get back onto her feet, move out of public housing and into her own home.

Then finally there is Marie, the mother of two young sons, a welfare recipient, who was able to go back to school and is now a registered nurse. Success story after success story, whether you take it at the individual level or the overall statistical level.

simply add this, and then I will yield back to the gentleman from South Carolina with my appreciation for his good leadership on this matter.

More work does need to be done, and it gets harder and harder. If this had been an easy matter, we would have been able to resolve it in the 30 years we were pretty much going down hill in the welfare area. We need further encouragement of work. We have learned in the past 6 years of welfare reform experience that making work pay is an integral part of actually moving people into a meaningful life. So we need to further encourage work when we are considering the reauthorization of this legislation.

We indeed need to expand State flexibility more so than we have already done. I have already mentioned the importance of having that and giving our State legislators, who, after all, are closer to the people, the opportunity to fit their local needs into an overall Federal program, and then to promote marriage.

I think the statistics more and more become overwhelming that a stable marriage, to the extent that the Federal Government can encourage stable, voluntary, safe marriages, that marriage is the best antidote for welfare problems.

So, I just would say, Mr. Speaker, it is a pleasure for me to talk about success, to talk about our determination in this House of Representatives to make the system even better, and once again to thank my very capable new colleague from South Carolina for his hard work in this regard.

Mr. WILSON of South Carolina, Mr. Speaker, I thank the gentleman very much, and thank you for your thoughtful service for the people of Mississippi and all of America.

Mr. Speaker, as we discuss the successes of welfare reform, as the gentleman from Mississippi (Mr. WICKER) pointed out, you can also look at the facts that confirm the success.

Most important to me, I have got four children, would be to point out that child hunger has been reduced nearly half since 1996. The 4.4 million children who could have been in hunger and were in 1996, that has been reduced to 2.6 million in 1999. That is just an extraordinary achievement for the children and the young people of the United States.

Additionally, I would like to bring to your attention what the gentleman from South Carolina has been referred to, that with the implementation of welfare reform there has been a reduction of nearly half of the number of persons who are on welfare. Beginning in 1996, there were 4.4 million families that were in the welfare system. Currently, it has now been reduced to the work of the professional social workers of our country, to 2.1 million families.
I will never forget that the intake persons who worked there are called cheerleaders; and in fact, that is what they do. When people come in, they cheer the people up. They tell the people who are applying for TANF that they can achieve, that they can have jobs created.

Another office had pictures on the wall of success stories right there in the office. As the people would come in, of course, they would be down and out, discouraged, but they could look around and see pictures of people who had succeeded.

I, too, as my colleagues, have run into specific situations; and in the interest of protecting privacy, I would like to read statements from persons who have truly benefited from the reforms of welfare in the United States that we need to continue, as the President has proposed.

Robin, who currently now works at the Sunshine House Daycare Center, says, "DSS builds your ammunition to get a job. The classes made me feel better about myself. They inspired me to get a job. Now I feel on top of the world." We have, as was indicated by the gentleman from Mississippi, situations where people have gone back to college. We have Melissa, who is currently at Benedict College in South Carolina. It is one of the largest Historically Black Colleges in the United States with 2,900 students. I was there last week with President David Swinton; and I was happy to be there with my special assistant, Earl Brown, who is a very proud graduate of Benedict College.

Melissa says, "I used to think badly about DSS, but DSS has helped me with bus tickets, a check, class, helped me when I thought I couldn’t make it through. They even helped me move, with Christmas presents. DSS made me feel better about myself. I can do this. I can go higher. I want to apply for a promotion and go back to adult education. I know now that I can make it."

There was Kimberly. Kimberly currently works with Scientific Games in Columbia, South Carolina. "I feel 100 percent better since getting a job. I no longer have to struggle. Now I only have to work. I am no longer living day by day and worry if my food runs out. I have my own transportation. DSS helped me with financial and moral support. They helped with my resume, even faxed it, and they told me to write thank you notes. I am thankful I have a job."

Third, we are promoting healthy marriages and strengthening families. This, of course, was referred to by the gentleman from Mississippi. Even the Washington Post has identified that this is a very legitimate concern in an editorial on April 5 promoting marriage in our country, because we already know that the prior welfare laws were ones that promoted breaking up of families and of marriage. So the penalties of marriage have been done away with.

The fourth point of the Republican principles and initiatives for welfare reform are to foster hope and opportunity, boosting personal incomes and improving the quality of life.

Of course, to me, that also means that we have tax incentives for persons to hire, persons who were formerly on welfare, but also tax reductions. In fact, tomorrow, I am really looking forward to being here to vote to make
permanent President Bush’s tax reductions. That is money in the pockets of either the persons who are newly employed or in the pockets of all Americans so that we can employ more people. It is jobs. So when we hear about tax cuts and providing for incentives by reducing taxes, that again is of how that directly relates to creating employment in jobs.

As I indicated a few minutes ago, one of the key people who has meant so much to me is the former chairman of the Committee on Ways and Means of the South Carolina House of Representatives, and he is here tonight. At this time I would like to yield to the gentleman from South Carolina (Mr. Brown).

Mr. BROWN of South Carolina. Mr. Speaker, I thank the gentleman. It certainly was a pleasure serving with the gentleman in the State legislature. We were confronted with this same idea back, I guess in the early 1990s, and people would not work. People have been caught in this web of successive generations, caught in the web of welfare, and we felt like we wanted to give them an opportunity. I am pleased to have been a part of that and of having the privilege of working with the gentleman from South Carolina (Mr. Wilson). I am certainly so grateful to have the gentleman up here in Washington so that we can renew that same concerted effort to try to make a difference. I think we did back then, and I think we will do better here.

Mr. Speaker, I rise again in support of welfare reform legislation. As we continue to help people bridge the gap from welfare to work, it is crucial that we not lose sight of the need for further reform. Our welfare system still suffers from decades of mismanagement and unnecessary growth. It is incumbent upon us to further the improvements enacted by Republicans 6 years ago. In shortening the welfare rolls, in the back of working people. By helping hard-working Americans to find jobs, we restore dignity to deserving citizens. The success of our system is measured by the success of working Americans. Six years ago, Republicans took a great first step towards improving welfare. However, we cannot afford to stop short. We must walk the extra mile.

Mr. Speaker, I urge my colleagues to support further welfare reform. The American people must come before petty politics.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman from South Carolina (Mr. Brown). I appreciate the gentleman’s hard work, both in our State and now here in Washington to promote welfare reform.

Mr. WICKER, Mr. Speaker, would the gentleman yield?

Mr. WILSON of South Carolina. Mr. Speaker, I yield to the gentleman from Mississippi (Mr. Wicker).

Mr. WICKER. Mr. Speaker, I thank the gentleman. The previous speaker, the gentleman from South Carolina, mentioned bridging the gap, and that is really what the TANF program is all about, the Temporary Assistance to Needy Families.

The problem with the old system is that the gap was so long, so large, it was like trying to bridge over it and we never got to the end result of actually moving these American citizens from the welfare rolls of receiving a check from the taxpayers on to the job rolls. So that is one of the really excellent things about this new approach to the issue. I call the “parade of horribles,” all of the terrible things that are going to happen to our fellow citizens if we do this sort of thing. I can recall the stern warnings that we received from some members of both chambers of this Congress, when we were considering it back in 1995 and then in 1996. As the gentleman knows, it was vetoed by the Clinton administration first before we were able to finally push it through in 1996.

But among the opponents of this legislation, Mr. Speaker, one person said, and I quote, “The people who do this will go to their graves in disgrace.” Well, certainly, that is a charge that we had to face, and any time we have the possibility of new public policy, we know that it might fail, but we knew in our hearts that it would succeed, and we certainly do not believe that we will go to our graves in disgrace. I think with Mr. Speaker, probably would not want to come forward and take ownership of that particular quote.

Another said, “In 5 years time, you will find appearing on your streets abandoned children, helpless, hostile, angry, awful; the numbers we have no idea.” I am almost sorry that the gentleman from South Carolina took the last poster down because, of course, it showed not only a more than 15 percent cut in welfare rolls, but also approximately a 5-year cash benefit limit, would be the most brutal act of social policy we have known since the reconstruction.”

Just a third quote from this “parade of horribles” that we had back in 1995 and 1996. One member of the other body said, and I quote, “The central provision of this law, the 5-year cash benefit limit, would be the most brutal act of social policy we have known since the reconstruction.”

Well, indeed, we were able to look past those unfounded charges and move toward really one of the tremendous success stories, I think, of the last 50 years. I am just so pleased to have been a part of it. I want to commend the leadership of the House of Representatives and of the Senate back during those days of 1995 and 1996 who had the courage to withstand these sorts of unfounded charges, move the bill through time and again, past a veto on two occasions, and on to the desk of the President where it was finally signed into law. We have seen the great results of it.

So once again, we may find ourselves in that sort of debate. I do not know, Mr. Speaker, what exactly we will be debating from the opponents’ approach. But I dare say that we may have to, once again, show some courage. This time, though, we will be able to point to the great successes that we have had.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman. I appreciate the gentleman bringing that to our attention. We indeed do have something positive this time to show a proven record of success.

I am very honored to in Congress serve adjacent to the gentleman from Georgia (Mr. Kingston), from the very historic City of Savannah, which is practically becoming the sister cities of the communities that I represent in Hilton Head Island, so we like to claim that we represent very similar and wonderful, positive communities, and at this time I yield to the gentleman from Georgia (Mr. Kingston).

Mr. KINGSTON, Mr. Speaker, I thank the gentleman north of the Savannah River in South Carolina for his time. I wanted to talk a little bit about what the gentleman from Mississippi (Mr. Wicker) was talking about in the 1996 session when we took on the historic welfare reform bill, and as he said, change is difficult in Washington. In fact, I think it was Ronald Reagan who said “If you don’t believe in resurrection, try killing a Federal program.” That seems to be the case with change often as well; it is just impossible.

We were accused of pushing women and children on the street and turning our back on the poor, some very tough rhetoric that did not match the goals of what we were trying to accomplish, but nonetheless, at the end of the day, we had a bipartisan bill. President Clinton signed it into law. Since that time, out of 15 million people who were on welfare, 9 million are now working and independent. It is a success story, from anybody’s point of view.

Now, with change in Washington, it is an uphill battle, and now it is time to go back into that bill again and say, okay, what is working and what is not working?

I remember in 1996 talking to a welfare caseworker and he was telling me the situation of a family where there was a young woman, a young lady, and she was living with a man who was not her biological father because her biological father was in jail. Her biological mother had shot another man, and she was also in jail, and just a broken
As I conclude, we have been going over success stories, and my colleague, the gentleman from South Carolina, Mr. Speaker, has been able to participate in as a Member of the United States House of Representatives. I am proud of the tax reduction that we enacted last year, the fact that we sent tax rebate checks back to millions of Americans to the tune of $30 billion, at a time when the economy was just starting to slow down and we needed a boost there.

So to the extent that our policies in this Republican House of Representatives for the past 7½ years have contributed to a booming economy, certainly I want to be proud of that, too, in creating the atmosphere for job expansion. So I think that goes hand-in-hand with welfare reform, it goes hand-in-hand with the job creation parts of our tax reduction bills.

I think at this point, let me just see if I can conclude my part of this special order, if my friend will permit, and he is standing by, I think, with a very important part that my colleagues are able to look at.

Mr. Speaker, I hope that the American people will contact us, will contact me and our colleagues on both sides of the aisle, both houses of this Congress during the coming days of this welfare reform debate, and let us know if they support the approach that my friend has right beside him, there.

Would they like their Member of the House of Representatives to vote for a piece of legislation that promotes work, something that has been the very foundation of this country for over 200 years, to strengthen the path towards independence for families, independence from the need to receive a welfare check from the government?

Secondly, I hope our constituents will talk to all of our colleagues, Mr. Speaker, about the importance of improving child well-being. We have lifted over 2 million children out of poverty. As I said earlier tonight, let us lift 1 more million children out of poverty. That is our goal. That is the mandate that we have been given.

Thirdly, it would be to promote healthy marriages and strengthen families. I hope we will hear from our constituents and from our fellow Americans about that, Mr. Speaker.

And then, finally, the fourth Republican principle of welfare reform: fostering hope and opportunity to boost personal incomes and improve the quality of life, and permit more of our fellow American citizens to grab hold of that great American dream.

I hope we will hear from our constituents. I hope we will have a healthy debate among our fellow Americans on the floor of this House. I look forward to it.

Once again, I thank my colleague, the gentleman from South Carolina, for his excellent leadership in this regard.

Mr. WILSON of South Carolina. Mr. Speaker, I thank my colleague, the gentleman from South Carolina (Mr. WICKER). I appreciate his input.

As I conclude, we have been going over success stories, and my colleague,
the distinguished gentleman from the Third District of South Carolina (Mr. GRAHAM), had submitted a success story that he wanted to be known by people of the United States. And I can identify with that, because I have been a volunteer with Habitat For Humanity.

This is about Contessa from the Third District of South Carolina. “When I was on welfare, I forgot that I was a valuable person, that my life mattered. I really did not have the proper esteem when I was on welfare. Things are so much better now that I am employed and my self-esteem has improved.”

A former welfare recipient, Contessa, like thousands of other Americans, has made the transition from welfare to work. Hired as a receptionist who was told that “There is little chance of opportunity for you.” Contessa has continued to move up, and today is a para-legal at a prominent law firm in neighboring Greenwood.

One of the dreams that she has achieved is the ownership of her home. That is the American dream. Contessa has taken that bold step forward. I end with this quote: “I have now purchased a home through the Habitat For Humanity Stepping Home Program, where a portion of your rent goes into an escrow account for the downpayment on a home. Becoming a homeowner really changes your whole outlook, as does the change to welfare to work. I would like to thank my colleagues who have participated tonight. We look forward to the discussion about the creation of jobs, the creation of opportunity with the welfare reform reau-thorization.

THE MIDDLE EAST CONFLICT AND THE STATE OF ISRAEL

The SPEAKER pro tempore (Mr. SUL-IVAN) recognized the Speaker’s assistant for policy of January 3, 2001, the gentleman from Florida (Mr. DEUTSCH) is recognized for 60 minutes.

Mr. DEUTSCH. Mr. Speaker, I join with a group of colleagues, and I hope and expect more to join us as the evening progresses, to talk a little bit about the conflict in the Middle East, but also to talk about the Middle East and talk about the state of Israel.

In Israel today, it is Israel Independence day, the 54th anniversary of the modern state of Israel. I am joined this evening on the Republican side. Sharing the time with me is the gentleman from Georgia (Mr. KINGSTON), as well as a number of colleagues, Democrats and Republicans.

I mentioned the 54th anniversary of the creation of the modern state of Israel, and there is a time line that is relevant that hopefully all Americans have a perspective of, because I think the time line gives us a sense of the issues that Israel is dealing with today. There has been continuous Jewish occupation in the land of Israel from historical times, from the start of the common era, from the time of Jesus. In 1917, though, in terms of the modern state of Israel, the Balfour Declaration by Great Britain was issued. As this map shows, it was a mandate that the League of Nations had given to the British empire at that time. Saudi Ara- bia did not exist.

I think one of the best charts that I have seen, presented by the gentleman from New Jersey (Mr. ROTHMAN) when we did a special order last week, was talking about any nation that any different countries were created. Saudi Arabia was a group of nomadic tribes at this time, and Egypt did not exist as a modern country. It was part of the British mandate. Iraq was part of the British mandate. Syria was part of the French mandate.

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

Mr. DEUTSCH. I yield to the gentleman from Georgia.

Mr. KINGSTON. It is not shown on the gentleman’s map, but I think it is important to point out that Iran did not exist, either. That was ancient Per-sia at that time.

Mr. DEUTSCH. Absolutely correct. I think it is important just in terms of the issue of why is Israel there as a modern state. I keep referring to it as the modern state of Israel.

The British then actually divided the mandate that they had along the Jordan River, so there is a line straight from the Jordan River. On the eastern side, they created trans-Jordan, and on the western side, Palestine. Now, trans-Jordan has become modern-day Jordan, and Palestine, let me shift the map and get to what really is the next map, was a partition plan of the United Nations in 1947. I think this is also a significant map for people to understand and actually to look at, as well. It is significant for a number of reasons. It is significant because, first of all, the Jews that lived in Israel at the time accepted that the map in Palestine did not. In fact, in 1947 or 1948 when the British withdrew from Palestine and Israel declared independence 54 years ago, five surrounding Arab countries and their armies, Egypt, Jordan, Syria, Lebanon, and Iraq, invaded.

The Israelis were outnumbered five to one at that point in time, basically with no outside direct support, and the United States obviously, as most people know, recognized Israel as soon as it declared independence, but this boundary was accepted by the Jews in the state of Israel. In terms of the five countries that invaded and the Arabs that lived in Palestine, they did not ac-

cept the partition.

Let me follow up with another map, which is a map of Israel today. The significant part of this map, in a sense, is from the last map to this map is four wars: 1948, 1956, 1967, and 1973. The areas in the West Bank and Gaza and the Heights were acquired by Israel in 1967.

Again, the history of that point in time I think is also very significant. It is significant because it was not a war that Israel sought, it was a war of de-fense. I think what is also significant, just to understand the context, the historical context, is that the area of the West Bank and Gaza, which effectively, I think, all parties realize, if the occupied area in Lebanon, in fact become a Palestinian state at some point in time, when those areas were controlled by Jordan and Egypt, neither Jordan nor Egypt wanted there to be a Palestinian state. There could have been a Palestinian state if there was a point in time between 1948 and 1967 if Jordan, Egypt, or the Palestinians in that area would have agreed to a Palest-inian state living side by side with the state of Israel at that point in time.

A significant thing happened in 1974, and really, under the American auspices, the American involvement, in terms of the peace process that really began in 1974. But the real significant event in modern times, or prior to this you would go back to 1977 with President Jimmy Carter, who visited Jerusalem and made a clear show to the Israeli people of his commitment towards peace. If there were any two peoples who were as diametrically opposed, who had fought very vicious, conclusive wars with each other, the Egyptians and the Israelis were those two people.

As we know, under the guidance of President Jimmy Carter, Sadat and Prime Minister Begin signed the Egyptian treaty at Camp David in 1979. Just moving forward past 1979, I think there are some interesting dates. As opposed to Anwar Sadat, Chairman Arafat’s actions in 1982, because of terrorist attacks on Israel at that time, Israel invaded southern Lebanon. In fact, what happened was Arafat ended up getting expelled from southern Lebanon to Tunisia. The Israeli troops remained in the security zone for a period of time.

In 1991, as the chart points out, Chairman Arafat supported Saddam Hussein in the Gulf War. In 1991, another positive step occurred in that King Hussein of Jordan and Prime Minister Rabin signed the Israel-Jordan peace treaty with President Clinton.

In 1997, the Hebron Accords were signed; in 1999, the Wye River Accords; and in 2000, the Camp David attempt by President Clinton had its auspices.

Again, as we know, the offer that was on the table of 97 percent of the West Bank, parts of Jerusalem, significant parts of Jerusalem, an independent Palestinian state, was rejected by Chairman Arafat.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Florida for
yielding the time and also for organ-
izing this special order, because I do
think it is extremely important that
we in America set an example and let
it be known worldwide that we stand
behind Israel’s right to defend herself,
and what we did at the outset of that
statement is now on this day of
Israel’s independence of 54-year anni-
versary.

Just to think about a nation of 5 mil-
lion people compared to America, 281
million people less than the size of cen-
tent the size of Israel, and on that hor-
rible day of September 11, when 3,000
Americans were killed, that equivalent
to Israel would be about 50 people, and
last month alone Israel lost that many.
So she has the right to defend herself.

Mr. DEUTSCH. Mr. Speaker, reclaim-
ing my time for one second, I am going
to grab a chart, if I can, which is show-
ing the numbers. Actually in the mont-
ths of March, alone, was not 50. It was
150 Israelis that got killed. So in
fact, in the month of March, just this
past month Israel sustained the equiva-
lent of three 9/11s, and I think if we can
just imagine what the United States,
God forbid, what would have happened
to us, what we would do, I think the
world has seen what we did with one 9/
11.

Mr. KINGSTON. Absolutely, and when
one considers that the attacks are so
random, in a coffee house, in a theater,
in a crowded street, anywhere there is a
group of people, the whole nation is
truly under attack. It is not just the
people in the Gaza, the West Bank,
but it is anywhere.

I have a number of folks on my side
of the aisle who want to speak, and I
wanted to yield a few minutes to them
if that is appropriate.

Mr. DEUTSCH. Mr. Speaker, I think
we have a lot of Members here this
evening. I think what I would like to
do, normally in special orders we do
not limit time, but maybe if we could
limit time to 5 minutes per Member
and have a discourse.

If I could yield to the senior Member
in this Chamber right now, one of the
senior members on the Committee on
International Relations, and there is
no gentleman who is a more significant
leader in terms of his record, in terms
of peace in the Middle East, the gen-
tleman from California (Mr. BERNAN).

Mr. BERMAN. Mr. Speaker, I thank
the gentleman very much for yielding
to me. It is very good to be here with
all of you, and I do not have a prepared
comment. I just want to make a few points and then yield back
to my friend from Florida and the oth-
ers who took this special order.

First, I want to thank the gentleman
for taking this special order. I am getting
a lot of comments from my colleagues
in this Chamber, I am getting a lot of
mail and phone calls from my constitu-
ents who are watching television, who
are seeing pictures and reading stories
and are very distressed by what they
have seen in these past few weeks, and
I thought it would be good to come
back to a couple of very basic points.

For me, as a Member of Congress, one
of my priorities is to work for the sur-
vival and the security of the State of
Israel, and I say that and I do that with
no embarrassment because I very much
believe that that position is a position
that is strongly in the interests of the
American people. That is also what we
look at the context of this conflict, some
of the points illustrated by the
gentleman from Florida with his maps
remind us of several critical points.
The first point is that every single
time that the people of Israel have been
presented with an option which
involves compromise on their part and
the hope and promise of peace, they
have chosen that option rather than
pushing for maximalist demands and a
continuation of conflict.

It started in 1948 with the partition
plan sponsored by the United Nations
where Israel and the people of Israel
accepted far less than they hoped to
get in that partition plan, and as the
gentleman from Florida pointed out,
correctly, the Arab neighbors of Israel
rejected that partition plan and went to
war.

It occurred again in the wake of
Anwar Sadat’s statement that he would
make peace with Israel if they would
withdraw from all the territory
they had occupied as a result of the
1967 and 1973 wars. Within an in-
stant, Israeli public opinion rallied
around the call by this courageous
leader of peace and set through a process to withdraw from
the entire Sinai peninsula, to uproot
settlements and to pull back just in
the hope that they could engage in a
lasting peace with the country of
Egypt.

It occurred again in 1993 in the con-
text of Oslo where all Israel got for all
the compromises that they agreed with
and the process that they agreed to go
through and the compromises that they subsequently made was the promise that the dispute be-
tween Israel and the Palestinian peo-
lies would be resolved through negotia-
tions, there would be an end to terror
and that a series of steps would be taken, all of which involved Israel
withdrawal, Israeli retreat, and in the
context of Oslo, the Israeli government
did things that they had indicated they
would never do.

They indicated a willingness to nego-
tiate with the PLO and to freeze all
Israeli government had ever taken be-
fore. They indicated a willingness to
recognize the PLO as the organization
representing the Palestinian people.
They agreed to Yasser Arafat’s return
to the Palestinian areas, first the Gaza,
then to Jericho and finally the head-
quarters in Ramallah.

They agreed most incredibly to the
arming of 50,000 Palestinian police
under the direction of the Palestinian
Authority to maintain order as they
pushed out of every area of major Pal-
estinian population and, again, without
even getting into the details of the
willingness of Israel, to opt for with-
drawal from the Golan Heights in the
context of trying to get a peace with
Syria or their unilateral withdrawal
from southern Lebanon, notwith-
tanding the continued barrage that
Israel was facing from Hezbollah
forces we supported by Syria and Iran,
against not only their Armed Forces,
but against the civilian population of
northern Israel.

Finally, with the offer Ehud Barak
made in the American-brokered Camp
David process where a whole series of
positions that no one ever thought
they would see a leader of Israeli offer
were made at that table, only to be
shunned by the Palestinians.

For a long time, 20 years now, I have
believed that in the context of obtaining
this peace and the right solution,
there would have to be compromise.

I want a Jewish homeland and I want it
bombs and weaponry, and if for no other
reason than the demographic facts. I
recognize that in a context where
Israel’s survival and its security could
be maintained, there would need to be
land, but I believe that that is the posi-
tion of the vast majority of the people
of Israel as well as the vast majority of
American supporters of the state of
Israel.

So when we see the present images
and the consequences of the Israeli ef-
fort to deal with the sources of terror
that have taken so many lives, the
homicide bombings that have contin-
ued relentlessly, the clear unwilling-
ness, notwithstanding his words of Obama, the Americans want to be in Afghani-
stan, think, want to be there anymore than the Americans want to be in Afghan-
istan.
Mr. BERMAN. Mr. Speaker, that illustrates the point I was making, and I will just conclude because we have some very knowledgeable people on the floor tonight to speak to this issue, and to say that I ask my colleagues and I ask those people who care about Israel’s survival and security, to understand the context in which this present incursion is taking place, the critical importance of it being completed in a fashion that enhances survival, and understand that when presented with a true opportunity for a true peace, be it with the Palestinians or a comprehensive peace, I have no doubt that the Israeli people and its government will be able to make the compromises necessary to make that happen.

Mr. DEUTSCH. Mr. Speaker, I would yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Florida and I would ask him to yield to the gentleman from Mississippi (Mr. WICKER).

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from Mississippi.

Mr. WICKER. Mr. Speaker, I yield my friend from Florida (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I am very, very pleased that my friend from Florida started out his remarks with the statement that this Nation is steadfast in support of its friends, and we count Israel among them. We have needed it and when Israel has needed it, we will have to be made. But tonight we are making the strong statement of bipartisan support for Israel.

Mr. KINGSTON. Mr. Speaker, I meant to point out that the gentleman from Mississippi (Mr. WICKER) as a member of the Committee on Appropriations has supported consistently economic and military aid to Israel.

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from New York (Mr. ISRAEL) who, before he was in Congress, was intimately involved in issues regarding the Middle East.

Mr. ISRAEL. Mr. Speaker, I thank the gentleman for his leadership on this critical issue in helping Congress recognize and helping the American people recognize one fundamental and indisputable fact: Israel is the only democracy in the Middle East, and a strong Israel means a secure America. It is that opportunity to meet with the King and Queen of Jordan, King Abdullah and Queen Rania, and with other Members of this body we sat at a table and asked the King when would there be peace in the Middle East. He talked about his hopes for peace in the Middle East. He said that he still believes that hope is real.

He said when my father used to meet with the President of Syria, they would talk about violence and rivalry and conflict. But when I meet with the new young president of Syria, we talk about how we are going to modernize our financial services industries and how we are going to get the Internet into every household in our country.

He said as a new young generation of leaders take shape in the Middle East, there will be peace. And then, thousands of Palestinians and Israelis have lost their lives.

I have come to the sobering conclusion that King Abdullah is right, that peace is a generational issue, and that is a fundamental problem. The gentleman has talked about this and taken the leadership on this issue. The fact of the matter is that all of the diplomatic accords, the peace treaties, the Camp Davids, the Wye River, the Madrids, the Oslos, the grip and grins, all of the diplomatic treaties in the world are not going to be successful as long as a young generation of Palestinians in second grade classrooms are taught that there is no alternative to the destruction of Israel and the destruction of the United States.

Think about it. What possesses 15 young Saudis to board American planes and destroy and murder thousands of New Yorkers, and take their own lives and the lives of their families? What possesses young children in the Middle East to strap explosives to their chests and blow up pizza parlors and bar mitzvahs and Passover seders, and elderly people and children and women? Mr. Speaker, what possesses them, they are being indoctrinated in their classrooms and not educated. Let me share some specific examples. They are taught hatred in the text “Modern Arab History and Contemporary Problem Part 2,” which on page 10 teaches Palestine children that Zionism is “a political, aggressive and colonialist movement, which calls for judaization of Palestine by the expulsion of its Arab inhabitants.”

They are taught in the book “Our Country: Palestine” by a banner which appears on a title page of volume 1 reading, “There is no alternative to destroying Israel.”

Mr. Speaker, they are taught in the text “Our Arabic Language for 7th Grade Part A,” in which one exercise for students reads as follows: “Subject for your composition: How will we liberate our stolen land? Make use of the
following ideas: Arab unity, genuine faith in Allah, most modern weapons.” That is on page 15.

In Syria, fourth grade textbooks label Zionism a colonial analogue of Nazism. A tenth grade textbook labels Jews as “enemies that claim the land to be exterminated.” The fact of the matter is this: for as long as children are not taught science but are taught hatred, are not taught math but are taught destruction, are not taught technology but are taught to strap dynamite to their chests and blow up innocent civilians, for as long as they are not taught literacy and job creation and job expansion, and not given the tools to expand the middle class and bring prosperity into their own communities, for as long as those lessons of hatred are taught, there will not be peace in the Middle East.

I am a strong supporter as a Democrat of this administration’s policies in Afghanistan, and I am hopeful that the administration will also realize those alliances, our so-called allies in the Middle East have to be judged not by meetings with Arafat, not by treaties, not by cease fires, but what they achieve in second grade classrooms. That is a measure of this mission, and that should be the obligation of our Arab allies in the Middle East.

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON) knowing that he is going to introduce a resolution on behalf of our allies, our so-called allies in the Middle East have to be judged not by meetings with Arafat, not by treaties, not by cease fires, but what they achieve in second grade classrooms. That is a measure of this mission, and that should be the obligation of our Arab allies in the Middle East.

Ms. ROS-LEHTINEN. Mr. Speaker, I believe there is no one in this Congress who is more personally committed to Israel’s survival than her, and I have traveled to Israel with her and I have seen her action, her feeling, and especially from someone with her background who knows what terrorists have done and can do throughout the world.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for those comments. Like them, my native homeland, the Cuban people are still struggling for freedom. They suffered so much because of the terrible acts of the PLO against the peaceful Israeli people.

It is with great honor that I join all of my colleagues here today in celebrating Israel’s independence day. This day marks the establishment of the State of Israel, a day when a people found a homeland and fulfilled their destiny. On this day we stand with the people of Israel to celebrate the memory of all who lost their lives to achieve Israel’s independence and those who continually work to ensure its existence.

As the State of Israel faces enduring challenges, we should remember our moral obligation to pay homage to their continued struggle for full recognition and render our unequivocal support to our only democratic ally in the Middle East, and that is Israel.

The United States has a shared tradition of democracy with Israel, creating a long-standing history of mutual support and enduring friendship which has helped us overcome many difficult moments.

As Israel has always stood by our side before the international community, at the U.N. and at the region, we must now ensure that our friend feels that support throughout these turbulent times in her history.

While Israel is in rooting out terrorism at home, it has encountered nothing but distorted criticism around the world. As we stand here, such actions are taking place at the 58th session of the United Nations Commission on Human Rights. Day after day, item after item. I have seen headlines in the Times that characterized Israel as being berated and targeted by some of the world’s most repressive regimes. It has been particularly troublesome to see the U.N. High Commissioner for Human Rights, Mary Robinson, engage in this process referring to well-known terrorist organizations as humanitarian or human rights entities, legitimizing their violence against the peaceful Israeli people rather than providing a balanced and objective presentation of the situation on the ground.

Such behavior does not further the goal of peace and only serves to undermine the great efforts by President Bush, Secretary Powell and others to secure an end to the current violence. The United States has spoken clearly and loudly to ensure that the principles of justice and fairness are upheld, to ensure that Israel could be heard, and that the truth, not hyperbole and not innecidy rhetoric, would guide the actions of the international community.

Mr. Speaker, the struggle for democracy and the protection of civil liberties is a difficult one which the Israeli people have endured and have embraced. Like them, my native homeland, the Cuban people are still struggling for the same, as the gentleman from Florida (Mr. DEUTSCH) pointed out, the similarities between those two states.

Ironically, today, April 17 also marks the anniversary of the failed Bay of Pigs event to bring freedom and democracy to Cuba. After that ill-fated moment in Cuban history, the terrorist regime in Havana went on to provide training camps for Israel’s enemies and sent agents to fight against Israel during the Six Day War. They did so because the Six Day War, according to Cuba’s then U.N. ambassador, Ricardo Alarcon, was an “armed aggression against the Arab people by a most treacherous surprise attack in the Nazi manner.”

Mr. Speaker, 7 years later Yasser Arafat was enthusiastically received in Havana and given Castro’s foremost decoration, the Bay of Pigs Medal. These are just some of the bonds that the United States and Israel share, a history, a struggle, a commitment to freedom, to democracy, which have forever intertwined our destiny. May this anniversary of Israeli Independence Day mark an end to violence and to the suffering on all sides and usher in a new era of peace, stability, security and hope. May that be the case for all of us.

Mr. Speaker, I thank the gentleman for his time. I also had the pleasure to visit Israel with the gentleman from Virginia (Mr. CANTOR), who will speak shortly; and he has been to Israel many times, and it was our pleasure to tour many of the fallen civilians and soldiers who have given so much so that their homeland could remain free. I thank the gentleman, the gentleman from Florida (Mr. DEUTSCH), for the time, as well as the gentleman from Georgia (Mr. KINGSTON).

Mr. DEUTSCH. Mr. Speaker, I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) is so heartfelt and so real. For all Israelis who met her, I believe they felt that at the same time.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. ROTHMAN), who has proven himself as perhaps the most articulate Member of Congress in giving a historical and complete perspective, and those comments come from members of my immediate family.

I can even say that those comments come from members of my own immediate family.

Mr. KINGSTON. If the gentleman will yield, I have to say that my mother, who is certainly my biggest fan, told me after last week’s special order that she thought the gentleman from New Jersey (Mr. ROTHMAN) did a much better job than I did.

Mr. DEUTSCH. I did not want to mention which member of my family, but it was as close as your mother as well. I yield to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. I thank both the gentlemen, my friend from Florida (Mr. DEUTSCH) and my dear friend from Georgia (Mr. KINGSTON).

Mr. Speaker, thank you for allowing us to have this time tonight to further discuss this issue with our colleagues in the House and those watching at home.
Today we celebrate two anniversaries, one a very happy one, and one a very, very sad one.

The happy one first. Here is the nation of Israel, this orange little sliver on the coast of the Mediterranean Sea. Tiny little Israel, no one knows on maps on television, only you and I. A little portion and you think Israel is this huge country. Take a look, my colleagues and friends. This is Israel. This is Saudi Arabia. This is Iraq, Syria, Egypt, Yemen, Kuwait. Do you see how small this is? Take a look, my little portion and you think Israel is this huge country. Take a look, my colleagues and friends. This is Israel.

Today is the 54th anniversary of Israel’s founding. How did Israel come to be founded? A long time ago, Turkey in the Ottoman Empire, the Ottoman Empire of Turkey was aligned with Germany in World War I. When the Germans lost World War I, despite the help the British and the French in the Ottoman Empire, the Ottoman Empire lost all its territory to the Allies, the Americans, the British and the French. The Ottoman owned much of the Middle East, including this whole area. The British control Trans-Jordan. Anyway, the Ottomans were offered a Palestinian state solution. They said, no, we don’t want to live next to the Jews. We don’t want to live in peace, Palestinians. We want to live with you. We don’t worry, we’ll drive the Jews into the Mediterranean Sea. Don’t tell their Arab brothers and sisters what, we want to live in peace, Palestinians. We want to live with you. We don’t mean to get all of Jordan and all of this, you took two-thirds of the land away for Jordan and you want to divide this land in half, okay. We just want a homeland. And we will take half, the half that you have set forth. And in 1946, Jordan was established, Trans-Jordan, and the French were given Syria and Iraq, the English were given Egypt and Saudi Arabia.

A lot of people say, well, maybe Israel is some new country and that it just emerged in the 20th century after World War I but, hey, those Arab nations and the Persian nation of Iran, they must have been around for centuries. So Israel must be some stranger to the region, some interloper. Nothing could be further from the truth.

Saud Arabia used to be called Arabia, until the English gave it to the Saud family in 1932, and then it became Saud Arabia in 1932. Iran, established in 1925. Iraq, established 1932. Syria, established 1945. Lebanon established 1943. Egypt 1922. Jordan 1946. Israel 1948. So they were all established about the same time.

Israel since it was founded in 1948, recognized by the League of Nations as the Jewish homeland, the British said they wanted it to be a Jewish homeland after World War I in the Balfour Declaration, the League of Nations said it should be a Jewish homeland. The United Nations in 1948 said it should be a Jewish homeland. So when all these other countries were created, they created the country of Israel in 1948. Happy anniversary, happy birthday, Israel. America’s best friend, most strategic ally in the Middle East. America’s forward battlefront of military intelligence, cultural values, democracy.

What is the sad anniversary that we celebrate today? A year before 1948, there was another offer made. You notice there’s nothing for Palestinians or the Palestinians on this map of the Middle East. But was there ever a country called Palestine? Never ever in the history of the world. Was there ever a kingdom called Palestine? Never ever in the history of the world. Were there ever people who called themselves the rulers of the Palestinian people? Never ever in the history of the world, until Yasser Arafat came along, almost at the end of the 20th century. The anniversary that is so sad is that in 1947, a year before the United Nations decided to create the Jewish homeland of Israel, they had already divided their mandate and created Trans-Jordan. They took two-thirds of the land that they were going to give to the Jews, they took two-thirds of it away and created Trans-Jordan, which is now Jordan.

Two-thirds of the land they were going to give to the Jews. Did they give it to the Palestinians, or the local inhabitants in Jordan? No, they gave it to the Hussein family who came from Arabia and they put them in power in Trans-Jordan. Anyway, they did that in 1946.

Anyway, in 1947, the United Nations says, ’Let’s have two states. We took two-thirds of the land away we were going to give to the Jews, let’s take the third we were going to give to the Jews and divide that in half.’ And they did. They divided the area, now Israel and Jordan, the French were given Syria and Iraq, the English were given Egypt and Saudi Arabia.

In 1948, did they give you your own state on the West Bank and the Gaza. We’re ready to give you your capital in Jerusalem, two-thirds of East Jerusalem.” They are willing to give the Palestinians 97 percent of what they wanted or what they say they want. But what did Prime Minister Barak say for the first time in human history a losing army, who lost four wars, gets offered 97 percent of what it tried to get illegitimately.

What did Yasser Arafat say to such an offer in the year 2000 at Camp David? He did not say a word. Not only did he not accept the deal of 97 percent, he did not even present a counteroffer.
He left the negotiations, went back to his home in Gaza and ordered the suicide bombing to begin, still in the belief, 55 years later, after an offer of a Palestinian state for the third time, if he had to live next to a Jewish state of Israel, he did not want the deal. Get rid of Israel, he did not care if his Palestinian people suffered or not, how many children he sent to die with bombs strapped to their back, how many hundreds of thousands of Palestinian refugees now multiple the numbers over 55 years ago going to rot in Palestinian refugee camps around the Middle East. He did not care. He would not live in peace next to the Jewish state of Israel.

That is where we are today, except they intensified their suicide bombings so that the Israelis have lost the equivalent in American people, given the difference in population, small Israel and big United States, of about 25,000 people in the last 18 months. Can you imagine, God forbid, if America lost 25,000 people to terror in the last 18 months, what would we do? That is what Israel is doing now, going into the areas controlled by Yasser Arafat, getting his weapons, getting his explosives.

Did the Israelis who have a great Air Force and all kinds of bombs drop bombs and destroy these villages entirely, men, women and children without regard? No. Could they have? Of course. They said, “We won’t kill innocent civilians even though they are killing ours.” So they sent Israeli troops one by one, door by door to get specific terrorists. That is a democracy, with a moralsense, a moral code. And the number of civilian casualties in the Palestinian areas were minimized. Even though in America when we went into Afghanistan, unfortunately there were quite a lot of civilian casualties, but we did the same thing, tried to minimize them as well.

What is left now? What is left for us now is to have the Israeli people root out, as President Bush said, bring to justice, or to bring justice to those who have slaughtered their babies in school buses, in nursery schools, in pizza parlors, in cafes, on the streets and supermarkets.

Mr. KINGSTON. If the gentleman would try to wrap up, we will have some more time. I will certainly say we will be honored to yield to the gentleman more time when we have it, which will be in a few minutes. If I do not, my mother will kill me; and I understand that Mr. DEUTSCH’s dad might get a little irritated himself. You are going to conclude, but you are not going to leave.

Mr. ROTHMAN. I will not leave.

Any nation that has said toIsrael we are ready to make peace with you, Israel makes peace with them. Even a nation that states Israel and Israel defend itself, Israel gives back the lands. It happened to Egypt when they said they would make peace. It happened to Jordan, who invaded Israel several times and lost. They finally made an agreement, King Hussein and the Israelis. Now they live in peace.

What we need is a Palestinian leadership who wants to live in peace with the Jewish State. If they cannot do it, the Arabs and the Persians, the Iranians, they are not Arabs, they are Persians, so they tell me, and I accept the great culture, should have the Palestinian people take yes for an answer, and, after 55 years of rejecting statehood, accept statehood for themselves and for America’s number one democratic ally in the Middle East, the Palestinians, who have only democracy in the Middle East, little tiny Israel. For Israel’s sake, for the Palestinian people’s sake, for the world’s sake.

Mr. DEUTSCH. Mr. Speaker, reclaiming my time, I thank the gentleman. Again I would hope that the gentleman can continue to stay in the Chamber.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman, and again want to commend the gentleman from New Jersey (Mr. ROTHMAN) on his excellent job, as usual.

I would ask the gentleman from Florida to also yield the floor to a very brave man who is also a freshman this year, the gentleman from Virginia (Mr. CANTOR).

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. Mr. Speaker, I thank my colleague from Georgia for his leadership on this issue and certainly my colleague from Florida for his steadfast leadership and for the incredible wealth of knowledge of my colleague from New Jersey as well.

It really is an honor for me to be here and to address this body on such an occasion. We stand here to congratulate and join in celebration with the people of Israel on the 54th anniversary of the creation of the Jewish State of Israel.

It is particularly apt that we are here as this country of ours, the United States, is picking itself up, putting things back in order, from the horrific terrorist attacks on September 11 that killed thousands of innocent Americans. On that day we realize that we shared a common enemy with the people of Israel, an enemy that is as despicable as any we have seen in our land, one that is after our way of life, our freedom of choice, and our faith in our creator.

Mr. Speaker, the State of Israel grew out of the ashes of the Holocaust, a time in which the Jewish people suffered under an evil and systematic wickedness that killed six million innocent people. To this day, Mr. Speaker, the people of Israel continue to endure the wrath and hatred of so many of its neighbors, as has been pointed out by my colleagues this evening. The people of Israel continue to endure on a daily basis what the people of our country endured on September 11. The atrocities, the death, the carnage that they must face on a daily basis brings us here this evening in solidarity.

This great country, the United States of America, was founded on the principle that all men are created equal, that they are endowed by their creator with certain unalienable rights, among these are life, liberty and the pursuit of happiness.

As the legacy of those great 18th century Virginians who put forth those principles, we stand here tonight united in saluting our brethren in the State of Israel, those individuals who never cease to assert their right to a life of dignity, freedom and honest toil in their national homeland.

SUPPORTING ISRAEL’S RIGHT TO DEFEND ITSELF

The SPEAKER pro tempore (Mr. AKIN). Under the Speaker’s announced policy of January 3, 2001, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, I thank the Speaker for recognizing me and want to immediately recognize my friend from Florida (Mr. DEUTSCH). We are doing this hour on a bipartisan basis tonight. The subject will continue as it did the past hour on our support for Israel’s right to defend itself.

With that, let me yield to me friend, the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, again, I appreciate this. I know in the last hour several additional colleagues have joined us, and I look forward to hearing from them over the next hour. The colleague who has been very patient is one of the most knowledgeable Members in the Congress on the Middle East, again someone who has been active in Middle Eastern issues and concerned far before he entered the Congress, the gentleman from New York (Mr. WEINER).

Mr. KINGSTON. Mr. Speaker, I yield to the gentleman from New York (Mr. WEINER).

Mr. WEINER. Mr. Speaker, I want to thank the gentleman from Florida and the gentleman from Georgia for once again organizing this.

There is a period of time between the commemoration of the anniversary of
the Holocaust and this period where we commemorate this evening the birth of the State of Israel, and those two things, of course, are inextricably linked. We have heard over the course of the last hour an extraordinarily well-delivered, particularly by my friend from New York, a detailed history of the last 44 years.

I would like to spend just a moment talking about some of the ways we, in our rush for the 24-hour news cycle, our rush to try to understand things in 2-minute sound bites have drawn many of the wrong conclusions about events going on today in the Middle East.

One of the things that is frequently pointed to as a source of the problem that we currently face in the Middle East, people have pointed to the current leadership of Israel, Ariel Sharon, the Prime Minister, and said it is his intransigence that has led to the explosion of violence.

Well, to say that ignores the fact that in fact the intifada began shortly after Camp David II, on September 29, 2000, a good 4 months before Sharon would even take office. Prime Minister Barak, the person who was at Camp David who had made the extraordinary concessions have heard about this evening, it was he, perhaps the most flexible, some in Israel almost say too flexible, leader of Israel, that was in power at the time that this explosion of violence began.

Secondly, the notion that Ariel Sharon’s government and the people of Israel are not willing to enter into an agreement to end the violence is not true. The Mitchell Plan, which was a very long period of time headed up by former Senator Mitchell, included very difficult concessions for Israel, including things such as they had to withdraw from settlements.

Israel has accepted it. It is the Palestinians that have said they will not. Why? Because they believe that the element of the Mitchell Plan is there to have to a cessation of violence and then a cooling off period, a reasonable first step toward any peace plan. It is the Palestinians that have rejected it.

Then came the Tenet Plan, where the CIA Director went there to try to negotiate steps again to cool down the violence. It was Israel who said we will agree to the Tenet Plan. We will agree to loosen up the restrictions at the border crossings, to allow commerce to move forward. If the Palestinians agree to stop the terrorism. Again, it was Israel who accepted it and it was the Palestinians who said no.

So this idea that the present Government of Israel has been inflexible, intransigent, and that is what has led to the violence, is simply not.

Second of all, there have been some terrible images on television about the events that have gone on in the Middle East and the efforts by the Israelis to crack down on terrorism.

I would say at the outset, Mr. Speaker, no war is civilized. Whenever you are engaged in a war, it is going to produce some unwanted fatalities; it is going to produce some images that are most troubling, particularly to those of us in a peace-loving nation.

But unlike the way other wars have been prosecuted, unlike the way we, for example, in Afghanistan, in the way the Russians in the Berlin skies, if you look at how the Russians waged war against Grozny, where there is not even a single building left standing in Grozny now, Israel made a different and arguably the most compassionate decision. They said that they were going to go into places like Ramallah, go door by door, house by house, looking for people who had made it their business to go into discoteques and to go into Passover seders with human bombs laced with nails and ball bearings and blow innocent civilians up.

And what has been the result? Some people say why Ramallah? What is it about that town that has made it the subject of these house-by-house searches?

There have been 35 terrorist attacks originating from that city alone in the last 18 months; 417 Tanzim, all elements of the Fatah movement controlled by Yasser Arafat, these are the people he has on the speed dial of his phone, have been operating out of Ramallah.

This is a place where two IDF reserve soldiers in October of 2000 who suddenly took a wrong turn, and, just so you understand, these are reserve soldiers, these are 18- and 19-year-old boys, who were serving their mandatory service in the military, took a wrong turn and were lunched and hung from a Ramallah police station that Israel dollars paid to build.

All of these things went on coming out from Ramallah. The Jerusalem cafe attack that killed 11 people and wounded 50 took place in Ramallah. Well, door to door the Israelis have been going, trying to find those that would do harm to their people.

I would read a quote from Secretary Rumsfeld talking about the necessity to sometimes go and get terrorists before they come and get your people. This is what he said on February 4, 2002:

“...We have no choice. It is physically impossible to defend at every time, in every location, against every conceivable technique of terrorism. Therefore, if your goal is to stop terrorism, you cannot stop it just by defense. You can only stop it by taking the battle to the terrorists where they are and going after them.”

I would argue, Mr. Speaker, that it is the Israelis that are the foremost practitioners today of that, the Bush Doctrine.

Finally, there have been perhaps some very troubling images of violence taking place around the Church of the Nativity. This is the birthplace of Jesus Christ. I have to say something very honestly. If there were Israelis inside that church surrounded by Palestinian suicide bombers, there would not be a moment of hesitation on the part of the destruction to the church.

Not the case with the Israelis. And if you question what I say, Joseph’s Tomb, a historic and important monument in the Jewish homeland located in October of 2000. An ancient synagogue in Jericho, torn to the ground also in October of 2000. You did not hear the type of protestations we hear now.

Yet what are the Israelis doing? Day in, day out, soldiers sometimes in the pouring rain, encircling the Church of the Nativity, trying not to do any harm to that location. In the meantime, the terrorists are within. The Israelis are waiting, and they are going to continue to wait until they emerge.

Finally, let me conclude the way I began, and I thank the gentleman from Georgia and the gentleman from Florida once again. There is an inextricable link between the history of Israel, the history of the Jewish people, and their birth as a state.

On Saturday, April 13 in the New York Times, a gentleman named Daniel Gordis wrote about what it is like to live in Israel right now and what it means for the Israelis. It says: ‘We have to be — celebrating Yom HaAtzmaut, which is the Hebrew word for the commemoration of the birth of Israel — and Yom HaShoah, which is the commemoration of the HaShoah.

And he concludes his article, and I would like to quote, and I will insert the entire article in the RECORD. ‘On Tuesday night, my 12-year-old son, Avi, told me about a Yom Hashoah class discussion about whether the Holocaust could happen again, a session he said he found stupid. Why, I asked? Because, we have a strong Army, he answered. America is our friend, and look out there now. We take care of ourselves.’

‘The next morning I watched him head off on his bike to school with pride, security and confidence. That is a lot more than Jewish kids in Europe had a few decades ago, a lot more than some Jewish kids have in Europe this week. That is why we need this country. That is why we will fight to keep it.’

[From the New York Times, Apr. 13, 2002]

NEEDING ISRAEL

(By Daniel Gordis)

Tuesday was Yom Hashoah, Holocaust Remembrance Day, an agonizing day. In the afternoon, at work, we gathered in a circle while some colleagues quickly read the names of relatives who had been exterminated by the Nazis. Some had long lists; one even brought pictures. During the ceremony, word spread that a group of Israeli Defense Force soldiers—13, it would turn out—had been killed in an ambush in Jenin. Another, in Nablius, fell to friendly fire.

It is hard to describe what 14 soldiers means in this small country. People make routine calls to find out if friends and fathers are. Then the hourly news announces to the entire country the location
and time of each funeral. At such moments it feels that living here makes one part of an extended family. No one in that family wants this war. But very few people here think that they can fight about it. Israelis understand why we’re fighting. We also know why our soldiers are dying. There are significant pockets of armed resistance in the Jenin camp, which has a lot of civilians. If we can’t bomb from the skies, we send soldiers house to house, only to watch as Hamas fighters use those same civilians as shields. We’ve paid a heavy price.

We had 14 funerals because we won’t fight this war the way the Russians fought in Grozny and the United States fought in Afghanistan—from the safety of the skies. Hardly a building in Grozny was spared in the bombing; the Russians knew the price they’d pay if they tried to fight on the street. If Israel hit a hospital from the skies the way that the Americans did not too long ago in Afghanistan, just imagine the world’s reaction.

Palestinians say we won’t let their ambulances in Jenin. Yet two weeks ago Israeli soldiers stopped a Palestinian ambulance with a child in the back on a stretcher, and under him soldiers found an explosive belt. Palestinians say that we’re not letting them clear their dead from the streets. American claims that’s a lie, that the Palestinians are leaving the bodies there intentionally for good footage on CNN. Who’s telling the truth? I don’t know.

Last week, when the siege around the Church of the Nativity began, many Israelis understood why we couldn’t just show up one way in, but the frustration was palpable. If it had been Israelis in a church, or a synagogue, and Palestinians on the outside, how long would we have lasted? Everyone here knows the answer. When the Palestinians burned down the synagogue at Joseph’s tomb in October 2000, the Vatican didn’t speak up. When they later destroyed an ancient synagogue near Jericho, European leaders didn’t lose sleep. The siege outside the church began in foul weather. According to reports on Israeli Army claims that our dead Israeli soldiers were going after them. Palestinians say we won’t fight that evil, and, in fact, has unfortunate personal knowledge of it because of his background and his family’s background. He has traveled to Israel with me on at least 1 occasion, and I have seen his personal involvement, his personal connection to the people of Israel. I am just very proud that he is with us this evening on this Special Order.

Mr. KINGSTON. Mr. Speaker, I certainly agree with those comments. The gentleman from Florida has been a true human rights leader, not just for his part of the globe, but for the entire world.

Before I yield the floor to him, though, I wanted to say something about what the gentleman from New York (Mr. WEINER) was saying in terms of the little boy on the bicycle leaving with pride that Israelis could defend themselves and having so much more spirit than maybe generations before him on another continent.

When I was in Jerusalem several years ago going through the Holocaust Museum, certainly, one cannot go through a Holocaust Museum without having that twinge in your stomach, in your heart, and just kind of a cascade of different thoughts go through your mind, but one of the most optimistic things that I saw was actually at the end of the Museum, there were some soldiers who were going through the museum.

It happened that most of these soldiers were Israeli soldiers who were women. As the gentleman from Florida knows, they are armed most of the time, and it is almost a militia in that regard. And I found so many young women, who really turned some kind of a cascade of different thoughts go through your mind, but one of the most optimistic things.

What always amazed me about the Jewish people, having lost the country of birth, having lived and having lived and seen my country of birth live through 43 years of totalitarianism, and as a child, having been in exile, a refugee from that totalitarianism, and having seen what 43 years means in the life of a human being; 43 years in the life of a human being, in the life of a family, are many years.
Obviously, in the life of a people, 43 years are but a point of reference. But having seen that the Jewish people were forced out of their homeland and that somehow, due to an extraordinary and admirable love of their country and their nationality and their families and their origin and the land and their customs and their religion, and much faith and, above all else, perseverance, perseverance, the Jewish people remained to survive, to survive 1,800 years of exile, and then, finally, after 1,800 years of exile, to be able to return to their homeland and establish a modern-day nation state, that is something that I have always been in awe of and I admire deeply.

So tonight, we stand here in this great Congress saluting the people of Israel on the 54th anniversary of the establishment of their modernization State after 1,800 years of exile. And after the 1,800 years of exile, when the Jewish people were able to return to their homeland and establish the modern State of Israel, the reality of the matter is that there has been too much violence and war and suffering and pain that the Jewish people have had to suffer. So it is tonight.

So this evening, not only do I consider it an honor to be here saluting Israel because of and in commemoration of her 54th anniversary as a modern nation state, but also I stand tonight in solidarity with the Jewish people, their right to live freely, their right to live as an independent, sovereign, democratic state, and their right to live in peace. So my hopes and my prayers go out to the Jewish people with a fervent wish for peace and also with a fervent wish for the right to live as an independent sovereign, democratic state and under the color of international understandings, let there be no mistaking it, the people of the United States of America, by their behavior and their actions and under the rubric of the United Nations and under the color of international understandings, let there be no mistaking it, the people of the United States of America, by their benediction and good will toward a people, 6 million of whom had been slaughtered, under the color of the Nazis in Central Europe, chose to use their power in the world to replace this displaced people in their historic homeland.

It was an occasion when, while it was done under the rubric of the United Nations and under the color of international understandings, let there be no mistaking it, the people of the United States of America, by their benediction and good will toward a people, 6 million of whom had been slaughtered, under the color of the Nazis in Central Europe, chose to use their power in the world to replace this displaced people in their historic homeland. Never before, Mr. Speaker, does history record an occasion where a nation was born in a day until, in 1948, Israel, Israel, and it was a dream of that...
of Christian faith in America who cherish the dream of Israel, as the Bible says, as the apple of God's eye.

Because I believe it was from the hearts of people in the heartland of America, places like the little buckboard churches that dot the landscape of my eastern Indiana district, it is the people that fill up those churches on Sunday morning and Sunday night and Wednesday night who give me, as I travel my district, time after time standing ovations when I say America must stand with Israel, unambiguously.

And it is those people who believe in that simple principle, that part of our prosperity, part of our own destiny, is tied up in the belief that whoever blesses Israel will be blessed, whoever curses Israel will be cursed. Let it ever be that our government expresses the love that believing Christian Americans have for Israel, that believing Jewish Americans have for Israel. Let this American government stand with Israel, unambiguously.

Mr. KINGSTON. I thank the gentleman from Florida (Mr. DEUTSCH).

Mr. DEUTSCH. Mr. Speaker, I thank the gentleman for yielding. This has been an evening where we have tried to elaborate on a couple of different themes.

From a historical perspective, this is Israel's Independence Day, but also we try to share information, both with those viewing and with other colleagues.

I think one of the questions which is a basic question is why are the Israelis presently making incursions into towns like Ramallah and Bethlehem and Nablus and Jenin.

I think one of the things, and I put this map back up just, again, to give a perspective of how many, or in fact most, Americans have, but it is a perspective to think about, that the entire state of Israel is about the size of New Jersey. In fact, my congressional district, the northern border of my district is the Palm Beach County of Florida; the southern border of my district is Key West, Florida. In fact, the length of my district is longer than the length of the state of Israel.

The reason I mention that is just the size. We have been to Israel, and especially for the first time, the thing that I think is so striking, besides the incredible sense that history is reality, that we can be on the steps Jesus walked on, or we can see the wall of the temple, or we can see the city of Jericho, and look out where Moses was not able to enter the promised land but actually see the mountains, besides the historical reality of the sites of the country the size of the country.

People talk about neighborhoods like Ilo or Pisgot sev as if they are far away. They are Jerusalem. Those are neighborhoods that are being shot at. Just the country itself, the area between Natana and the West Bank is 12 miles. Twelve miles in my district would be the equivalent of from the city of Fort Lauderdale to north Miami Beach, from Fort Lauderdale to Dade, distances which people of south Florida can appreciate how small they are.

But again, why did Israel make those incursions? They made those incursions really because of the chart on the left, and also I am going to change charts and add an additional chart which we will see. What has happened to Israel's power had suffered, not just over the last 18 months but disproportionately over the last several months, is hard for us to comprehend the level, again, based on the size of the country. One of the phenomena of 9/11, the attack on the World Trade Center, the Pentagon, and the plane that crashed in Pennsylvania, is most Americans in a sense were not just affected, but directly affected. Most of us know someone personally in Iraq that occurred, and we have seen it. We have literally felt it.

It is hard for us to contemplate what it would mean, again, with the comparison of 9/11's in America, literally seven 9/11's, almost on a daily basis not being able to go to the grocery store or to have a celebration, a bar mitzvah or a wedding without an incredible concern of a violent attack.

The suffering, the direct acts of terrorism that Israel had been facing, were unprecedented for any nation, for any nation. And can we expect any nation to do nothing?

In the previous special order, I talked about two watershed events that occurred as recently as 3 months ago, 12 weeks ago. One was the Karine-A, the ship that the Israeli commandoes commandeered, and it had over $20 million of sophisticated weapons from Iran that the Palestinian Authority bought. Now, originally, Chairman Arafat denied any involvement with that ship. He only plausible deniability, in a sense, was he was not on the ship. But let me be specific. It has been discussed in the public domain at this point.

Both the Americans and the Israelis had direct knowledge of Chairman Arafat's personal involvement in the purchase of those weapons. Again, as has been discussed in the public domain, Colin Powell called up Chairman Arafat and said to him, why did you do this? These weapons were not rifles, they were military mortars, sophisticated weapons. We have seen pictures of them and a listing of those weapons.

Chairman Arafat's response to Colin Powell was, what weapons? What ship? And he then is still saying, what involvement? What ship?

If we think about that, how could we expect to have any negotiations, any relationship, any prospect for a final status with someone who outright lies to us when we know that person is lying? That is number one.

The second incident over the last 12 weeks, which was really a watershed incident, was a sniper attack on the Israelis at a checkpoint, the Israeli soldiers. About six Israel soldiers were killed in a matter of a couple of minutes.

For anybody who has been in Israel, or just again, the map of the small size of Israel, once that occurred, those sniper attacks, those sniper rifles could shoot several miles, so with a line of sight in the building we are in now, if someone was on the roof of this building with a sniper rifle, they could shoot literally, God forbid, someone standing in the driveway of the White House over a mile away.

Now, once that occurred and no one was trying to prevent that, after those incidents occurred, the Israeli government decided to come into some of these communities and literally go house to house and wall-to-wall to do what no one else was trying to do: to stop the terrorism that was affecting their people and killing their people on almost a daily basis. That is exactly what the Israelis were doing: no less, no more, than America did and America must do in response to the attack on us on 9/11.

I think that is what the previous speaker talked about, the ambiguity issue. There is united 100 percent support for the United States of America for President Bush's efforts on the war on terrorism, for the efforts of the American men and women who are fighting that war in Afghanistan. And we are 100 percent, there is no daylight between any of the 435 Members of this Chamber on that issue, because we understand and we agree completely with the President's assessment of that threat to America, and we agree with the assessment of the threat to America from Iraq and from North Korea, in terms of terrorism and weapons of mass destruction.

We will do everything we can as a society and as a nation to prevent those things from happening. We will do anything. I think those people understand that, because we have shown that we will do anything.
Israel. They are acts of terrorism against the United States of America, and when a bomb goes off in an Israeli pizzeria, an Israeli cafe, an Israeli ban-quet hall, the perpetrators of that ac-tion are as much trying to kill civi-lians in Israel as they are trying to strangle the United States of America, and what our actions should be as a so-ciety and as a country should be to pre-vent that from happening because if we do not prevent it there, I think unfortu-nately it is only a matter of time till it comes here.

So we are brothers and sisters with the people of Israel in this area. We are fighting together this war of terrorism, and we should not be trying to stop it. We should be trying to help it for it to come to a successful conclusion.

Mr. KINGSTON. Mr. Speaker, I now yield to the gentleman from New Jer-sey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for yielding.

I want to get on what my col-league have been talking about for the last several minutes. When the gen-tleman from Florida (Mr. DEUTSCH) mentioned that there were the equiva-lent of seven September 11’s in Israel in the last 54 years, that is true, but it would be seven September 11’s, not in a country as big as America, but in a land and a State the size of New Jer-sey, seven September 11’s, God forbid, within the size of the State of New Jer-sey.

By the way, just to remind every-body, look at how the sliver that Israel is along the Mediterranean. When we compare it with Egypt and Jordan and Saudi Arabia and Iraq and Iran, all over here, Israel’s infinitesimal. Syria, Turkey, a sliver.

For the last 54 years, Israel has been America’s number one ally in a very hostile region. More importantly, Israel has been America’s number one ally in a highly strategic re-gion for the United States. As I said and as has been referred to before, Israel is America’s battlefront of de-mocracy in a sea of totalitarianisms, dic-tators and murderous thugs. Saddam Hussein, Syrian dictator, the mullahs, the religious councils in Iran who over-rule their own democracy, the slaugh-ter that goes on by Lebanon which is now occupied by 45,000 Syrian troops. The world does not say a peep.

Does America’s best friend for the last 54 years, Israel, by the way, who has the best voting record at the United Nations in support of the United States than any country in the Middle East and all of Europe, Amer-ica’s best friend has been Israel, do they ask America to go fight Israel’s battle? Have they asked for a single American soldier? No, they never have. They did not in 1948 when all the sur-rounding armies invaded Israel. They did not in 1956 when all the sur-rounding armies invaded Israel, saying to their people we are going to drive the Jews into the sea. They did not in 1973 when all the surrounding ar-

mies invaded Israel, and they have not asked for it now, despite the seven 9/11s of terrorism in the last 18 months alone.

Israel does not want special treat-ment. Israel wants to be considered like all the other Nations of the world which it is. It certainly has all the le-gitimacy of any other nation in the Middle East. Israel, recognized by the United Nations in 1948, all the major countries of the world agreeing, the Jewish state shall live. As they agreed to the UN in 1948, as Jordan should be created in 1946, as they said that Egypt should be recog-nized in 1922, as Syria recognized in 1946, as Iraq recognized in 1923, Iran recognized in 1925 and Lebanon recog-nized in 1943, so too Israel should be and was recognized in 1948.

So Israel’s no younger. It is cele-brating its 54th birthday. What is left? Why is there still violence? Well, the Palestinian people and their leaders, ever since 1947, when they were offered half of the State of Israel, with the Jews having the other half in 1947, a two-state solution of-fered by the United Nations under U.N. Resolution 181, in 1947, they were of-fered it in 1947, it is as true today as it was then. They rejected it. They thought they would break any person’s heart, that they condemn their own men, women and children to live in statelessness because they do not want to live next to the Jewish state recognized by the U.N., albeit the tiny little Jewish state in a sea of Arab Nations, Muslim Nations and Persian Nations?

Mr. KINGSTON. Mr. Speaker, what I would like the gentleman to do is as I call these out, maybe underscore and give some of his knowledge.

Mr. ROTHMAN. I am not going to kind of the gentleman to say. I am going to finish my point, which is it breaks my heart, breaks the Israeli’s people’s heart. It would break any person’s heart who has any shred of decency that the Pal-estinian leadership has turned down statehood for themselves and their peo-ple since 1947, offered it in 1947, 1967, and 2000. Does not it break my col-league’s heart, that they condemn their own men, women and children to live in statelessness because they do not want to live next to the Jewish state recognized by the U.N., albeit the tiny little Jewish state in a sea of Arab Nations, Muslim Nations and Persian Nations?

Mr. ROTHMAN. That would be great, if I could finish my line of thought.

Mr. KINGSTON. Mr. Speaker, what I would like the gentleman to do is as I call these out, maybe underscore and give some of his knowledge. I do not think is even being challenged by any of them. In fact, this particular one I think one of the important things to note from an historical basis is that at no time during that 1,800-year exodus has there not been a Jewish presence in the area of Palestine or what has become the modern state of Israel.

Mr. KINGSTON. That is good to point out. 1922, the British divide the mandate of Palestine.

1947, the U.N. passes Resolution 181, the partition plan.

1948, the gentleman wants to add, I would appreciate it.

Mr. ROTHMAN. Mr. Speaker, that is what we were just talking about, the 1947 partition plan that the Palestin-iens and the Arab world rejected when Israel would have been divided in half, half Palestinian, half Jewish, with Jer-usalem as an international city. They rejected it. They thought they would just drive the Jews in the sea and have it all.

Mr. KINGSTON. The 1948, Ben Gurion declares Israeli independence, five sur-rounding Arab nations attack.

1956, the Sinai campaign.

Mr. ROTHMAN. Mr. Speaker, by the way, the Sinai campaign refers to the fact that in 1967, the surrounding Arab nations went to war with Israel again.

Mr. DEUTSCH. Mr. Speaker, if the gentleman would yield, I would appre-ciate it.

Mr. KINGSTON. Mr. Speaker, by the way, the Sinai campaign refers to the fact that in 1967, the surrounding Arab nations went to war with Israel again.

This is a copy of a letter that the Israelis keep in some of the locations the Palestinian Authority uncovered arjons. These are people who are saying these are not accurate documents. I think that is hard to believe and not credible at all in terms of where they have been found and the authenticity of them. In fact, this particular one I do not think is even being challenged at this point in time.

The reason I think it is significant, tied directly into the comments just being made about 1947 is what is Chair-man Deutch’s goal or the goal of the Palestinian authority. Is it peace with Israel or the eradication of Israel? I think why this particular letter is so
significant is that it is a letter to the Arabs who live in Israel.

Israel is a Jewish state but has a significant population of non-Jews who are treated as equal citizens with equal rights, but what is significant is that this is a letter to the Arabs who live in Israel that was circulated amongst the group in Israel, literally calling for a war, a violent war within Israel proper today, not in the West Bank, not in Gaza.

So I think that from the perspective of the Israelis and I think the real question, this is concrete specific, in Arabic to Arabs, what Chairman Arafat’s goals are, not an independent Palestinian state living side by side with Israel, but literally the eradication of the state of Israel.

Mr. ROTHMAN. Mr. Speaker, I think that is a wonderful document that demonstrates why for 55 years now, ever since 1967, the PLO and the Palestinian extremists believe they will destroy Israel and not have to share this with Israel, but imagine if it was 55 years after the American revolution and people came to war against us for four times. We would not let it get it.

One last thing, the Church of Nativity is being surrounded by Israelis because there are 200 terrorists in there. They have offered the Palestinian terrorists in the Church of the Nativity either surrender and come to trial with international observers of the trial or we will let you go into exile in another country. These Palestinian terrorist extremists are so radical they want to rathe see a state of Israel killed or destroy the Church of the Nativity rather than go into exile or to seek to go before an international trial.

Mr. KINGSTON. Mr. Speaker, I wanted to also submit for the record an editorial from an anti-Israel daily newspaper. The Daily Telegraph, who is actually a former CIA employee who was one of the Israeli spies in 1979. He lives in Savannah, Georgia, works for Armstrong Atlantic State University, but he had this letter in the Daily Telegraph in the United Kingdom.

It is worthwhile to remember that the Palestinian Liberation Organization, under Yasser Arafat, has been a terrorist organization for nearly 55 years, and that it and its subordinates, belived to be equal to Arafat, have murdered more than 60 Americans and 26 were killed and 78 wounded, the citizens of America being the majority.

“Americans were murdered in numerous other ways by PLO members. Eight were killed when their Swissair jet was blown up en route to Tel Aviv; others died in bus and car bombings or were shot. Especially shocking were the ax-murder of a student (1975) and the brutal murder of Leon Klinghoffer, a wheelchair-bound elderly tourist on the hijacked Achille Lauro (1985). But despite knowing the identities of at least some of the perpetrators and almost always the organization that they belonged to, few have ever been arrested and none extradited to the United States.”

The reason that I thought Mr. Daugherty’s letter is important is that this group, led by Arafat, has been around terrorizing lots of people for a long time, and it has not been confined to Israelis.

REMEMBERING THE MANY AMERICAN VICTIMS OF INTERNATIONAL TERROR

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not only was a terrorist in the inci-
dents the gentleman was describing in the 1960s, 1970s and 1980s, but literally
into the 21st century. And one of the
things that has been uncovered, again,
are internal documents of the Pales-
tinian Authority off of hard drives of computers so it is not credible
that this is not authenticated, real informa-
tion. These are copies which literally
has Chairman Arafat’s signature.
These are two that are available, and
these are specific requests of payments for terrorists, for people who are en-
gaged in specific acts of terrorism.
From the bar mitzvah ceremony, there
are specific names of people and spe-
cific amounts that Arafat personally
signed and approved, $600 per person.
The other chart is a list of 10 people, specific terrorists; and what is inter-
esting, the gentleman that sent the let-
ter was just captured by Israelis, and
he viewed himself as working directly
for Chairman Arafat. So the terrorism
that is described is not terrorism of 5
years ago or 5 months ago. The dates
are interesting, September 19, 2001, and
this is January of 2002.
The Arafat era is over, and I think
there has to be an acknowledgment by the United States that that era is over.
We have said repeatedly we cannot ne-
gotiate with terrorists, and that in fact
is what Mr. Arafat is. We cannot nego-
tiate with him. He cannot be a leader.
He cannot be a partner. The Pales-
tinian people have a right to choose
their leader, but that leader cannot be
a terrorist if they expect to be a state.
Mr. ROTHMAN. Mr. Speaker, it
breaks our hearts for the Palestinian
people that they have refused to elect
leaders who will deliver them a Pales-
tinian state.
Mr. DEUTSCH. Mr. Speaker, it is not
that they have not, but they have not
been given a choice. One of the things
that has been pointed out on this floor is that Arafat was supposed to be the leader, and he was elected in 1996, but that term expired in 2000. In 2000, there was supposed to be an elec-
tion that he did not allow to take place.
Mr. ROTHMAN. Mr. Speaker, the
question is what should Israel be doing now. Israel is doing now what the
United States is doing now: protecting its people from terrorists, and bringing
justice to them or bringing them to
justice, until these people either will
say we will live in peace with you, or
they will be so disabled by our military
that they no longer threaten our men,
women and children. That is what
Israel is doing.
Israel also has tremendous mili-
tary intelligence-sharing with the
United States for 50 years, and provides
us with great military advantage in the
Middle East, only one of many rea-
sons they have been our best friend and
remain our most important strategic
ally in the whole Middle East for the
last 55 years.
Mr. DEUTSCH. Mr. Speaker, tomor-
row evening I am going to have the op-
portunity to have an interactive town
meeting that will be available for peo-
ple not just in Florida, but through
satellite coordinants throughout the
country. If people have questions, the
former American ambassador, Martin
Indyk, will be there. The e-mail ad-
dress is FL20townhall@mail.house.gov. The 800
number is 1-800-931-1303. The satellite
coordinants can be acquired through
our Web site. I welcome those com-
ments.
Mr. KINGSTON. Mr. Speaker, in clos-
ing, while the background of this con-
clict is somewhat complicated, the
moral dimensions are very, very clear-
cut. We have one side that sends sol-
diers to wipe out suicide bombers; the
other side that sends suicide bombers
to wipe out guests at bar mitzvahs. We
have one side that publishes maps
showing how an Israel and Palestinian
state can co-exist; the other side has deployed more
troops; the other side has deployed more
troops; the other side has deployed more
troops; the other side has deployed more
troops; the other side has deployed more
troops; the other side has deployed more
troops; the other side has deployed more
troops; the other side has deployed more
troops; the other side has deployed more
One side was grief-stricken on September 11
and declared a national day of mourn-
ing; and the other side danced in the
streets and celebrated candles in cele-
boration. One side has never deployed a
suicide bomber in its 54 years of exist-
ence; the other side has deployed more
than 40 in the past 12 months alone.

**TECHNICAL CORRECTIONS**

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

**6211. A letter from the Congressional Re-
view Coordinator, Animal and Plant Health
Inspection Service, Department of Agri-
culture, transmitting the Department’s final
rule—Change in Disease Status of Austria
Because of BSE [Docket No. 02-004-1] re-
tained March 22, 2002, pursuant to 5 U.S.C.
801(a)(1)(A); to the Committee on Agri-
culture.**

**6212. A letter from the Congressional Re-
view Coordinator, Animal and Plant Health
Inspection Service, Department of Agri-
culture, transmitting the Department’s final
rule—Change in Disease Status of Finland
Because of BSE [Docket No. 01-131-1] re-
tained March 22, 2002, pursuant to 5 U.S.C.
801(a)(1)(A); to the Committee on Agri-
culture.**

**6213. A letter from the Congressional Re-
view Coordinator, Animal and Plant Health
Inspection Service, Department of Agri-
culture, transmitting the Department’s final
rule—Citrus Canker: Removal of Quar-
anted Area [Docket No. 02-218-1] re-
tained March 22, 2002, pursuant to 5 U.S.C.
801(a)(1)(A); to the Committee on Agri-
culture.**

Each of these documents contains additional information that was not included in the
original text.
cost by more than 15 percent, pursuant to 10
U.S.C. 2433(e)(1); to the Committee on Armed
Services.

6221. A letter from the Deputy Secretary, Department of Defense, transmitting a letter on
the approved retirement of Lieutenant
General John L. Woodward, Jr., United States
Air Force, and his advancement to the grade of lieutenant general, to the Committee on
Armed Services.

6222. A letter from the Secretary, Department of Defense, transmitting a letter on the
approved retirement of General Thomas A.
Schwartz, United States Army, and his advance-
ment to the grade of general on the reserve
title list; to the Committee on Armed Ser-
vices.

6223. A letter from the Secretary, Department of Defense, transmitting a letter on
regarding the status of the Department’s report
for purchases from foreign entities for
FY 2001; to the Committee on Armed Ser-
vices.

6224. A letter from the Special Counsel, Office of Special Counsel, transmitting the An-
nual Report of the Office of Special Counsel (OSEC) for FY 2001, pursuant to 5 U.S.C.
552(b); to the Committee on Government Re-
form.

6226. A letter from the Chairman, United States Postal Service, transmitting a copy of the annual report in compliance with the
Government in the Sunshine Act during the calendar year 2001, pursuant to 5 U.S.C.
552(b); to the Committee on Government Re-
form.

6227. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Estab-
lishment of Class E Airspace; Tipton Airport,
Fort Meade, MD [Airspace Docket No. 01-
AE1-2693] received March 22, 2002, pursuant
to 5 U.S.C. 801(a)(1); to the Committee on Transpor-
tation and Infrastructure.

6228. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Estab-
lishment of Class E Airspace; Beebe Memorial
Hospital Heilport, Lewes, DE [Airspace Docket No. 01-AEA-24FP] received March 22,
2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transpor-
tation and Infrastructure.

6229. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Estab-
lishment of Class D Surface Area at Indian
801(a)(1); to the Committee on Transpor-
tation and Infrastructure.

6230. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Air-
worthiness Directives; McDonnell Douglas
Model DC-9-81, -82, -83, and -87 Series Air-
planes, Model MD-80 Airplanes, and Model
MD-90 Airplanes [Docket No. 99-AD18; Ad-
ministration: FAA; Amendment 39-12647; AD
2002-03-06] (RIN: 2120-AA64) received March
22, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transpor-
tation and Infrastructure.

6231. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Air-
worthiness Directives; Pratt & Whitney
PW4000 Series Turbofan Engines [Docket No.
98-AVE-66-AD; Amendment 39-12648; AD
2002-03-06] (RIN: 2120-AA64) received March
22, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transpor-
tation and Infrastructure.

6233. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Air-
worthiness Directives; Bombardier Model
2001-NM-155-AD; Amendment 39-12655; AD
2002-03-14] (RIN: 2120-AA64) received March
22, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transpor-
tation and Infrastructure.

6234. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Air-
worthiness Directives; Bombardier Model
DHC-8-400 Series Airplanes [Docket No. 2001-
NM-149-AD; Amendment 39-12653; AD 2002-
05-12] (RIN: 2120-AA64) received March 22,
2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transpor-
tation and Infrastructure.

6235. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Air-
worthiness Directives; Bombardier Model
230/238, 231/239, and 300 Series Airplanes [Docket No. 2001-NM-185-AD; Amendment 39-12656; AD 2002-
03-15] (RIN: 2120-AA64) received March 22,
2002, pursuant to 5 U.S.C. 801(a)(1); to the Com-
mitee on Transportation and Infra-
structure.

6236. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Air-
worthiness Directives; Honeywell Interna-
tional Inc. (formerly AlliedSignal Inc.) and United States Air Force, and his advance-
ment to the grade of lieutenant general; to the Committee on Transpor-
tation and Infrastructure.

6237. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Air-
worthiness Directives; LTI95 Series Turbojet
Engines [Docket No. 2002-NE-14-AD; Amendment 39-
12650; AD 2002-03-09] (RIN: 2120-AA64) re-
cived March 22, 2002, pursuant to 5 U.S.C.
801(a)(1); to the Committee on Transpor-
tation and Infrastructure.

6238. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Air-
worthiness Directives; Airbus Model A300 P4-
605R Airplanes [Docket No. 2000-NM-390-AD;
Amendment 39-12659; AD 2002-04-02] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transpor-
tation and Infrastructure.

6239. A letter from the Program Analyst, FAA, Department of Transportation, trans-
mitting the Department’s final rule—Air-
worthiness Directives; Airbus Model A300 P4-
605R Airplanes [Docket No. 2000-NM-390-AD;
Amendment 39-12659; AD 2002-04-02] (RIN: 2120-AA64) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1); to the Committee on Transpor-
tation and Infrastructure.

6240. A letter from the Chairman, Medicare Payment Advisory Commission, transmit-
ing the Commission’s recommendations on
the study regarding the use of the physician
geographic adjustment factor for adjusting
per resident payment amounts for dif-
ferences among geographic areas in the costs
related to physicians training; jointly to the
Committees on Ways and Means and Energy
and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk
for printing and reference to the proper calendar, as follows:

H.R. 503. Mr. PAYNE (for himself, Mr. HUNTER, Mr. LIPinski, and Mr. CLEMENT); to the
House Calendar.

H.R. 852. A bill to amend title 49, United States Code, to authorize appropriations for
the National Transportation Safety Board
2003, and for other purposes; to the Com-
mitee on Transportation and Infra-
structure.

H.R. 588. Mr. HERGER (for himself, Mr. TA
NEN, Mr. PORTMAN, Mr. FOLSEY, Mrs.
JOHNSON of Connecticut, Mr. WELLER, Mr.
COLLINS, Mr. McCRACKEN, Mr. Houghton, and Mr. Lewis of Kentucky); to the
House Calendar.

H.R. 4466. A bill to amend title 49, United States Code, to authorize appropriations for
the National Transportation Safety Board
2003, and for other purposes; to the Com-
mitee on Transportation and Infra-
structure.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. YOUNG of Alaska (for himself, Mr. MICA, Mr. OBERSTAR, Mr. QUINN, Mr. LIPinski, and Mr. CLEMENT): H.R. 4466. A bill to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board 2003, and for other purposes; to the Committee on Transpor-
tation and Infrastructure.

By Mr. BLUMENAUER: H.R. 4466. A bill to provide for the duty-
fee free entry of certain tramway cars for use by the city of Portland, Oregon; to the Com-
mitee on Ways and Means.

By Ms. DUETTE (for herself and Mr. SHAYA): H.R. 4468. A bill to designate certain lands in the State of Colorado as components of the National Wilderness Preservation Sys-
tem, and for other purposes; to the Com-
mitee on Resources.

By Mr. GREEN of Wisconsin: H.R. 4468. A bill to provide for the duty-
fee free entry of a certain Liberty Bell replica; to the Committee on Ways and Means.

By Mr. HERGER (for himself, Mr. TAN
NEN, Mr. PORTMAN, Mr. FOLSEY, Mrs.
JOHNSON of Connecticut, Mr. WELLER, Mr.
COLLINS, Mr. McCRACKEN, Mr. Houghton, and Mr. Lewis of Kentucky); to the
House Calendar.

H.R. 4468. A bill to amend the Internal Revenue Code of 1986 to expand the depreciation benefits available to small businesses, and for other purposes; to the Committee on Ways and Means.

By Mr. LINDER: H.R. 4467. A bill to suspend temporarily the duty on certain high tenacity rayon filament
yarn; to the Committee on Ways and Means.

April 17, 2002 CONGRESSIONAL RECORD—HOUSE H1409
United States Congress to express condolences on behalf of all Tamarac residents to the families of victims of the September 11th terrorist attacks; expresses support to the citizens of New York in their rebuilding efforts; expresses confidence in the Nation, President Bush, the administration and the United States Congress in their war against terrorism; and encourages the citizenry to bind together in the promises for the future of this Nation; which was referred jointly to the Committees on the Judiciary and Government Reform.
The Senate met at 10 a.m. and was called to order by the Honorable Debbie Stabenow, a Senator from the State of Michigan.

**PRAYER**

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

Dear God, it is with reverence and commitment that we address You as Sovereign of our lives and of our Nation. Our forefathers called You Sovereign with awe and wonder as they established this land and trusted You for guidance and courage.

We thank you that in 1797, at a pivotal moment at the Constitutional Convention, Benjamin Franklin’s convictions led him to rise and speak these now-famous words to George Washington: “I have lived, sir, a long time, and the longer I live the more convincing proofs I see of this truth: that God governs in the affairs of men. If a sparrow cannot fall to the ground without His notice, is it probable that an empire can rise without His aid? I believe that without His concurring aid we shall succeed no better than the builders of Babel. We shall be divided by our partial local interests; our projects will be confounded. . . .”

Lord, it is with the same emphatic certainty that we echo his words of dependence on You and we ask, Sovereign Lord, that You would help us realize Your best for America. In Your holy name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable Debbie Stabenow led the Pledge of Allegiance, as follows:

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

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The Presiding Officer. The clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The legislative clerk read the following letter:

**U.S. SENATE**

**PRESIDENT PRO TEMPORE,**


To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Debbie Stabenow, a Senator from the State of Michigan, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

Ms. Stabenow thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The Acting President pro tempore. The acting majority leader is recognized.

**SCHEDULE**

Mr. Reid. Madam President, under the previous order, the Senate will shortly begin a vote on a nomination of Lance M. Africk to be United States district judge for the Eastern District of Louisiana. Following that vote, the Senate will resume consideration of the energy reform bill, the ANWR amendments now pending. Cloture was filed yesterday evening on each of the ANWR amendments. There will be votes on these cloture motions this coming Thursday.

**RESERVATION OF LEADER TIME**

The Acting President pro tempore. Under a previous order, the leadership time is reserved.

**EXECUTIVE SESSION**

**NOMINATION OF LANCE M. AFRICK, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA**

The Acting President pro tempore. Under the previous order, the Senate will now go into executive session and proceed to vote on Executive Calendar No. 760, which the clerk will report.

The legislative clerk read the nomination of Lance M. Africk, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The Acting President pro tempore. 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 West Virginia (Mr. Byrd) and the Senator from Minnesota (Mr. Dayton) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. Dayton) would vote "aye."

Mr. Nickles. I announce that the Senator from Tennessee (Mr. Thompson) is necessarily absent.

The result was announced—yeas 97, nays 0, as follows:

**(Rollcall Vote No. 69 Ex.)**

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*This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.*
Mr. MURKOWSKI. Mr. President, I put our Members on notice, we have probably 15 Members who want to speak today. So I suspect we will be in rather late this evening.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I modify my request, that after the Senator from Vermont and the Senator from Pennsylvania and the Senator from Georgia and the Senator from Kansas have all spoken, that we go back on the bill, and that I be recognized to speak at that time on the amendment.

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

Mr. REID. Mr. President, I thank my colleagues for their unanimous and positive vote on the last nominee. I will bring everybody up to date.

Today, the Senate is voting on the 44th judicial nominee to be confirmed since last July when the Senate Judiciary Committee was reassigned new members in connection with the reorganization of the Senate after the shift in majority. The confirmation of Judge Africk will be the third district court judgeship we have filled in Louisiana and the first judgeship filled overall in the Fifth Circuit since July, including the first new judge for the Fifth Circuit in seven years. In fact, it was this Senate’s confirmation of Judge Edith Brown Clement last fall that created this vacancy, which we are now proceeding to fill without delay.

In the past few months, the Senate has also confirmed Judge Kurt Engelhardt and Judge Jay Zainey to fill vacancies on the District Court for the Eastern District of Louisiana. The Senate has confirmed Judge Michael Mills to fill a vacancy on the District Court for the Northern District of Mississippi. The Senate has also confirmed Judge Philip Martinez to fill a vacancy on the District Court for the Western District of Texas and Judge Randy Crane to fill a vacancy on the District Court for the Southern District of Texas.

Of course many of the vacancies in the Fifth Circuit are longstanding. Judge Clement was confirmed to fill a judicial emergency on the Fifth Circuit. Judge Martinez and Judge Crane likewise filled what had been judicial emergencies. These many vacancies and emergencies are the legacy of the years of inaction. For example, despite the fact that President Clinton nominated Jorge Rangel, a distinguished Hispanic attorney, to fill a Fifth Circuit vacancy in July 1997, Mr. Rangel never received a hearing and his nomination was returned to the President without Senate action by the end of 1998. On September 16, 1999, President Clinton nominated Enrique Moreno, another outstanding Hispanic attorney, to fill a vacancy on the Fifth Circuit but that nominee never received a hearing either. When President Bush took office last January, he withdrew the nomination of Enrique Moreno to the Fifth Circuit. The Senate has quickly confirmed Judge Armijo in New Mexico and Judges Martinez and Crane in Texas, who were among the very few Hispanic judicial nominees sent so far by this Administration to us.

The Senate received Judge Africk’s nomination the last week in January and his paperwork was complete on March 6. Judge Africk was scheduled for the very next confirmation hearing on March 19. He has been serving as a federal magistrate in the Eastern District of Louisiana for more than a decade. Judge Africk is a member of the Federalist society and a registered Republican. His confirmation, along with that of Judges Carlson and Jenkins in South Carolina, Judge Mills in Mississippi, Judge Caldwell in Kentucky, Judge Granade in Alabama, Judge Hartz in Arizona, Judge Brey in Nevada, and Judge Thieriot in Utah, is the fifth judicial confirmation of this Administration’s conservative nominations.

The Senate is making progress on judicial confirmations. Under Democratic leadership, the Senate has confirmed more judges in the last nine months than were confirmed in four out of 6 full years under Republican leadership. The number of judicial confirmations over this time—46—exceeds the number confirmed in 1996 and 1997 and 1998 and in 1999—27. During the preceding 6 1/2 years in which a Republican majority most recently controlled the Senate, 248 judges were confirmed, and Senator BIDEN chaired the Judiciary Committee.

The pace of confirmations under a Republican majority was markedly slower—especially in 1996, 1997, 1998, and 2000. Thus, during the 6 1/2 years of Republican control of the Senate, judicial confirmations averaged 38 per year and of consideration and confirmation that we have already exceeded under the Republican-controlled Senate in the past nine months in spite of all of the challenges facing Congress and the Nation during this period and all of the obstacles Republicans have placed in our path.

Mr. MURKOWSKI. Mr. President, I would simply appeal to the majority leader, who I see is on the floor, to allow us an additional time from whatever his time may be, which we do not know.

But to extend the courtesy, I have no objection.

The PRESIDING OFFICER. Is there objection?
in the Senate majority with a President of the other party. They do not want to talk about that because we have exceeded, in just 9 months, the average number of judges they confirmed per year.

They would rather unfairly compare the work of the Senate on confirmations in the past 9 months to a period more than twice as long, the work of previous Senators and Presidents over entire 2-year Congresses. They say it is unacceptable that the Democratic-led Senate has confirmed as many judges in nine months as were confirmed in 24-month-periods at other times. I would say it is quite unfair to complain that we have not done 24 months of work on judicial vacancies in the little more nine months we have had since the Senate reorganized. After all, we have already topped their efforts for 12-month periods and are still hard at work.

These double standards are wrong and unfair, but that does not seem to matter to Republicans intent on criticizing and belittling every achievement of the Senate under a Democratic majority.

Republicans have been imposing a double standard on circuit court vacancies as well. The Republican attack is based on the unfounded notion that the Senate has not kept up with attrition on the Courts of Appeals. This is a case of the arsonist coming forward and saying: We need a better fire department around here. Look at all these buildings that are burning down. All these vacancies were there because Republicans refused to hold hearings on the Court of Appeals nominees. We are now holding such hearings.

The Democratic majority in the Senate has more than kept up with attrition and we are seeking to close the vacancies gap on the Courts of Appeals that more than doubled under the Republican majority.

Just this week, the Senate confirmed Judge Terrence O'Brien to the United States Court of Appeals for the Tenth Circuit by a vote of 98 to zero. His confirmation was the eighth circuit court nominee to be confirmed in the little more than nine months since I became Chairman this past summer.

We have already confirmed eight Court of Appeals nominees and held hearings on 11 Court of Appeals nominees, with a Senate majority of the same party as the President, the confirmations numbered only two and hearings were held on only three. In the comparable period during the administration of George H. W. Bush, within the first 10 months the Senate had confirmed only three Court of Appeals judges and had hearings on only four.

The facts on what Republicans are now calling the judicial vacancies crisis in the Courts of Appeals are as many startling and startling. The Republican majority assumed control of judicial confirmations in January 1995 and did not allow the Judiciary Committee to be reorganized after the shift in majority last summer until July 10, 2001. During that period, from 1995 through July 2001, vacancies on the Courts of Appeals more than doubled, increasing from 16 to 33.

When I became chairman of a committee to which members were finally assigned on July 10, we began with 33 Court of Appeals vacancies. That is what I inherited. Since the shift in majority last summer, five additional vacancies have occurred on the Courts of Appeals around the country. With this week's confirmation of Judge O'Brien, we have reduced the number of circuit court vacancies to 30.

Rather than the 38 vacancies that would exist if we were making no progress, as some have asserted, there are now 30 vacancies—that is more than keeping up with the attrition on the Circuit Courts. Since our Republican critics are so fond of using partisan advantages to their majority, we will have now reduced the vacancies on the Courts of Appeals by almost 10 percent in the last nine months. In other words, by confirming three more nominees than the five required to keep up with the attrition, we have not just matched the rate of attrition but surpassed it by 60 percent.

While the Republican Senate majority increased vacancies on the Courts of Appeals by over 100 percent, it has taken the Democratic majority nine months to reverse that trend, keep up with extraordinary turnover and, in addition, reduce circuit court vacancies by almost 10 percent overall. Alternatively, Republicans should note that since the shift in majority away from the Senate have made. It is not possible to re- pair the damage caused by longstanding vacancies in several circuits by including all the qualifications in the 5th, 10th and 8th Circuits, in particular. The confirmation of Judge O'Brien this week made the second judge confirmed to the 10th Circuit in the last 4 months.

With this week's vote on Judge O'Brien, in a little more than nine months since the change in majority, the Senate has confirmed eight judges to the Courts of Appeals and held hearings on three others. In contrast, the Republican-controlled majority averaged one confirmation to the Courts of Appeals per year. Seven. We have confirmed eight circuit judges and there are almost 3 months left until the 1-year anniversary of the reorganization of the Senate and the Judiciary Committee and we have already exceeded the annual number of Court of Appeals judges confirmed by our predecessors. The Senate in the first nine months has confirmed as many Court of Appeals judges as were confirmed in all of 2000 and more than were confirmed in 1997 or 1999, and eight more than the zero from 1996.

Overall, in little more than 9 months, the Senate Judiciary Committee has held 16 hearings involving 55 judicial nominations. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. In contrast, one-sixth of President Clinton's judicial nominees—more than 50—never got a Committee hearing and Committee vote from the Republican majority, which perpetuated longstanding vacancies into this year. Vacancies continue to exist on the Courts of Appeals in part because a Republican Senate majority has not allowed the Judiciary Committee to hold hearings or vote on more than half 56 percent—of President Clinton's Court of Appeals nominees in 1999 and 2000 and was not willing to confirm a single judge to the Court of Appeals during the entire 1997 session.

Despite the new-found concern from across the aisle about the number of vacancies on the circuit courts, no nominations hearings were held while the Republicans controlled the Senate in the included Congress last year. No circuit judges were confirmed during that time from among the many qualified circuit court nominees received by the Senate on January 3, 2001, or from among the nominations received by the Senate on May 9, 2001.

The Democratic leadership acted promptly to address the number of circuit and district vacancies that had been allowed to grow when the Senate was in Republican control. The Judiciary Committee noticed the first hearing on judicial nominations within 10 minutes of the reorganization of the Senate and held that hearing on the day after the Committee was assigned new members.

That initial hearing included a Court of Appeals nominee on whom the Republican majority had refused to hold a hearing the year before. We held unprecedented hearings for judicial nominees during the August recess. Those unprecedented hearings included a hearing on judicial nominations within 10 minutes of the reorganization of the Senate and held that hearing on the day after the Committee was assigned new members.

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its control of the Senate, The Republican majority never held 16 judicial confirmation hearings in 12 months.

The Senate Judiciary Committee is holding regular hearings on judicial nominees and giving nominees a vote in contrast to the Senate’s practice of considering a nominee who was not among those initially sent to the Senate in May 2001. Each of the previous 53 nominees confirmed by the Senate has received the unanimous, bipartisan backing of the Committee.

The confirmation of Judge Africk makes the 44th judicial nominee to be confirmed since I became chairman last July, and I hope to confirm our 50th nominee by the end of this month. I am extremely proud of the work this Senate has done to confirm nominees and who are being confirmed in the majority. I am proud of the way we have considered nominees fairly and expeditiously and the way we have been able to report to the Senate so many qualified, non-ideological, consensus nominees to the Senate.

Mr. HATCH. I supported the nomination of Lance Africk to be U.S. District Judge for the Eastern District of Louisiana.

I have had the pleasure of reviewing Judge Africk’s distinguished legal career, and I have concluded that he is a fine jurist who will add a great deal to the Federal bench in Louisiana.

Judge Lance Africk has an impressive record in the private and public sectors. In 1982, he joined the U.S. Attorney’s Office in New Orleans and became director of the Career Criminal Bureau, where he prosecuted criminal cases. From late 1980 to mid-1982, Judge Africk worked in private practice, representing plaintiffs in personal injury cases and serving as corporate counsel. In August 1982, he joined the U.S. Attorney’s Office in New Orleans as an assistant U.S. attorney and served with distinction as chief of the Criminal Division until 1990. As a State and Federal prosecutor, Judge Africk became an expert in drug and public corruption matters. During his legal career, he tried to judgment or verdict approximately 40 cases. Since 1990, Judge Africk has served as the United States Magistrate Judge for the Eastern District of Louisiana, bearing responsibility for often complex civil and criminal matters assigned from the U.S. District Court.

I have every confidence that Lance Africk will serve with distinction on the Federal district court for the Eastern District of Louisiana.

Ms. LANDRIEU. Mr. President, I am proud that the Senate today confirmed Lance Africk for Federal District Judge for the Eastern District of Louisiana. Again, I must commend President Bush for this nomination. He has chosen an exceptional man with a fantastic reputation for the Federal Bench.

I cannot say enough about Lance. Lance brings over 25 years of legal experience to this job, and for the past 12 years, he has served as the U.S. Magistrate for Civil and Criminal Matters. His commitment to community and country has permitted his career as an Orleans Parish District Attorney, a United States Attorney and most recently as a Federal Magistrate. I know that he looks forward to continuing his service. He presents a true model of honor and professionalism to the bar.

Numerous letters of support have poured into my office praising Lance’s qualities. Everyone who has ever talked to me about Lance has used the same words: fair, courteous, and intelligent. Not only does Lance possess these values, but he has instilled them in his family. His wife Diane and his four children mean the world to him and inspire his service. Today’s action in the Senate only confirmed what I and everyone in Louisiana already knew; that Lance Africk will be an asset to the Federal Judiciary.

We need more people like Lance Africk on the Federal Bench. He is a true patriot who desires to serve his country to the best of his ability. He recognizes the importance of our judicial system and has dedicated his life to the system of laws that makes our country so unique. It is for these reasons that I wholeheartedly supported his nomination and am elated by the action of the Senate today.

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

The Senator from Georgia.

TEACHERS

Mr. MILLER. Madam President, I am at heart a teacher. Perhaps it is genetic, for I am the son of teachers. Whatever its source, a commitment to education runs deep in my soul. That is why, when I was Governor of Georgia, I chose to focus on education, for all our other challenges at that time, I thought the same solution: Children who are loved and children who are educated.

I believe education is everything. It is the educated individual who makes this nation stronger. It is the educated individual who adds to its wealth, protects against enemies, carries forward its ideals and faith. The Latin phrase “alma mater” means “nourishing mother.” That is perhaps the best descriptor of our schools should be for our children.

Within those schools, all education starts with the teacher standing at the head of the child’s classroom. Teachers are the world’s most noble creatures, engaged in the world’s most noble profession. Teachers are the architects who guide and shape the building of young lives. Teachers are the ones who call forth the best from our children and inspire them to reach new heights. Teachers, I think we would all agree, are the key ingredient to improving education.

So if we are to build a first class education system in this country, we must be able to attract and hold on to good teachers. Right now, we are losing that battle. We are losing that fight badly.

Last year we set a new standard in Federal aid for education with the passage of President Bush’s far-reaching education reform bill. But while we placed the money and funding for education, we still have not touched teacher salaries at the Federal level.
I would argue that teacher pay is the most important area of all education. Yet our teachers work in sometimes deplorable conditions and for little pay. Public school teachers in America today make an average of $43,335 a year. Furthermore, half of the States have teacher salaries above the national average and the other half have teacher salaries below that level. But actually, only 12 States, plus the District of Columbia, have salaries that are higher than the national average. Twenty States are below the national average. In fact, the dollar gap between the lowest and the highest average salaries varies greatly from a low of $30,265 in South Dakota to a high of $53,281 in New Jersey.

Sadly, our teachers have even lost financial ground over the past few years. In the past decade, teacher salaries rose only one-half of 1 percent when inflation is taken into account. In many States, teachers actually lost ground to inflation.

Today in this Nation, teacher salaries account for a smaller proportion of total education spending than they did 40 years ago. In 1960, the average education expenditure devoted to teacher salaries was 51 percent. Today it is 36.7 percent, the lowest percentage since records have been kept.

As a result, many of the best and brightest of our young people today steer away from the classrooms to join the ranks of better paying professions. It has become clear that unless we in Congress take some drastic action, and take it soon, this disparity will only get worse because on the horizon ominous storm clouds loom darkly. We must hire 2 million more teachers in the next decade to keep up with new students who are entering our schools. Where are we going to get all those new teachers? Where?

Enrollment at our colleges of education is down 30 percent. Among those who are willing to try teaching, 40 percent leave the profession before the end of their fifth year. In some States, almost 20 percent leave after just 1 year. Most, of course, leave to pursue better paying careers. And who can blame them? It is a hollow message when we constantly tell our teachers how invaluable they are and then pay them so little. What can we do, and what can we do quickly, to stop this brain drain from our schools? How can we make teaching more competitive with better paying professionals? I will tell you how we could have an immediate effect. Let our teachers keep more of their hard-earned money.

I will be introducing a bill to give our teachers an immediate pay raise in the form of a tax cut. Simply put, teachers would keep more money in their pocket each payday and send less of it to the IRS. They need this money back home more than we need it up here. And I guarantee you they will spend it more wisely than we will. Hard-earned money always goes further in a house-hold than it does in a rat hole. I call it the Thank You Teachers Tax Cut. Here is how it would work.

It would include every full-time teacher, public and private, in every prekindergarten and K through 12 classroom. This tax cut would start immediately and would increase the longer the teacher stayed in the classroom.

Teachers with fewer than 5 years in the classroom would get a tax cut equal to one-third of their Federal income tax. Teachers with 5 to 10 years of experience, also about 900,000 teachers, would get to keep two-thirds of what they would normally pay in Federal income tax. Teachers with more than 10 years’ experience—about 1.8 million teachers—would have no Federal income tax at all for as long as they stayed in the classroom.

The Thank You Teachers Tax Cut would mean immediate pay raises of between 5 and 15 percent. It would put more money into teachers’ pockets each and every payday. It would immediately give some equity to this noble profession. But it would do more than just put more money. It would be a tangible show of our respect and our gratitude to this profession that is all too often taken for granted.

So it would be a huge tax cut, more than $16 billion a year at a minimum—probably more, according to my very rough math. But when we are talking about a projected budget for 2003 of $2.085 trillion, $16 billion is not even 1 percent of the budget. Don’t tell me we cannot tighten our belt that little to help our teachers.

We all know our teachers are not paid adequately. They are not in my State and they are not in your State. Mississippi has the lowest average salary for teachers in the South and South Dakota has the lowest paid teachers in the Nation. I would plead for the leaders of both parties in this Senate to support this.

I also think our Nation’s Governors would like this proposal for two reasons: First, it does not interfere with the States’ rights to set teacher salaries. But it does boost the bottom line for every State’s teachers, and that is what is important.

Our Governors will also like it because today, and especially in the next few years, that Pacman called Med- icaid is going to eat up State revenues as never before. I warn you, that will leave a much smaller pot of money available at the State level for teacher pay raises.

I realize there are shortages in other important professions that have low salaries and bad working conditions, and I have great sympathy for those workers, too. But the long-term security of this Nation is wrapped up in our schools, and that is why this tax cut for teachers is such an important one now.

This tax cut is a chance to really help our children by making sure we put good teachers in their classrooms and keep them there. It is also a chance to help our deserving teachers.

Finally, this is a chance for the Senate, for the entire Congress, to say thank you to our teachers.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

The FARM BILL

Mr. ROBERTS. Madam President, thank you very much. This is one of those speeches I had not intended to make. I have to make it, but I would just as soon not make it.

I rise today to provide a few comments on the situation we are facing regarding the farm bill and the possibility of an assistance package this year. My colleagues are working very hard in the conference. I don’t mean to perjure anybody’s intent. These are friend of mine, and I know we have strong differences of opinion. But we are in pretty rough shape for the shape we are in, in farm country, and we need assurance that there will be an assistance package as of this year.

For several weeks now, I have been warning that we need to either get a farm bill finished and apply it to this year’s crop or pass an agriculture assistance package, and then pass a new bill that goes into effect for the 2003 crop. The thinking behind that is it is better to pass a good bill than simply disagree on a bad bill and try to expedite that.

Prior to the Easter and Passover recess, I introduced an assistance package that I said was a placeholder if a bill could not be passed almost immediately after the recess period. Well, it is now April 17. We still have not passed a bill. In fact, the negotiations did break down yesterday, unfortunately.

It seems clear that a bill will not be passed as of this week. Madam President, the clock, if not expired, is certainly ticking. It is the 11th hour and 59th minute. It is time for us to admit what farmers and ranchers already know: It is too late to pass a bill that applies to this year’s crop.

Consider these facts:

The 2002 wheat crop was planted last fall in the far southern region will begin next month.

Several crop reports in recent days have said that 9 percent of the Nation’s cotton crop is planted, including 37 percent in Arizona, 35 percent in California and 13 percent in Texas, with the rest of the States starting to plant.

Corn planting is 59 percent complete in Texas; 25 percent in Tennessee; 3 percent in North Carolina; 26 percent in Missouri; 17 percent in Kentucky; and Kansas—yes, we grow cotton—11 percent.

Another article said corn planters were already in the field in eastern Kansas, and 13 percent in Texas, with the rest of the States starting to plant.

Cotton planting is 59 percent complete in Texas; 25 percent in Tennessee; 3 percent in North Carolina; 26 percent in Missouri; 17 percent in Kentucky; and Kansas—yes, we grow cotton—11 percent.

Consider these facts:
Iowa. And 43 percent of the sorghum crop is planted in Texas and 18 percent in Arkansas. Rice: Texas, 85 percent planted; Louisiana, 69 percent; 10 percent in Arkansas.

Our producers and our bankers, lenders, must make planting and lending decisions. We cannot continue this game of Charlie Brown, Lucy, and the football. This will not work in farm country.

Our producers have been told that the bill could be completed prior to Christmas, the bill could be completed right after the first of the year, the bill would be completed by Easter, and the bill would be completed by April 15. Quite frankly, we have people who crawl out of train wrecks faster than the farm bill is proceeding in regard to the tough amendments they must reconcile. My producers do not believe any predictions they hear at this point. They now need to make decisions forced by their lenders.

It is clear to my colleagues that if we pass a new bill for this year’s crops, we are setting ourselves up for another disaster or supplemental bill this fall—even after spending $73.5 billion in new funding for agriculture. Unfortunately, this is the one area that all farmers, ranchers, and agribusiness to pay attention to—you are going to discover that in both House and Senate farm bill proposals, there will be no supplemental AMTA statement, no market loss payment. In September, as producers have grown accustomed to.

Instead, under the countercyclical proposals in the two bills, producers and farmers could receive a portion of their countercyclical payment for wheat. In December, while other crops would receive no assistance until next spring.

To put it another way, none of this countercyclical assistance, after all the talk we have heard in the last years as to the current farm bill—about the lack of a safety net and the need for countercyclical assistance—none of this assistance for the 2002 crop will even go out until the spring of 2003. When farmers discover this, there is going to be an outcry. That is why, in a recent poll, 70 percent of the farmers said about the supplemental in this crop bill: Put the new farm bill under consideration by the Senate. I will offer it as an amendment to any farm bill under consideration by the Senate.

We are receiving indications that any agreement on the farm bill will include countercyclical payment. After all, that is pretty hot for Dodge. That is pretty hot for Dodge. When farmers discover this, there is going to have to go to this route because we will be in a world of trouble in farm country. We already are. I yield the floor.

The Acting President pro tempore of the Senate from Pennsylvania is recognized.

SECRETARY POWELL’S MIDWEST TRIP

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on the trip to the Midwest by Secretary of State Colin Powell.

At the outset, I compliment President Bush for his initiative in sending Secretary Powell to the region, and I compliment Secretary Powell for his strenuous efforts, even though they have not achieved a cease-fire. As I listened to Secretary Powell on his live newscast this morning at about 7 a.m. eastern standard time, it seemed to me that his trip was worthwhile and progress had been made, although it is difficult to quantify progress in the Midwest because of the difficult and complex problems that are faced there.

I believe Israel has acted in self-defense in moving into Palestinian territories. It is the fundamental duty of a nation to protect its citizens. When Israel has been faced by almost daily suicide bombings, that action is necessary, as viewed by the Israeli authorities.

The President did call upon Israel to withdraw several days ago—almost 2 weeks ago—and Israel has to make its judgments and decisions as a sovereign nation. It did not come to the region, and I viewed as a rebuke to President Bush that Prime Minister Sharon and the Israeli Cabinet saw it differently. President Bush made the judgment call he did as he saw the interests of the United States and the interests of the world community. In this regard, he was considering Israel’s interests in that mix. However, the judgment is up to Israel as a sovereign nation. It is understandable that when they have virtually daily suicide bombings, they see it differently so as to protect their citizens.

This morning, Secretary Powell referred to an international conference, and it is my hope that such a conference would be convened at an early time. It is my view that the so-called moderate Arab States have to become involved, representing Palestinian interests, because of the difficulties of relying upon anything Chairman Yasser Arafat.

On March 26, 2002, I visited Israel and talked to General Zinni, Prime Minister Sharon, and Chairman Arafat. On that day, the three were in agreement that they were going to terms on the so-called Tenet plan on security arrangements. The very next day there was a suicide bombing in Netanya at the Passover seder killing 27 Jews at prayer and wounding approximately 20 others. The whole situation has deteriorated.

In the intervening three weeks, evidence has come to light, purportedly bearing the handwriting of Chairman Arafat, that he personally was involved in paying terrorists. I have asked the State Department for an analysis and the verification that, in fact, it was Arafat’s handwriting, but on this state of the record, it appears that was the case.

It is one thing no surprise that Yasser Arafat is a terrorist. He was involved in the murder of the United States charge d’affaires in the Sudan in 1974. He was involved with the murders of Israeli athletes. He was involved with the murder of Leon Klinghoffer who was murdered off the Achille Lauro. I thought the United States was going to shake Arafat but on this state of the record, it appears that was the case.

I have had occasion to talk to Chairman Arafat on a number of occasions over the years. Again, when I met with him on Tuesday, March 26, I urged him to push off the Achille Lauro. I urged him to shake Arafat’s hand, where Israel had been the principal victim of the terrorism, that was something we might move ahead with and try to deal with Arafat.

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It is a very difficult call to have U.S. negotiators or the Secretary of State or anyone meet with Arafat because of the outstanding evidence that he is still involved in terrorism, but that is a call the Secretary of State had to make, and I respect that. It seems to me that if the peace process is to go forward, we do not need to Arafat to be a major player or a major participant because he is, simply stated, untrustworthy.
When Prime Minister Rabin made the famous statement that we have to negotiate with our enemies, we have to make peace with our enemies because we do not need to make peace with our friends, that set a parameter in a state where there had been a split and moderate Arab leaders. Jordan, Egypt, Morocco, and Saudi Arabia, as principal participants, have been guarantors representing the Palestinian efforts and making arrangements which could be relied upon and could be carried out.

It is very important, in conclusion, that the process be continued. When Secretary Powell went to the Mideast, he undertook very substantial risks. Everyone cannot hit a home run every time they go to bat, but I think the Secretary did a good job and made a constructive step. Now it should be carried forward with a peace conference which hopefully would have Arafat; a conference which hopefully would have Arafat. I thank the Chair and yield the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The PRESIDING OFFICER (Mr. Edwards). The Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnership programs, to establish a renewable energy strategic plan, to authorize further improvements to the Partnership Pilot Program, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in government motor vehicles, in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Lott amendment No. 3028 (to amendment No. 2917), to prohibit the treatment of Presidential judicial nominees.

Landrieu/Kyl amendment No. 3050 (to amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment.

Graham amendment No. 3070 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Schumer/Clinton amendment No. 3093 (to amendment No. 2917), to prohibit oil and gas drilling in the Finger Lakes National Forest, New York.

Dayton amendment No. 3097 (to amendment No. 2917), to require additional findings for FERC approval of an electric utility merger.

Schumer amendment No. 3030 (to amendment No. 2917), to strike the section establishing a renewable fuel content requirement for motor vehicle fuel.

Feinstein/Boxer amendment No. 3115 (to amendment No. 2917), to modify the provision relating to the renewable content of motor vehicle fuel to eliminate the required volume of renewable fuel for calendar year 2004.

Murkowski/Breaux/Stevens amendment No. 3132 (to amendment No. 2917), to create jobs for Americans, to reduce dependence on foreign sources of crude oil and energy, to strengthen the economic self-determination of the Inupiat Eskimos, and to promote national security.

Stevens amendment No. 3133 (to amendment No. 3132), to create jobs for Americans, to strengthen the United States steel industry, to reduce dependence on foreign sources of crude oil and energy, and to promote national security.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized.
continues to decline, would uptick. For a period starting at about 2012, we would see an increase in domestic production under ANWR, if ANWR was open to development. It does not reverse the long-term trend, which is less U.S. production, more imported oil, but for a period—before we are looking ahead and enact legislation? His estimate is 10 to 12 years. He said: Assuming there are no legal problems that need to be overcome, it would take as few as 8 years; more likely, it would take something in the range of 10 years.

According to the Energy Information Agency, peak production would not occur for nearly 20 years after initial production. So development would not address the near-term price increases that people are facing.

The figures the Energy Information Agency has given me indicate their estimate is 54 percent of the oil we consume, as of January, was imported oil. That is why I believe clearly we need to address the problem. We need to try to pass comprehensive energy legislation. As I said before, though, opening the Arctic Refuge is not the answer to that problem. It does not reduce our dependence on foreign oil. It does not reduce the percentage share of our imports to 60 percent.

The recent report that the Energy Information Agency came out with has a quote I think is very important. That is on page 2 of a report that the Energy Information Agency issued in February of 2002. That was 2 months ago. They say:

The increase in ANWR production would lead to a decline in the U.S. dependence on foreign oil for the 2002 referenced case. Net imports are projected to supply 62 percent of all oil used in the United States by 2020. Opening ANWR is estimated to reduce the percentage share of our imports to 60 percent.

I will put this second chart up to make the point very graphically. What the Energy Information Agency is telling us is there will be less need for us to import oil if we open ANWR, and that reduced need for imports would come in about 2012. It would be about 2 percent. Instead of importing 62 percent of our oil in the year 2020, we would be importing 60 percent of our oil.

The other thing the Energy Information Agency says, which I think is very instructive, if we carry their projections out—and these are all their projections; this is technically recoverable oil from ANWR as they see it—if these are carried out, by the year 2026 those two lines come together again and we are back in a situation where we are as dependent on foreign oil in the year 2027 as we were when ANWR production at the peak of that production. The Energy Information Agency assumes it will take 7 to 12 years before we have any production from ANWR.

We had a hearing in our Energy Committee. We invited representatives of some of the major oil companies that have interests on the North Slope, and the representative from ExxonMobile was asked that very question: How long will it take to bring production to market? I asked ahead and enact legislation? His estimate was 10 to 12 years. He said: Assuming there are no legal problems that need to be overcome, it would take as few as 8 years; more likely, it would take something in the range of 10 years.

The increase in ANWR production would lead to a decline in the U.S. dependence on foreign oil for the 2002 referenced case. Net imports are projected to supply 62 percent of all oil used in the United States by 2020. Opening ANWR is estimated to reduce the percentage share of our imports to 60 percent.

A second opportunity I think we have not given enough attention to is that production from the National Petroleum Reserve, Alaska. This is a highly prospective area for recent oil and gas leasing activity, and it is one where I think we have great potential to produce additional oil.

A third opportunity is new production from lands already under lease that are not developed. There are many such lands offshore Louisiana, Texas, and Alabama, and we need to give more focus to how we incentivize production out of those areas. Fourth is the reliance on other forms of energy. We have been trying to make that point throughout the debate on this energy bill.

Long term, if we are going to avoid the projection on this chart, which is that we will be 75-percent dependent upon imports for our oil by 2030, we have to find alternative sources of energy as a substitute for this imported oil. That needs to be a very high priority for our research and development effort and for the provisions we have in this bill.

I believe the most important energy issue in Alaska is not the Arctic Refuge—although hearing the debate one would think that was the central issue as to whether we did what should be done to meet our energy needs in the immediate future—is that issue is how we deal with the issue of Arctic gas. The North Slope of Alaska contains rich supplies of natural gas. There is more than 32 million cubic feet of natural gas immediately available in existing oil fields in the Alaska North Slope. The total natural gas estimates are in the area of 100 trillion cubic feet. We do not need new legislative authority in order to produce this gas.

However, currently, the natural gas that is produced with oil on the North Slope is being reinjected because there is no transportation system, there is no pipeline with which to bring that gas from the North Slope. The pipeline that dealt with the issue in 1976 when it enacted the Alaska Natural Gas Transportation System Act. Responding to the energy crisis of that decade, Congress called for the immediate construction of a gas transportation system and an expedited process for accomplishing that goal. Due to changed economics, due to other intervening factors, there have been more than two decades that have passed and we still do not have any pipeline. We do not have any transportation to bring that gas to the lower 48.

The energy bill pending in the Senate tries to address the issue. The House-passed bill does not try to address the issue. This bill does. We would increase the supply of domestic-produced natural gas to U.S. consumers by expediting the construction of the Alaska natural gas pipeline. It provides for streamlined procedures for permits, for rights-of-way and certificates needed for the construction of the project and for the construction of a gas transportation system as well as financial incentives to reduce the risks of the project.

We have had a lot of discussion about jobs as part of this debate about ANWR. This natural gas pipeline I am talking about, which is distinct from ANWR, the natural gas pipeline creates more than 400,000 new jobs. This is in contrast to the Congressional Research Service estimate of 60 to 130,000 jobs that would be created by opening the Arctic Refuge.

Senator Reed, who chairs the Joint Economic Committee, released a new report last month estimating that opening the Arctic Refuge results in the creation of 65,000 jobs nationwide by 2020, an employment gain of less than one-tenth of 1 percent of the U.S. workforce as a whole. Building the pipeline would not only create thousands of new jobs but also provide a huge opportunity for the steel industry which would provide 3,500 jobs, 1,500 miles of pipe, 5 million tons of steel. The Senate bill encourages the use of North American steel and union labor in the construction of the pipeline. The total cost of the pipeline would be in the range of $15 to $20 billion. I strongly support going forward with this and putting whatever we can in this legislation to encourage its construction.

In addition to these enormous supplies of natural gas from existing oil fields, there is another substantial opportunity to obtain additional oil and gas from the North Slope. This is the National Petroleum Reserve, Alaska. We have a chart that shows
something of which most Americans are not aware. The map shows a large area, the National Petroleum Reserve, Alaska (NPRA), which is the orange area on this chart. It is a very large area. This is the Arctic National Wildlife Refuge and includes the 1002 area. There are 23 million acres of public land in the NPRA. It is approximately the size of Indiana. It was created to secure the Nation’s petroleum reserves. It is administered by the Bureau of Land Management, in which, in 1998, offered 4 million acres in the northeast portion of the NPRA. They offered 4 million acres in that area for leasing. The result was very successful. It was a very successful lease sale. There was a high level of industry interest, with over $104 million in bonus bids for 133 leases on 867,000 acres in this NPRA area.

Exploration drilling has occurred. The Exploration activities have contributed significantly. A second lease sale is scheduled to take place in June of this year in another part of the National Petroleum Reserve, Alaska. The planning is also being undertaken to open additional portions of the North Slope after the sale that takes place in June. This is an opportunity that does not require any change in the law in order for drilling to go forward. As the map indicates, there are vast areas of Federal and State oil and gas leases on the North Slope that are already open to oil and gas leasing and development. The yellow portions on the chart are already under lease.

In addition, under the current 5-year leasing plan, the State of Alaska plans an aggressive leasing program in the areas between the NPRA and the Arctic National Wildlife Refuge.

Not only do I believe these parts of the North Slope other than the Arctic Refuge should be developed. We do not need to pass a law in order to have drilling in those areas, either.

In addition to my belief there are many other good opportunities to increase domestic oil and gas production, and I mentioned some here. I am particularly concerned about the controversy about the Arctic Refuge diverts attention from an important underlying goal which we need to have in this bill, and that is security. That is clear. It is illegal. Yet companies that are providers in this country did that. Our citizens of this country does not come from America. It comes from countries where, if people in this country did what they did in their country, they would go to the penitentiary.
about wind power and chicken manure being converted into energy, people in my State say: What are you doing? Why don’t you try to encourage oil and gas production? I say: Yes, that is important, but alternative sources of energy are important.

The point I make about where we get our energy supplies is just this simple. If we were dependent for, say—think about it—58 percent of the food we eat in this country, suppose it came from a foreign source, which was not dependable. People would be marching in the streets in Washington, saying you have to stop that policy. It is insane. We can’t depend on foreign countries for our food. It is essential to our national security. You cannot allow a policy which gets agricultural products from countries on which we cannot depend. People would march in the streets—and rightfully so.

That is exactly what we do when it comes to energy. We are satisfied. We are fat, we are happy, until they turn the faucet off just a little bit. It happened in 1973 and it brought this country to our knees. We had long lines at filling stations. We had lack of supplies. We had people getting in fights trying to buy gasoline so they could take their children to the doctor and to school and run commerce in this country. We saw what they could do. At that time we were probably 30-percent dependent on imported oil. Today it is about 58 percent. We look around the world and the circumstances today are much worse than they were in the 1970s.

There has been an attempted coup in Venezuela, which is one of our largest suppliers. The President of that country is in bed with Castro and Libya and Iraq, and we are dependent on them for much of the energy supply in America. Purchase of it comes from Louisiana where we refine it in Lake Charles. Is that efficient? Of course not. They just had a revolution. The guy they kicked out is back. He is not particularly a friend of the United States when he is giving oil to Cuba at discounted prices and threatens to cut it off to us at any moment.

Getting oil from Iraq, is that a stable source? The Middle East situation today is as volatile as it has been in generations.

So the point I would make to start this discussion over is we, in these United States, have to be more reasonable, more balanced in how we approach the solution. There is no absolute, safe method of achieving energy independence that doesn’t have some risk. Let’s admit that up front. That is, of course, true.

But we have a policy in this country when it comes to oil and gas. Think about it. You could not drill offshore anywhere on the east coast, from Maine to Key West. It is all locked in or, rather, locked out from any development, although there are potential reserves in those areas that are substantial.

If you look on the west coast of this country, you can go all the way from Washington State down the west coast, all the way down to Mexico and you cannot have any new leasing in any of those areas whatsoever. We did that because Republican administrations and Democratic administrations, Republican Congresses and Democratic Congresses, have taken all those areas and said: Don’t do it here. Not in my backyard. The problem is the backyard is all the way down to the Gulf. Don’t do it in my backyard on the east coast. The problem is it is the entire east coast of America.

Some have said, and some of the environmental groups have said, ‘Do it off Louisiana,” as if we were not important from their perspective, and as if we didn’t have some of the most valuable resources in terms of wetlands, fin fish, birds, oysters, shrimp, and all of the fur-bearing animals that we have in the very fragile wetlands where we lose those species because of off-shore drilling. But they are saying: Do it there. We are doing it there. We will continue to do it there because we believe this is a national issue and we should make our contribution towards stopping it for 60 years off our coast and on our shores.

There have been mistakes. There have been problems, but we have learned from those mistakes. And today it is much more secure than bringing oil in rusty-bucket ships that leak and spill oil on the oceans of this country. Less than 2 percent of the oil that finds its way into the oceans of America and the world come from offshore development. Most of it comes in tanker discharge, industrial runoff, and other sources, and natural seepage, but not from offshore production activities—less than 2 percent, according to the National Academy of Sciences. I think we have shown it can be done safely and in a fashion that protects the environment.

There are no serious problems that we get royalties, strongly support it, but nowhere else.

I think it has been shown that, in fact, you can have production, if it is done properly and in a sensitive fashion—and in wildlife refuges, as well as in areas that are not easily done. It has not been done and it has been done safely.

This is an example of the type of facility in Louisiana. Look at how small of a print that is. In Alaska, there are 19 million acres that are being considered. We are talking about reserving a portion of that 19 million acres, which is less than the size of Dulles Airport, to do one type of operation, of course, it makes an imprint. Is it huge? Of course not. Is it dangerous? Of course not. Can it be done safely? The answer is yes. History has shown us that it can be done in an environmentally safe fashion. We would not need that, if we were not importing 58 percent of our oil from countries that are not stable.

If we had enough energy production from other sources, then we would not need to do it in the wetlands because we would have more than we needed right here in this country. But that is not the case when we are importing 58 percent from places that fix prices and which have us literally over a barrel when it comes to having enough energy to run the cars, to run industry, and agricultural entities in this country.

We can’t afford not to look at development here in this country. That is the point I would make.

There are some who say we will have a problem with the caribou up there. Caribou aren’t endangered. They are like a bunch of cows. There are more of them than there were years before. In addition to that, we are not damaging the lifestyle of caribou by having some energy development in the same area they happen to be walking through once or twice a year.

Some say: You can’t do anything up there because of the caribou. They say: Don’t do anything to damage the
caribou. The caribou are more plentiful in that part of the country than they were in Prudhoe Bay. They are doing quite well, thank you very much.

For those who said, ‘Well, you are going to interfere with their lifestyle, look at this photograph’. These are not dummies that somebody put out on the North Slope. The Senator from Alaska knows that area quite well. It is his State. These are living, breathing, multiplying caribou within a stone’s throw of a production facility in Alaska. Does this threaten the caribou lifestyle? Is it being interfered with? Does it look as if they are not happy and content, grazing near the pipeline and production facility?

Some will make the argument you can’t do it because the caribou walk across this area twice a year, they might calve, and it might disrupt their lifestyle.

Importing 58 percent of our energy is disrupting the lifestyle of Americans, and it is threatening the security of the United States.

We don’t want to get into another Afghanistan or have the Middle East shut off the oil supply to this country or ask how are we going to defend ourselves and how is the world going to look at us because we are buying oil from people who have turned against us because of conflicts with Islamic portions of this world.

We have to be secure. We have to be confident that we can depend on energy. So whatever is necessary to produce it in this country instead of bending over on our knees saying, please, OPEC, don’t disrupt our energy supplies; please, OPEC, don’t charge us too much; please, please, please.

You can’t say that when you don’t have someone to back it up. What are we going to do? Threaten not to buy their oil? We do not have that luxury because we are not doing enough to ensure our energy security. It should pass or fail on its own merits. We ought to be able to look and decide whether it is a good idea.

I would vote for trying to get something good from the standpoint of energy security. It should pass or fail on its own merits.

When I was back in the House in the 1970s, we wrote the Alaska Lands Act. We looked at this area. We set aside the Arctic National Wildlife Refuge with 19 million acres with the clear thought that we ought to take a small portion of it and look to see whether we could possibly do more for energy. The USGS tells us that it equals a 30-year supply of oil coming from Saudi Arabia.

Some say there isn’t much up there. We will not know until we take a look. The USGS tells us that it is potentially a 30-year supply—the equivalent of what we get from Saudi Arabia. That is a huge amount. Some say it is a 1-day supply. It is 1 day if we cut off all other sources. If you look at it from the standpoint of potentially how much is there, a 30-year potential is very significant. Considering what we get from Saudi Arabia.

We may not get this thing done. We may continue to say: Don’t do it in my backyard; don’t do it on the east coast, don’t do it on the west coast, don’t do it in the Gulf of Mexico, don’t do it; don’t.

But my point is simply this: If not there, where? For somebody who thinks it is better to import it from the Middle East rather than produce it in our country with our own people running the program and with our environmental laws in effect, I suggest that is not a good tradeoff.

This amendment should pass. We should go about the business of bringing energy security to this country.

I yield the floor.

Mr. MURKOWSKI. Mr. President, will the Senator yield for a question?

Mr. BREAUX. I would be happy to yield.

Mr. MURKOWSKI. I ask the Senator from Louisiana: Some people have suggested that the better answer is, rather than opening ANWR to drilling, we should simply concentrate on the Gulf of Mexico and put up every possible lease sale. We showed you this on the map I have in the chamber because I think it depicts the chart because I think it depicts the statement that has been made continually: ‘Well, not in my backyard.’

Mr. BREAUX. That is it. It is easy to say: Don’t do it in my own backyard. I want to be with environmentalists. And that is fine, but at some point you have to say: We have to have a balanced program.

I talked to some environmentalists about ANWR, and I said: Tell me what, what if we limit it to 1 acre? Would you be satisfied if we only did it on 1 acre in Alaska? The answer was: No. The fact is, they don’t want to do it on 1 acre or 20 acres. They don’t want to do it because it becomes a symbol of what they stand for. And I understand that.

But we are in a crisis in this country. I am saying you have to have a balanced approach. This is what has occurred around natural gas, the cleanest burning fuel, the least threatening in this country. People don’t like nuclear because it is dangerous. Natural gas is dangerous. They don’t like coal because it is dirty. Natural gas is the cleanest fuel we have.

Look at what has happened. As I show you this on the map I have in the Chamber, this area is subject to no restrictions. You cannot drill for potentially 21 trillion cubic feet of natural gas on the west coast because it is all blocked off. There are 31 trillion cubic feet of potential natural gas reserves on the east coast. You cannot drill a well anywhere there.

There is lease sale 181, which we just fought in this Congress, where people want to say: Don’t do anything here. There are 24 trillion cubic feet of potential natural gas reserves, and Floridians are paying over 50 percent of the gas they use from other sources. They do not produce but a trickle of their gas in Florida. They import over 90 percent, and they say: Don’t do it off my pretty beaches. Don’t do it off my million-dollar homes. Don’t do it somewhere else. There isn’t anyplace else.

The only place we are doing it is shown here on the map. So look at the
interior of the country. We have more places where you can’t look for oil and gas than you have where oil and gas potential exists.

Mr. BINGAMAN. Would my friend from Louisiana yield for a question?

Mr. BREAUX. Sure.

Mr. BINGAMAN. I don’t want to argue with the Senator’s basic point. I am in general agreement with him, that we ought to be drilling some places that we are not drilling right now. But the chart the Senator has seems to indicate you are not drilling in northwestern Mexico. That is one of the largest gasfields in this country, the San Juan Basin. We are drilling at an amazing rate up there. I support the drilling that goes on there, by and large.

I do not know about all the rest of the Rocky Mountain region, if that map is intending to indicate you cannot drill in it. But that a lot of our State is being drilled in, and appropriately so.

Mr. BREAUX. I just say, referring to the map, the access restrictions I am talking about the coast clearly are a total prohibition. And this is a total prohibition. This has restrictions on access to those areas. For some of these areas, it should be.

But what we are talking about today is not access restrictions to ANWR; we are talking about a total prohibition on ANWR. That is not access restrictions. That is a lot further.

If we want to pass a bill that says we are going to carefully coordinate how you are going to drill in that area, how you can exit that area, what you can do in that area, that is one thing; but the legislation we have in the current law of this country is: no access. That is not access restrictions; that is totally no access.

What we are doing is that we have potentially huge amounts of energy.

Mr. BREAUX. I would say, don’t do ANWR if we don’t need it. But anytime this country is importing 58 percent of our energy, I would suggest we need it. Are we importing 58 percent of our energy because we like to do that? Of course not. We are over a barrel paying OPEC prices, which they fix every 6 weeks.

I think, if we are going to have a national energy policy, everybody has to come to the table, not just half of the equation.

I yield the floor.

The PRESIDING OFFICER (Mr. Nelson of Florida). The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me begin, if I may, by first of all saying it is my intention to answer each and every one of the assertions just made by the Senator from Louisiana and the Senator from Alaska. There has been no proof that those of us who oppose drilling in the Arctic Wildlife Refuge are strongly in favor of drilling in many other parts of this country and are strongly in favor of a policy which keeps the United States out of the cutting edge of energy production.

In a few moments I will show how we are producing extraordinary amounts of natural gas, almost all the coal we consume, huge amounts of oil and other sources of energy, and, in fact, we are building new powerplants all across this country.

None of us are standing here with our heads in the sand arguing that we should not continue to produce energy. Moreover, I think the arguments made underscore the fundamental difference in the approach by those of us who believe there is a different energy future for the United States that does not require us to do anything we have set aside for a purpose.

Beginning with a Republican President and going through a series of Presidents over the last 25, 30 years, there has been an honoring of an ethic in the United States that suggests that the concept of a preserve should be exactly that.

My colleague, a moment ago, said: What would happen if we said, drill in only 1 acre? Well, everyone under-stands that if you drill in 1 acre, it does not stay at 1 acre. It will progress. The first acre is the violation of the notion of set-aside. The first acre is the violation of the concept of pristineness. The first acre is the destruction of the concept of an arctic wildlife refuge, that is absent any kind of industrialization.

My arguments against drilling in ANWR are not based on the caribou. That was a wonderful picture, a great discussion. This is not the principal argument here. It is interesting, however—and I will show, a little later, that our own Fish & Wildlife Service—I have heard my colleagues referring to radical environmental groups. The people who are cautious against this are the administration’s own functionaries who worked on this for years. The Fish & Wildlife Service finds there would be problems with respect to the ecosystem. The Bush Administration has serious questions with almost all of the numbers that have been put forward by the proponents.

So I begin at the beginning. I want to try to lay a record out here that I think is clear and, I hope, understandable, and I hope, in the end, compelling about why it is inappropriate to drill in the Arctic Wildlife Refuge. But I do want to say, the two visions are different visions of the energy future of our country.

I honor what the Senator from Louisiana said. He is a strong advocate for his State. He is a terrific Senator. And he is right, we do need to do more drilling. I am in favor of more drilling. We should do more drilling in the deep water Gulf of Mexico, which Lord John Brown, the CEO, chairman of British Petroleum, says is the most significant oilfield unexploited in the world, which is where at least British Petroleum would like to put its energy. Its efforts, not in ANWR.

But let’s begin at the beginning.

Our colleagues have come to the floor and suggested to our fellow Senators that this is the first time in history that a “national security” issue has been filibustered.

First of all, one could make a serious argument about the degree to which this is, in fact, a national security issue. I would argue with the Senator that we are importing 58 percent of our energy. I would suggest we need it. Are we importing 58 percent of our energy, then CAFE standards are equally a national security issue for our country. In fact, CAFE standards are a far better response to national security because even the oil companies will tell us they can’t produce oil in ANWR for anywhere from 7 to 10 years.

When my colleagues come to the floor of the Senate and suggest to us that the crisis in the Middle East is a reason to drill in ANWR, that is a misrepresentation. The Bush Administration will tell us they will not start to flow from ANWR, given the permitting, lawsuit, developmental processes, as I will show later, until from 7 to 10 years from now. And you don’t even get to the peak production until somewhat, perhaps, around 2007.

That said, if you put CAFE standards in place, you would have a much faster response to the oil. You would get 1 million barrels saved in a decade, and that would grow exponentially. In ANWR, as you drill, you lose the oil. You reach a peak of point production, and then it starts to go down. But if you put CAFE standards in place, it grows and grows through the years. So in fact, CAFE standards result in three times the savings over ANWR.

I don’t want to get into a CAFE standards argument. That is not why I am here. But CAFE standards is as much a national security issue for the United States as the question of whether or not we drill in ANWR. I will show later how ANWR doesn’t even affect the total amount of oil on which we are dependent except for this tiny little sliver that is barely discernable on a graph.

The point is, our colleagues have suggested this is the first time. I want to say this because the accuracy that disappears in this process is very important. The fact is, in the 101st Congress, second session—I was a member of that Senate; I remember the vote—we had a motion to invoke cloture on the Motor Vehicle Fuel Efficiency Act. It failed.

In other words, it was filibustered. It was filibustered, and 42 Senators managed to prevent us from passing the effort by Senator Richard Bryant of Nevada to have CAFE standards, which is a national security issue.

Among those Senators who voted to continue the filibuster and not allow us
to put CAFE standards in place were both Senators from Alaska and the Senator from Texas, who have asserted that we must allow a straight vote on ANWR. Let’s dispense with the national security argument, and there is further reason to dispense with it because of oil we have in the Arctic Wildlife Refuge.

I want to show this chart. This is the world supply of oil production versus the Arctic Wildlife Refuge. If the Presiding Officer is having trouble seeing ANWR, that is because here it is. It is this yellow line at the very bottom of the chart versus all the oil production of the world.

The United States of America only has 3 percent of the oil reserves of the world, including ANWR, including the Gulf of Mexico, our national monuments, all of our oil. Every single year, the United States of America uses 25 percent of the world’s oil. I don’t know any child in school who can’t quickly figure out that we pay for all of it. We use 25 percent of the world’s production, we have a problem.

We have a serious problem.

You can’t drill your way out of this problem. If you drill all the oil in ANWR, still face a fundamental issue which is the United States of America is overly dependent on foreign oil and is growing more and more so.

In 1973, when we first met the cartel’s oil crisis, we had a dependency on foreign oil of about 5 percent. Now, we are about 55 percent dependent on the rest of the world. And in the next few years, we will grow to 60 percent. Does anybody in their right mind believe if we depend today on foreign oil for 60 percent of our oil, that ANWR, which is only a fraction of the 3 percent that we possess, somehow has the ability to make a difference to the United States? The answer is no. You can’t. You just can’t squeeze that much.

So there are two competing visions here: A vision of the status quo, a vision that is similar to the one that is reflected in a willingness to avoid doing anything about global warming, even though every scientist says global warming is a problem; a willingness to ignore the need to be involved in the realities of science versus our desire just to go along the way it is and not upset the equilibrium in any way whatsoever.

The fact is that about 70 percent of America’s oil use goes to transportation. When I hear my colleagues talk about our terrible dependency on the Middle East for oil, ANWR does not end the terrible dependency on the Middle East for oil. I just heard the Senator from Louisiana say: Gosh, it would be great if we could vote in a way that we are not the hostages of Middle Eastern countries and off our own oil.

Well, yes, it would be great. But voting for the Arctic Wildlife Refuge doesn’t do that. It leaves you still 60-percent dependent on foreign oil. And any cartel, any terrorist, any country that wants to hold the United States hostage will hold us hostage until we liberate ourselves from our oil glut- tony, dependency, whatever you want to call it.

Those two visions are the vision of the status quo here over here, and a vision over here of those who believe there is a different energy future for the United States.

I quickly say as an outline, my sense of that energy future for the United States begins with four important principles. Those principles speak directly to what the Senator from Louisiana just said about whether we are willing to drill.

No. 1, absent an exhaustion of rem- edies and a life-threatening threat to the United States, absent that, the United States should do nothing that doesn’t make economic sense. Principle No. 1: It makes economic sense to avoid drilling, it is silly to do absent some life-threatening challenge that is coming down the road.

Principle No. 2: We should commit ourselves again, given the same caveat, absent a threat that we have just got to respond to, to do absent ourselves that the choices we make do not diminish the quality of life of any American at all. So it makes economic sense. We don’t diminish the quality of life. We can make those choices now.

Principle No. 3: We should commit opposed to the Arctic Wildlife Refuge must have the courage to stand up and say we are going to be dependent on oil still for 30 to 50 years or more in this country. It will take that long to make the energy transition, to make the transportation transition. And what we must do is put in place a set of policies that begin to accelerate our capacity in an economically viable way to begin to make that transition to this new energy future.

That is alternatives and renewables and the hydrogen fuel cell and hybrid cars and a host of other things.

I don’t know why my colleagues are so pessimistic about America’s capac- ity to meet a challenge through the skill and creativity of our entre- preneurs.

When we put our entrepreneurial skill and energy to work in the United States of America, there is nothing we can’t do it—when we went to space. We proved it in the Man- hattan Project when we needed to create a response to the terror of the Axis Powers and win World War II. We have proven it time and again.

I believe that just as President Ken- nedy put a challenge to this country saying we are going to go to the Moon in 10 years—not knowing, incidentally, if we could in fact get there, not know- ing if it was in fact achievable, but telling America that the reason we are going to do this is because it is dif- ficult. And we did it.

In 1990, when everybody said, oh, it is going to cost $3 billion to reduce the amount of sulfur in our air as part of the Clean Air Act and we cannot do it in that time period, what happened, Mr. President? We did it faster than we ever thought we would or could, and we did it for a cost not of $3 billion, or for $4 billion, which the environmental groups thought it would cost; we did it for $2 billion, and we did it faster.

The reason we did that was that no one was able to factor in the ex- pendential benefits of technology, the rate at which one technological discovery formed the next technological dis- covery. The way, in fact, that the seri- ous commitment of the United States could do it invited private capital mar- kets to make the decision that, hey, that is worth the investment. It is the old field of dreams: Build it, and they will come. We decided we were going to build it, and they came, and we did it faster.

My colleagues are very pessimistic about the ability of the United States to make a commitment, to stoke all of these capacities to do these things more effi- ciently, cleanly, and effectively, and we can create tens of thousands, millions of jobs in this country, putting people to work in production for other parts of the world than also have the same demands and needs.

Again, I repeat, we cannot drill our way out of America’s energy challenge. We have to invent our way out of this challenge. We should begin now to en- courage the greatest laboratories, our universities, our venture capitalists, the private sector, in the strongest way possible to begin to move us to this new energy future where America is not dependent upon these other coun- tries.

I am particularly sensitive when I hear my colleague say we don’t want our young men and women sent off to these countries and put at risk. Let me tell you, I think one of the things I have fought for as hard as anything in the Senate is common sense about how we wage our wars and where and when we put people at risk.

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Mr. President, this is a false promise to America. The sons and daughters of America are more at risk every day that we remain prisoners of this equa- tion where more than 45 percent of the world’s oil supply is in Saudi Arabia. There is nothing we can do about that. We don’t have as much. No matter what we try to do, we won’t be able to repeat it. Moreover, the amount of oil in ANWR will not affect the price of oil globally at all. It doesn’t create the kind of independence we want.

This is a statement of Lee Raymond, chairman and chief executive officer of ExxonMobil Corporation. He is in the oil industry. He knows what he is talking about:

The idea that this country can ever again be energy independent is outmoded and prob- ably was even in the era of Richard Nixon. The point is that no industry in the world is more globalized than our industry.

That is a chief executive of an oil company.
Whether or not we do ANWR with respect to price is also critical. The first President Bush said:

Popular opinion aside, our vulnerability to price shocks is not determined by how much oil we import. Our vulnerability is more directly linked to how oil dependent our economy is.

President Bush is correct. Nothing about drilling in the Arctic Wildlife Refuge actually alters the dependency of the United States. No one in the industry will suggest that, even at its best amount of oil, the Arctic Wildlife Refuge makes anything but a few tiny percentage points, in the low single digits, of difference on a 60 percent dependency on foreign oil.

Even if you drill in the Arctic Wildlife Refuge, you cannot affect the energy price. Alaska Governor Tony Knowles said:

Evidence overwhelmingly rejects the notion of any relationship between Alaska North Slope crude and West Coast gasoline prices.

Great Britain is entirely energy independent, fuel independent. They have their own North Sea oil. But Great Britain, despite the fact that it has a 100 percent capacity to supply its oil, is subject to the same price increases and the same price shocks as other countries in the world. ANWR, with its tiny little percentage, is not going to affect that.

Let me deal with another issue if I may. I have enormous respect for Senator Murkowski and Senator Stevens. They are friends. They have been my colleagues a long time, and they are fighting a fight in which they believe. They particularly believe in it for their State. I think every one of us in the Senate accepts responsibility for helping States that have difficulties making up revenue differences. That is why we have a Federal system in this country. We help farm country for different things at different times. I am certainly always prepared to try to be of assistance to the State of Alaska in ways that, I think, it needs it.

One of the Senators, or both, has spoken about Senator Tsongas a number of years ago. None of us could comment on what was or was not said between Senators. I accept what Senator Stevens says. All I know is that Senator Tsongas was asked point blank in 1992:

Do you believe that the Alaska refuge should be opened to drilling in 1992?

Here is what the Senator said:

Absolutely not. I believe we should prevent exploitation and devastation of this national treasure. To address our energy needs, we should promote maximizing energy efficiency, renewable resources, and our plentiful natural gas reserves.

Once again, I cannot go back in history to a time when I wasn’t here. But I do know that Paul Tsongas, as late as 1992, to drilling and certainly had no sense of any commitment he had made at that point in time in that regard.

In this debate, as I mentioned a moment ago, I want to deal with the question of production. The Senator from Louisiana asked: What are we going to do? Where are we going to produce our energy? He asked legitimate questions, such as: If we are not going to do it here, how do we do it there, and so forth.

Let me clarify this for the record. The proponents of drilling in the Arctic Refuge believe there are people who don’t want to do it as somehow anti-energy production. As I have just described, I have a vision—and I think others share it—of huge energy production for the United States of America. We cannot grow our economy if we don’t grow our energy production. We want to grow our economy, and we want the jobs that come with it. We need the strength for our Nation. Of course, we have to expand our energy production. Here is where these debates always somehow get dragged down, because people want to go to the places—I don’t know, for sort of a debate advantage or political advantage but not where the truth is.

This debate is not about whether or not we need to expand our energy. This debate is over how we expand our energy. How do we do it? Do we do it in a fashion that pollutes the air, leaves toxic waste sites, tear apart the health of our fellow citizens, that pour particulates into the air so we have more emphysema, more lung disease, or exposes countless others to cancer or other cancer or other risks?

I want to talk about the Gulf of Mexico. Ask an oil company executive privately right now—and some of them have gone on record publicly—whether they really want to dig in Alaska. The answer is sometimes no, or it depends. Oil companies are holding 7,000 leases today for deepwater exploration in the Gulf of Mexico and not using most of them. The reason they have not drilled in the Gulf of Mexico where they already have the permits is because they have waited for the price of oil to go up because that helps the economics.

The fact is, if tomorrow the United States were cut off, it would not be only Alaska we would look to; it would be the Gulf of Mexico; it would be other oil supplies of the United States to which we would look.

According to the Minerals Management Service, there are between 16 and 25 billion barrels of economically recoverable oil in the central and western Gulf of Mexico. That depends on the price, as I will explain in a moment.

Economically recoverable oil is different from other categories of oil that are in the ground and available. “Economically recoverable” reflects what you can get at the current cost of oil.

One of the interesting points is most of the studies of our colleagues who come in here and say we ought to do this and create 700,000 jobs and so forth are based on a completely false price for oil, not the price we have today.

Development in the Gulf of Mexico has accelerated. According to the Minerals Management Service, 42 new deepwater fields have come online since 1995. Christina gas, for example, is supposed to come in over 1 million barrels a day in 1995 as much as 1.9 million barrels per day 3 years from now.
The Gulf of Mexico reserves are so promising that Lord Brown, whom I mentioned earlier, the CEO of British Petroleum, calls them some of the most promising reserves in the world. He was asked where the most important place to find oil is in the United States. He said this in an interview by “60 Minutes” a couple of months ago. Here is what he said:

The deep water Gulf of Mexico, part of the United States, is probably one of the greatest near the earth in the entire world.

Let me highlight some of the production that is underway in Alaska because it has been suggested that somehow we are shutting down Alaska’s capacity to pump oil.

Last May, the State of Alaska completed a lease sale of 950,000 acres on the North Slope. It is the largest lease by any State in history, and they have announced another 7 million acres will be put up for lease in the coming years. The State of Alaska has scheduled 15 oil and gas lease sales on the North Slope.

In 1999, the Bureau of Land Management held a lease sale of 4 million acres in the National Petroleum Reserve, Alaska. It is in the process of releasing 3 million acres and other plans and bidding on a third lease sale of a planning area of 10 million acres.

In April of 2001, BP, Phillips, and ExxonMobil predicted that there is at least 7.8 billion barrels of oil to be developed on the North Slope of Alaska. In the Arctic Wildlife Refuge represents our God-given natural strategic petroleum reserve. If, indeed, 20 years from now none of these things I have predicted happen, if we are so backed up in a corner, if technology does not come through, if we do not do our work, then at least we might have had the chance to have had on to this God-given strategic petroleum reserve, rather than going for it right now at a time when it is not necessary.

Let me speak to some of the important issues that I think have to be clarified as part of the record.

No. 1, how much oil is in Alaska? We hear of different amounts of oil that we could find there. There are very different estimates. Some people say more than 16 billion barrels; some say far less; some argue not enough to make development economically viable. That is not where I am. I am not trying to put these extremely extreme arguments; I think those who only go to the extremes do a disservice to the debate.

I would like to present what I think is the amount of oil that could be technically recovered, and that is the amount of oil that could be extracted using today’s technology without any consideration of cost. Of course, we know cost is a consideration, but I am going to deal with it technically.

I have heard this reference continually to radical environmental groups. I do not think risks are United States Geological Survey is a radical environmental group. They say there is a 95-percent probability that at least 6 billion barrels of oil are technically recoverable. There is a 5-percent probability that at least 16 billion might be technically recoverable. The mean, or the most likely outcome, is that 10 billion barrels of oil are technically recoverable.

The second question is then. How much is economically recoverable? This is an estimate of how much oil you could produce at a certain price of oil. That number matters actually much more than the technical reserves because you do not produce oil they cannot bring to the market profitably.

According to the U.S. Geological Survey, again, if oil is priced at $25 a barrel, then there is a 95-percent chance that 2 billion barrels are economically recoverable. There is a 5-percent chance that 9 billion barrels are economically recoverable.

A mean chance, or the most likely outcome, is 5 billion barrels are economically recoverable. And one might add, these numbers are taken straight from the Congressional Research Service briefing on the Arctic Wildlife Refuge, and the cost estimate is directly from the Energy Information Administration.

It is difficult to estimate how much oil might be in the refuge. There are complicating factors, but for the claim to keep coming at us that the refuge is going to produce 16 billion barrels and to make the argument that the amount based on that is not to do justice to the probabilities I put forward and to the realities of oil exploration. The claim is not only unrealistic, it runs counter to what I think the claim are leading reason for drilling because the leading reason for drilling is that it is going to produce for us cheap oil.

If it is going to produce cheap oil, you diminish the amount of recoverable oil because the economics do not make sense to keep the price down. You cannot check into the way in this argument and have it both ways.

I also want to highlight the important difference between what is called in-place oil, technically recoverable oil, and economically recoverable oil. I know this is a little arcane, but I want to talk about that because I want the record to reflect this is not about caribou alone, it is not about some “not in my back yard.” This is about clear science, economic, and resource opportunity policy, energy policy, and the long-term interests of our country.

The facts are these definitions are vital to understand and to weigh the choice we have. On Alaska’s North Slope, near Prudhoe Bay, there is a field called West Sak. In 1989, Arco estimated the West Sak field held as much as 13 billion barrels of oil in place, with another 7 billion listed as potential. Estimates published in the Society of Petroleum Engineers placed the estimate at more than 5 billion barrels in total. But the Alaska Department of Natural Resources estimates that only 370 million barrels of oil, less than 2 percent of the oil in that reserve, will be produced through the year 2020.

Why? Because that is all that is economically recoverable. This is Alaska itself telling us it is limited because of the price. It is not enough to say there is oil in the ground. We have to understand how much we can get out, at what kind of price, and what is realistic. We are going to hear that with emerging technologies and still-to-be-invented technologies, the amount of economically recoverable oil might be higher. I concede that. That is true.

Is it possible that it is a positive thing, if it happens in the future. But it is also true that the amount of economically recoverable oil may be less and the price may go down.

Why may it go down? Because a whole bunch of people are already starting to push that technology curve in the alternatives, and if suddenly someone comes in with the capacity to do the hydrogen fuel cell or other things, the entire transportation mix of cars and trucks changes, the demand curve goes down, and the price goes down, and far less oil will be recoverable.

On March 10, 2002, the New York Times published a story with the following headline: ‘’Hesitates Over Moving into Arctic Refuge.’’ The article highlights why the oft-repeated claim that the refuge will produce 16 billion barrels of oil is simply inaccurate, and I share this quote: ‘’Big oil companies go where there are substantial fields and where they can produce oil economically,’’ said Ronald Chappell, a spokesman for BP Alaska, which officially supports the area and drilling. He continued: ‘’Does ANWR have that? Who knows?’’

That is the conclusion of the company: not 16. Who knows?

The article continues: There is still a fair amount of exploration risk here. You could go through 8 years of litigation, a good amount of investment, and still come up with nothing holes or uneconomic discoveries, said Jerry Kepes, the managing director for exploration, and production issues at the Petroleum Finance Company, which is a Washington consulting firm for oil companies. Quote: It is not clear that this is quite the bonanza that some have said.

So we have to weigh, do we take this not quite so clear bonanza and destroy an Arctic wildlife refuge, for which some people have disrespect but, as I will show, I think is a concept that captures the imagination of many Americans and is worth preserving.

This article says a great deal about how little oil might be in the refuge, and it stands in stark contrast to some of the claims we have heard by the press and in the Senate about the 16 billion. An article in the Washington Post examines some of the compelling claims over the refuge oil potential. It said as follows:

How much oil is out there? No one knows for sure. But the environmental movement’s favorite statistic is a USGS estimate that the Coastal Plain contains 3.2 billion barrels.
of economically recoverable oil at the current price of $20 per barrel, about what the Nation uses in 6 months.

I will concede in the last few days the price of oil has gone up a little bit. That one probably goes up with it, and of course that is true. But Senator MURKOWSKI wrote a letter to the Post that the USGS actually estimates 10.3 billion barrels of economically recoverable oil. The truth, according to the USGS, is that they have said directly Senator MURKOWSKI is wrong in stating that figure and the environmentalists are right, and that is a quote from the USGS.

To lay it out, proponents of drilling are reiterating the prediction by as much as 200 percent. Likewise, some of the opponents of drilling sometimes underestimate production by as much as 40 percent, assuming that oil costs less than $20 per barrel.

In my estimation, the most reliable prediction is that the refuge might produce about 5 billion barrels of oil over its productive lifetime, and that is if oil is priced at about $25 per barrel. I should note the Energy Information Administration predicts oil will be at about $22.50 per barrel, not $25 per barrel. So, again, 5 billion barrels may be somewhat high.

What would it mean if one were to find 5 billion barrels in the Arctic Wildlife Refuge? That is the next thing we ought to try to measure. A lot of promises have been made by the other side. They have suggested it is a solution to oil shortages, heating oil shortages, prices, электростанции, unemployment, national security. It is even being tied to specific conflicts and incidents around the globe. Someone might believe, listening to this, that the Arctic Wildlife Refuge is the magic elixir that is going to cure most of the ills we face. But the fact is, if one is simply an oil company and they are looking to drill some oil, that can be a lot of oil. It is money, money in the pocket; profits; no question we should evaluate the job creation.

That is not what we are measuring. We are not an oil company. We represent the people of the United States of America, and our country has to weigh that potential 5 billion barrels and what it means in the Arctic Wildlife Refuge to the curves we displayed earlier that show our dependency on foreign oil. 70 percent of which goes into transportation, which mandates that we begin to deal with a whole different set of energy choices for our country.

There is another issue we need to think about with respect to this. We need to think about how much oil is going to be produced not in the total lifetime but on a daily basis because that is what affects supply. This number helps us understand what the real impact of the Arctic Wildlife Refuge might be. Once again, the proponents of the drilling, from the White House to the Senate, have exaggerated those estimates more than they have even exaggerated the overall recoverable oil.

We have heard that the refuge oil is, as I said, a solution to a whole bunch of problems, such as the California electricity crisis. I showed the quote where Alaska Governor Tony Knowles responded it would not have any impact at all on California. The response, I said, will not produce oil for 7 to 10 years. That means if you open the refuge today, you are not going to see oil until about 2012, maybe a couple of years earlier.

The relevant agencies of our government and the industry itself have said this 10-year figure is about the average; maybe 7 to 10, but they bank on about 10. The Energy Information Administration says 7 to 10 years. The Congressional Research Service says 10 years. The industry’s own economic analysis produced by WEFA Economic Forecasters, which I should add is wildly optimistic about every aspect of oil drilling, predicts it will take 10 years for the oil to begin flowing. That is from the group that produced most of the studies on which they rely. They say 10 years.

Asked in a Senate hearing how long it will take, the president of the exploration of production for ExxonMobile said:

In the normal process we would probably allow 3 to 4 years for the permitting which would put you in the 10-year range.

Let’s end these arguments that this is the cure to the Middle East crisis today that this is somehow going to prevent a young American man or woman in uniform from having to go over and defend an oilfield next year, the year after, or the year after that. The United States, even if we drill in the Arctic National Wildlife Refuge, is still so dependent on foreign oil now, until we change our overall energy mix, America’s youth will be at risk to protect America’s dependency.

We have heard a lot of talk about jobs, how many jobs will be created, what this will do. We have even heard that the Arctic Wildlife Refuge drilling is the solution in place of the stimulus or part of the stimulus during the course of last year, and it will produce an immediate impact. It is interesting to note Secretary of the Interior Gale Norton has been sent around to a bunch of press events in Missouri, Arkansas, Indiana, and New York as a representative of the Federal Government—charged with managing our public lands—and she has been promising the drilling of the Arctic Wildlife Refuge creates 700,000 jobs across the Nation. Secretary Norton’s tour, No. 1, is a political tour, not the management of our lands. And oil drilling in the Arctic Refuge does not create 700,000 jobs. That claim comes directly from a study that has been universally discredited. It is a bogus study.

First of all, the 700,000 job claim is for 1 year in about 2015. Yet you never hear the Bush administration mention that. Not only is the 700,000 number a wild exaggeration, but it doesn’t represent the startup and decrease with respect to jobs in this particular effort. Moreover—and here is the most important thing, much more important than anything else with respect to the study—the claim is based on a 12-year average production in economic studies produced by WEFA Economic Forecasters, paid for by the American Petroleum Institute. According to that API study—this is their study—drilling in the Arctic Wildlife Refuge produces zero jobs for the next 4 years; zero jobs according to their own economic estimates.

There is a choice. We can invest in the pipeline for natural gas which could immediately produce jobs, or we could drill immediately in other areas where we have already established permitting and the ability to drill. That would be a more immediate job production than this. It is interesting, you would have to wait until 2007 for the jobs to be produced.

I highlight a couple of the technical inaccuracies of this study which has been thrown around so much. The Center for Economic Policy and Research assessed that study and made the following points:

No. 1, according to Energy Information Agency estimates, the API study overstates oil production in the refuge by a factor of 3. Adjusting the projections to keep them in line with the EIA estimates reduces predicted job creation by more than 60 percent. The API study assumes other oil producers, especially OPEC, do little to increase production and bolster oil prices. Adjusting other production to keep them in line with current estimates reduces the job creation by 40 percent. The API study assumes the economy will be far more affected by a drop in oil prices than is reasonable to expect and substituting a more reasonable estimate lowers the projection by about 75 percent.

As I have said, that study was written 10 years ago. So we can test some of the assumption and predictions easily. The study was estimating more than $45 per barrel in the year 2000. Let me repeat: Here is a study that they are still using, they still come to the floor to say creates a lot of jobs, that, in fact, predicted a price of oil double what the price of oil is today, which increases the recoverable oil and changes the entire economics. Oil back then was $25 per barrel.

Here is another example. The study assumes that when Arctic oil flows, the world market fleet will produce 15 million barrels per day. The world market today is already more than 70 million barrels a day, and it will be much higher by the time the production occurs. When the price goes wrong and, frankly, all our projections were based on oil prices were $25 per barrel, believe that our economy is capable of doing in any week if our economy is moving in the right direction.
I will read from an Associated Press article published in March a remarkable story that shows that while President Bush's Cabinet Secretary, Gale Norton, tours the Nation promising America 700,000 jobs, the people who supported the API study are distancing themselves from it. Here is what the article reports:

"The authors of the 1990 study no longer work at the company [that prepared it], according to a spokesman who acknowledged it was "a bit out of date." "We wouldn't come up with the same numbers today," said Mary Novak, an economist and managing director. Some of the assumptions made are a decade ago "are suspect, and you might understate," says Roger Ebel, a global energy expert for the Center for Strategic and International Studies."

And he has been involved in the Arctic Wildlife Refuge drilling debate.

The Congressional Research Service has looked at this question and assessed how many jobs might be created from drilling in the Arctic Wildlife Refuge. The study casts doubt on the API study. CRS said the following.

"First, if the economy is operating at full employment, jobs created by drilling in the refuge would come at the expense of an equal number of jobs in the rest of the economy. In other words, if we pull this economy out of recession and get ourselves to full employment, drilling is not going to create any additional jobs.

That is the Congressional Research Service... It is not me. I am quoting the Congressional Research Service.

Second, job creation from drilling in the Arctic Refuge may be as little as 8 percent of API's claims. The Congressional Research Service gives a range of between 60,000 and 120,000 jobs. Again, when the economy was expanding in recent years, it created that many jobs in 3 weeks.

Third, should oil prices drop, which CRS describes as uncertain, any employment that drops often does not come back unless the offset by harm to oil producers not operating in the refuge, who would then conceivably reduce their operations and workforce, impacting suppliers and local economies in other ways.

Let me turn to a question of price. Jobs are not the only expanded, exaggerated component of the argument. Another is the question of how, if we develop in the refuge, we will lower the price of oil and gasoline, heating fuel, diesel fuel. The products we produce from oil. When we examine the facts which I went through a bit earlier, the fact is, the price of oil now is not going to be affected by what happens in the Arctic Wildlife Refuge because, as we have seen, you have to be, first of all, certain about the amount of oil it will produce; and, secondly, there are three different assumptions to make about the oil from the refuge. You could use the exaggerated peak production, you can use the 1 million barrels a day you hear about. The President of the United States and other proponents have told Americans they have a plan for the Nation, a plan to ensure energy independence, to protect our national security. They back up the plan with a lot of talk about national security. They have insisted we attach ANWR to the Department of Defense authorization bill last year. And it is not a matter of national security. They hold press events with big pictures of Saddam Hussein. When two servicemen died in duty to our Nation, they suggested it was about the Arctic Wildlife Refuge and that was related to national security. They do not drill in the Arctic Wildlife Refuge.

Their plan, this master plan that will ensure energy independence, is simply without validity. Under no economic model whatsoever, under no supply and demand curve, no way whatsoever can we, our leaders, do absent inventing alternatives, is going to diminish that. If we drill in the Arctic Refuge, we are not going to stop importing oil from Saudi Arabia. Nobody suggests that. We are not going to stop importing it from any of these other nations we are concerned about ultimately.

So I think it is clear that the flow of money to terrorists is not going to stop. If we drill in the Arctic Wildlife Refuge, it is not going to suddenly make peace in the Middle East. If we drill in the Arctic, our forces are not suddenly going to come home. There is going to be no change in deployment; there will be no change in what we may have to do with respect to Saddam Hussein, which we ought to do anyway, regardless what happens in ANWR.

Will a single soldier, marine, or sailor today in harm's way come home if we make a decision to drill? The answer is no. We should not. We should terminate this notion that somehow fools people that that is, indeed, what is at stake here.

I want to correct one thing I said a moment ago. The CAFE standards would not begin immediately. Earlier I misspoke when I said that. The CAFE standards take some time to ramp up and take effect. But had we put that into effect in 1990, we would today, in the year 2002, be saving 1 million barrels of oil per day, which is close to the amount we import from Iraq. That represents the Iraq figure.

I have spoken almost entirely about energy policy. It is my own belief that this is sort of the critical moment in the life of the United States, in our lives, to make a choice about our future. Are we going to just kind of keep going down the road where we pretend the American way is the solution? Or do we begin to force the transition?

In the 1930s, many parts of America did not get electricity. They could not
get it. But Roosevelt and others de-
cided it was critical for the develop-
ment of our Nation, for our Nation’s future economy, and for our well-being, for kids to be able to have schools with lights, to have power and so forth in their homes, that we not that elect-
ricity go out into the rural and poor communities. So what did we do? The Federal Government spent several bil-
lion dollars to subsidize, to make sure we put that electricity out.

In the same vein, the Government must today make a decision about the well-being of our country. Are we bet-
ter off continuing down a road where we already know we have oil we can drill in Alaska and the North Slope? I have described how much we are drill-
ing, how much has been leased and put out for lease already. We already know we have 7,000 leases in the Gulf of Mex-
ico. We can go down there and continue that process. But are we going to make the decision as a country to begin to legitimate end our depend-
cency, are going to come from effi-
ciencies in the current regime. Those efficiencies come from hybrids, new technologies, alternatives, renewables, et cetera.

These are the principles that must guide us. But I do not want to leave out what I think is a critical component of this argument that should not be di-
minished. It does not deserve to be de-
rived in the way it has been derided by some of our colleagues, with respect to what this refuge means in terms of the environment.

Some who want to industrialize the Arctic Refuge call it a barren waste-
land. It has been described as hell. It has been described in many different ways—that is a racist mix of fuels for transportation and begin to legitimately end our depend-
cency on foreign oil?

The only way to change our depend-
ence on foreign oil is to change the way we propel our motor vehicles. Trans-
portation consumes 70 percent of the oil we use. I said this at the outset, and we propel our motor vehicles. Trans-
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Area and why it should be protected. It is not a complicated issue. The coastal plain is a special place even within the environmental treasure of the refuge, and it is the place where oil exploration is likely to do the most damage to the Refuge.

The statement of Interior found in 1987 that the 1902 area is the most biologically productive part of the Arctic Refuge for wildlife and is the center of the wildlife activity. . . . The area presents many opportunities for scientific study of a relatively undistributed ecosystem.

The Fish and Wildlife Service has said that

The Coastal Plain of the Arctic Refuge, the part of the Refuge being considered for oil drilling, is the most biologically productive part of the refuge and the heart of the refuge's wildlife activity. Opening the Arctic Refuge to oil development would threaten the birthing ground of thousands of caribou and important habitat for polar bears, swans, snow geese, muskoxen and numerous other species.

I repeat that the U.S. Fish and Wildlife Service is charged with the responsibility for making those judgments.

A group of more than 500 ecologists, biologists, resource managers and other experts from around the country have assessed the scientific literature and the importance of the Coastal Plain. They made the following conclusion:

Five decades of biological study and scientific research have confirmed that the coastal plain of the Arctic National Wildlife Refuge forms a vital component of the biological diversity of the refuge and merits the same kind of permanent safeguards and precautionary management as the rest of this original conservation unit. In contrast to the broader coastal plain to the west of the Arctic Refuge, the coastal plain within the refuge is much narrower. This unique concentration of habitats concentrates the occurrence of a wide variety of wildlife and fish species, including polar bears, grizzly bears, wolves, waterfowl, shorebirds, muskoxen, and others.

Varden, Arctic graying, snow geese, and more than 130 other species of migratory birds. In fact, according to the Fish and Wildlife Service, the Arctic Refuge coastal plain contains the greatest wildlife diversity of any protected area above the Arctic Circle.

Scientists with the National Audubon Society studied how oil development might impact the millions of birds that migrate through the Coastal Plain to locations throughout the lower 48 States, South America, and even Africa. They concluded that:

The Coastal Plain, including its coastal plain, has extraordinary value as an intact ecosystem, with all its native birdlife. The millions of birds that nest, migrate through, or spend the winter in the refuge are integral and fundamental part of the refuge ecosystem.

Obviously, this is a special place. Those who deride it as simply a barren wasteland, better for oil drilling than anything else, I think do a disservice to the preservation ethic, to the value of the ecosystem itself, which has been preserved for a purpose.

But let me just point out how drilling would, in fact, impact this special place I have described. This is the last thing I will do before yielding.

We hear people argue that oil drilling will do little or even no harm to the Coastal Plain. But, unfortunately, the evidence from decades of oil exploration in other areas of Alaska shows otherwise. It simply tells a different story. The history speaks.

The Fish and Wildlife Service has examined this question and concluded the following:

All reasonable scenarios for oil development on the coastal plain of the Arctic Refuge envision roads, drilling pads, long pipelines, secondary and feeder pipelines, housing, oil processing facilities, gas injection plants, airports and other infrastructure. In addition, the U.S.G.S. 1988 assessment found that in those areas of the coastal plain that have been previously developed, oil and gas production has had a major effect on water resources, including a significant increase in water usage, disruption of local surface water supplies, and temporary dewatering of streams and lakes in the area.

The adverse effects of petroleum development on the refuge.

I want to summarize a briefing provided to the Senate by the Wildlife Society of America. The society was founded in 1937. It is an international, nonprofit, scientific and educational association dedicated to excellence in wildlife conservation.

The Wildlife Society advocates using sound scientific research and the importance of the Coastal Plain ecosystem. But, unfortunately, the evidence from decades of oil exploration in other areas of Alaska shows otherwise. It simply tells a different story. The history speaks.

A group of more than 500 ecologists, biologists, resource managers and other experts wrote the following:

The Interior Department has predicted that oil and gas exploration and development would have a major effect on water resources. Freshwater is saved on the refuge's coastal plain, and direct damage to wetlands will adversely affect fish, waterfowl, and other migratory birds. These potentially disruptive effects to fish and wildlife should not be viewed in isolation, however. . . . We urge you to protect the biological diversity and wilderness character of the coastal plain of the Arctic National Wildlife Refuge from future oil and gas development.

I want to summarize a briefing provided to the Senate by the Wildlife Society of America. The society was founded in 1937. It is an international, nonprofit, scientific and educational association dedicated to excellence in wildlife stewardship through science and education. Its membership is comprised of research scientists, educators, conservationists, natural resource law enforcement officers, resource managers, administrators, and students from more than 60 countries.

What makes their briefing so important is that it addresses both the scientific evidence and the erroneous information that has been widely circulated by the industry and by drilling proponents. Let me address the scientific first. I will read from their position on the refuge.

In September of 2001, the Wildlife Society released its official position of petroleum exploration and development in ANWR. It was prepared and approved by the Alaska chapter of the Wildlife Society. They object to oil development on the Coastal Plain for the following general reasons:

The adverse effects of petroleum development on some wildlife species at existing North Slope oil fields have not been avoided. The unique aspects of wildlife resources in the environment in the Arctic Refuge Coastal Plain are such that mitigation of the impacts of oil development is questionable.

The long-term effects of petroleum extraction on fish and wildlife resources are unknown.

The long-term, cumulative effects of petroleum development on fish and wildlife resources could have serious, long-term impacts on caribou and other wildlife resources of the Arctic Refuge. In addition, the evidence from decades of oil exploration in other areas of Alaska shows otherwise. It simply tells a different story. The history speaks.

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The adverse effects of petroleum development on the refuge.

The Society desires that all scientific aspects of the ANWR issue, including the uncertainty permeating the issue, be considered openly, as the final policy is developed. Careful analysis is extremely important at this time because not only are the wildlife impacts of oil extraction uncertain, but numerous other issues—such as the amount of recoverable oil, the potential energy benefits from it, and the potential drilling in the Refuge—are still under debate.

The society provided additional important details to support its conclusion. Let me say very quickly what they said:

Potential impacts on the Porcupine Caribou Herd that migrates to the Coastal Plain of the Arctic Refuge:

Potential impacts on muskoxen that inhabit the Coastal Plain of the Refuge year round:

Potential impacts on polar bears that use the Coastal Plain in [that period of time]:

[As well as] the effects of disturbance on up to 500,000 adult snow geese that migrate through the Coastal Plain:

The dewatering of streams and lakes during exploration and production activities:

Alterations of shoreline ecosystems for the construction of causeways, drill pads, and other petroleum-related facilities.

The unknown, long-term, and cumulative effects of development on ecosystem processes critical to long-term and integrity of the arctic environment.

Based on studies in existing areas of oil development in the North Slope, they believe petroleum development on the Arctic Refuge would inevitably result in habitat degradation and declines in some wildlife populations.

Many times throughout this debate, people have pointed to the development of the central and western portion of Alaska's North Slope—Prudhoe Bay. They say this proves that the oil companies can develop the refuge without harming the
environment. Well, no one is going to dispute that wilderness goes on forever in every place. But you cannot put an oil drilling complex in a wilderness area and call it wilderness. You just can’t do it. You are either going to decide to have some set aside as pristine wilderness or you are not. That is part of what this debate is about, in conjunction with the question of timing.

Maybe in the United States of America, sometimes down the road, our backs will be up against the wall, and maybe we will not have made good economic decisions, maybe we will not have developed the technologies we need. Maybe somewhere down the line other nations all gang up, and they will not supply us, and the United States may be stuck in a position, and this tiny bit of oil will make a difference, and the United States at that point might decide it wants to make that choice.

But there is nothing in the economics, there is nothing in the current global situation, there is nothing in the amount of oil that can be found, there is nothing in the economically recoverable. What I am suggesting is that kind of difference is worth this choice at this time, particularly when there is so much in the way of oil alternatives in the Gulf of Mexico, natural gas alternatives, and continued drilling in Prudhoe Bay, the North Slope area.

But the record of Prudhoe Bay itself is not quite as pristine as they want to suggest it is. Oil development on the North Slope has resulted in 500 miles of roads, more than 1,100 miles of pipelines, thousands of acres of facilities spread out over 1,000 square miles, 3,800 exploratory wells, 170 exploratory drill and drill pads, 22 gravel mines, 25 processing plants for oil, gas, and seawater, 56,000 tons of nitrogen oxides, which contribute to smog, and acids rain, which is twice as much as is emitted by the city of Washington, DC. Our Nation’s Capital emits less global warming gas than drilling in Prudhoe Bay.

Nearly 400 spills occur annually on the North Slope oil fields; roughly 40 toxic substances, ranging from waste oil to acids, have been spilled. As much as 6 billion gallons of drilling waste have been dumped in 450 reserves pits. Three class I injection wells have been constructed and injected with more than 325 million gallons of waste. Thirty class II injection wells have been constructed and injected with more than 40 billion gallons of waste.

Several experts have examined the impacts of oil development in Prudhoe Bay on the environment and what it might mean for the oil development of the Arctic Refuge. Again, the U.S. Fish and Wildlife Service says:

Air and water pollution and contaminated sites, a serious problem in Prudhoe Bay and are inevitable with any oil development. Many gravel pads on the North Slope are contaminated by chronic spills. In addition, oil exploration and production drilling waste pits have yet to be closed out and the sites restored. More than 76 contaminated sites exist on the North Slope and contractor performance has been spotty.

Prudhoe Bay is a major source of air pollution and greenhouse gas emission among the Arctic Coastal Plain. Prudhoe Bay facilities annually emit approximately 55,000 tons of soot, almost as much as the whole of Los Angeles and acid rain. North Slope oil facilities release roughly 24,000 tons of methane. Industry has numerous violations of particulate matter emissions and has opposed introduction of new technology to reduce nitrogen oxides and requirements for low sulfur fuel use.

That is our own Fish and Wildlife Service.

A group of more than 500 ecologists, biologists, and resource experts wrote Congress saying:

Based on our collective experience and understanding of the cumulative effects of oil and gas exploration and development on Alaska’s North Slope, we do not believe these impacts have been adequately considered for the Arctic Refuge, and mitigation and compliance with protective regulations on this complex ecosystem is unlikely. Oil exploration and development have substantially changed environments where they have occurred in Alaska’s central and discovery of oil at Prudhoe Bay in 1968, the U.S. Fish & Wildlife Service estimated about 800 square miles of Arctic habitats have been transformed. The main impacts of industrial complexes. Oil spills, contaminated waste, and other sources of pollution have had measurable environmental impacts in spite of strict environmental regulations. Roads, pipelines, well pads, processing facilities, and other support infrastructure have incrementally altered the character of this system.

The Wildlife Society, the Alaska chapter, believes that “petroleum exploration and development are not warranted on the Coastal Plain of the Arctic National Wildlife Refuge,” which they have deemed, as I mentioned earlier, a critical area for the abundance and diversity of wildlife.

We also need to look at the issue of compliance. This is particularly true when oil production starts to decline, as it will. Let me share it with you. I have the chart in the cloakroom. Maybe we can get it in a minute.

The point of the chart is to show that obviously, like any finite resource, as you begin production, you begin slowly. You build up. You build up to a peak. And then, of course, since there is only so much there, you begin to come down. What often happens in this debate is we wind up with peak production day being the amount of oil that is thrown around, whereas you have to work up to that and then come down.

If you were to compare that to what would happen, for instance, with CAPE standards, CAPE standards don’t go up and down. CAPE standards continue to accrue as you go forward. Every day in the future, you will be grabbing X amount of carbon dioxide, sulfur dioxide, and so forth, out of the atmosphere and recapturing it or preventing it from going in.

You can actually save three times as much fuel as the peak production day. You save three times as much foreign dependency by putting CAPE standards in place as you would drilling in the Arctic Wildlife Refuge.

When oil exploration is over, when the companies don’t want to invest any more money in the project, what is the incentive to clean up? As my friend Senator Boneau said, the President—President Bush—did not talk about this when he introduced the Bush environmental tax on Americans.

By ending “polluter pays,” we are now going to turn, and either nobody cleans it up—which is what is happening right now because we are not paying the money into BP Superfund—or the taxpayer across the country pays.

That is the problem in Alaska, too. Who is going to clean up in the end? What is the State pristineness? Can you ever restore pristine? The answer, I think most people know, is no.

In the year 2000, BP Alaska reached agreement with the Environmental Protection Agency to pay $7 million in civil and criminal penalties and $15 million to carry out a nationwide environmental management system. BP was sentenced in Federal court in February 2000 to pay $500,000 in criminal fines and $6.5 million for failing to report illegal hazardous waste disposals on the North Slope.

From 1993 to 1995, employees of a contractor up there illegally discharged hazardous substances, including solvents, waste paint, paint thinner, waste oil containing lead and toxic chemicals such as benzene, toluene, methylene chloride, by injecting them into wells. They failed to report the illegal dumping as required by law.


Days before Interior Secretary Gale Norton’s much-publicized tour of Alaska’s Prudhoe Bay oilfields last month, state inspectors made a stunning discovery: almost a third of the safety valves tested at one drilling platform failed to close.

The story continues:

. . . . technicians say they have complained for years about the integrity of the industry’s old and unfamiliar technology. Some technicians who operate machinery—which proliferates on Prudhoe Bay—and could be replicated in the wildlife refuge—are so underfunded and lacking in routine maintenance that they are leak-prone and vulnerable to explosions.
On April 26, 2001, the Wall Street Journal reported:

About 10 percent of the safety shut-off valves in BP Amoco’s entire drilling operation on Alaska’s Western Prudhoe Bay failed to pass state tests during the first quarter.

On November 9, 2001, the Wall Street Journal reported that an internal report revealed “widespread operational problems at its giant oil field in Prudhoe Bay”—that they were widespread operational problems. Investigators found large and growing maintenance backlogs on fire and gas detection systems and pressure safety valves. The report concluded:

The systems are old, portions of them predate current code and replacement parts are difficult to obtain.

Let me close by saying I have made it clear in my comments that those of us who oppose the Arctic Wildlife Refuge do not oppose drilling.

We are doing in many parts of our country as an ongoing need for 30 to 50 years of this country’s future. We will remain oil dependent, despite even our best efforts, if we were to make our best efforts. I have suggested that we need an organizing principle for our energy plan that does what makes economic sense. We should not make choices that don’t make economic sense, and we do not have to lower the quality of life of any American.

We hear on the floor of the Senate a few weeks ago about what kind of cars people were going to be “forced” to drive. No American is ever going to be forced to drive any kind of car if we do what we need to do with respect to the future. If you want to drive a big SUV or a huge truck to take your kids to soccer games, go ahead, absolutely. I think most soccer moms in America are outraged that cars get as little mileage for the gasoline as they do. They would love to pay less when going to the gas station to fill up.

All of that technology is available to us to allow people to drive the car of their choice that is more efficient. There are many choices available to us. We can drill in those 7,000 leases in the deepwater drilling of the Gulf of Mexico. I have gone through the long list of the Arctic leases that were available that were put out last year. The largest oil and gas lease in the history of our Nation was put up last year, was 950,000 acres on the North Slope. They have scheduled 15 oil and gas leases on 15 million acres now. The third lease sale of a planning area of 10 million acres is coming right down the road.

We don’t need to drill in the Arctic Wildlife Refuge and destroy the concept of a pristine refuge in order to accomplish our goals of, in fact, being independent or improving the national security of our country. That is really the choice here, for all of us in the Senate: Will we respect the concept until we find 15, 20, 30 years from now that we leaders of the country have not made wise choices with respect to the alternatives and renewables, alternative means of propelling our automobiles.

I was just out at the National Energy Alternative Renewable Energy Lab in Colorado meeting with Admiral Truly. They are doing extraordinary work. They say that the United States were to put in more effort and ratchet up our research on alternative propulsion, alternative heating, and other mechanisms, we could significantly advance the curve in this country.

We have not made wise choices about that. The only thing we appear to be serious about thus far is continuing the dependency that has put us into this problem in the first place.

So I hope my colleagues will take advantage of this vote, which represents an opportunity to suggest that our value system in this country, and our sense of economics, and our sense of security are well-grounded and well-placed with respect to the Arctic Wildlife Refuge.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have listened with great interest to the Senator from Massachusetts. He is a friend. I have visited his home and I have great love for his wife. I find it very interesting that the Senator from Massachusetts has discussed about every other creature of the world but has neglected the people of the Arctic Slope. He never talked about the Eskimo. In fact, despite repeated requests to go to the area, he has never been there. He has never been there. As a concept, I find it hard to understand my friend’s continued reference to the “wilderness area” and drilling in a “wilderness area.”

The ½ million acres of the Arctic Coastal Plain is not a wilderness area and was never designated as a wilderness area. It is unfortunate that the Senator, and others, continue to say that because it represents a breach of faith.

Paul Tsongas, in fact, did offer four amendments to the 1980 act. One of them he withdrew. It was on the Coastal Plain. There was a compromise on the Coastal Plain. I, too, am mad that Senator Paul Tsongas and Senator Scoop Jackson are not here because, were they there, they would say a deal is a deal.

We passed out the letter that Senator Jackson authored with Senator Hatfield, which is on every Senator’s desk, which says:

One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of the Arctic Wildlife Refuge, a ban sought by one amendment, is an ostrich-like approach that ill-serves our Nation in this time of energy crisis.

That is the letter signed by Senators Jackson and Hatfield in 1980.

Fair is fair. I will talk about the senatorial courtesies and the pragmatism of the past. Right now I want to answer my friend. At one time during his comments he said British Petroleum does not seek to explore in ANWR. Am I hearing right? There has been no such sentiment by British Petroleum. It is one of the major producing entities in the North Slope now and, as far as I know, it has never been the concept of seeking the right to proceed with the commitment to explore the 1½ million acres covered by the section 1002 in the 1980 act.

The Senator talked about jobs. That is wonderful. We like that. The Senator talked about drilling in the Gulf of Mexico, and he wants to develop the National Petroleum Reserve of Alaska. He has had that opportunity since he has been in the Senate. Nobody has proceeded at all with that. We have tried to get that done. We have not been able to do it. It is like the rest of Alaska. People say it is because it is undeveloped. It is not wilderness in the legal sense, unless it is classified as “wilderness.”

So far as I know, it is not possible for that statement to be made on the floor of the Senate—that we would drill in wilderness if we were to drill in the 1002 area of the Arctic Coastal Plain.

The Senator from Massachusetts belabored, I think, the CAFE standards concept. It would be three times the savings, he says, of ANWR. Well, ANWR doesn’t persist in saving: ANWR is production. Beyond that, CAFE standards deal with gasoline. We are dealing with oil. Mr. President, 44 percent of a barrel of oil becomes gasoline; 56 percent is refined for other products. You can have all the CAFE standards you want. If you want the other products, you have to refine a barrel of oil. There is too much talk here about gasoline being oil. One time the Senator from Massachusetts said 70 percent of the oil goes in transportation. That is not so at all. Maybe 70 percent of the gasoline goes into transportation, but it is not oil. In fact, the bulk of the oil goes for a lot of things, including home fuel, jet fuel, kerosene, and lubricants. I wonder how far our aircraft would fly if we stopped refining a barrel of oil to get jet fuel. You would still have the part of the barrel that would make gasoline.

I remind those who are looking at this chart that these are items made from oil—from toothpaste to deodorants, footballs, lifejackets, pantyhose, lipsticks, dentures, and they all come from a barrel of oil.

Mr. KERRY. Will the Senator yield? Mr. STEVENS. I did not interrupt the Senator.

Mr. KERRY. Does the Senator want to have a dialog? Mr. STEVENS. I will have a dialog when the time comes.

Mr. KERRY. I yield the Senator.

Mr. STEVENS. A real problem is the people who really take advantage of the Nation when we are even divided,
the minority of the population—2 percent—which represents these radical environmentalists. The Democratic Party sees fit to seek to win elections by preventing us from proceeding with the prospect of discovering oil on the Arctic Plain, but it has not been a tradition that party has been interested in. Obviously, the two people who reserved this area were, in fact, Democratic Senators—Senator Jackson and Senator Tsongas. They were Democratic Senators. They entered into a commitment with us that this area would be explored, and if it proved to be not a situation where irreparable harm would occur on the Arctic Plain, this area would then be faced with a request from the President and the Secretary of the Interior to proceed with oil and gas leasing.

Oil and gas leasing is prohibited at the present time. We know that it is prohibited by law. The 1980 act prohibited oil and gas leasing in this area until a certain procedure is followed. This is the procedure. It has taken us 21 years to get to this point.

This is the “Arctic National Wildlife Refuge Coastal Plain Resource Assessment Recommendation to Congress and Legislative Environmental Impact Statement” required by the law of 1980. It demonstrates that there would be no irreparable harm to this area if oil and gas leasing would proceed.

I have some real problems with what is going on here. I want to talk about some of the problems that are being denied the right to use. These people, the Eskimos, the Inupiat people who live on the North Slope, seek this decision by Congress. They want this area to be explored. Their schools, their roads, and their future depend upon jobs. This is their area. They believe it can be done safely. They even own some of the land up there.

Mr. President, did you know they are prohibited from drilling on their own land, land they received from the Federal Government in settlement of their claims? There is no question—that is the majority party to this amendment that is before us.

We believe this will be the largest oilfield on the North American Continent, somewhere in excess of 40 billion barrels of oil. We do not build paved roads; we build ice roads in these areas. It is true that on State lands, where Prudhoe Bay was discovered—there are State lands—they are subject to the construction of roads by the permission of the State of Alaska. It is an entirely different situation where Prudhoe Bay was discovered. This is not wilderness. This is the home of the Inupiat people, the Eskimo people of Alaska.

There are some Alaska Natives who live on the South Slope who really are part of the Canadian Indian nation known as Gwich’in. They oppose this. We know that. They are probably up in the galleries now. They oppose it, but the Alaska Eskimos do not oppose it. They live there, and they want this development. They want to see it developed.

The first time I went up to the North Slope, it was a very sad visit. It was back in the fifties. I tell you, they had a very small runway. Wiley Post crashed just north of there. We landed at this little village in which the people lived in terrible circumstances and conditions. They had no modern conveniences at all. I invite you to go up there and see, and believe me, there are eight-story buildings with elevators, beautiful schools, a wonderful airport, tremendous people enjoying their lifestyle. They live in the Arctic. That is their home. They like their opportunity to be there. It was a very sad visit. It was a very sad visit. It was a very sad visit. It was a very sad visit.

I have a letter that went to Senators Daschle and Lott in April of this year from the Kaktovic Inupiat. This is a photograph of some of their children. They say they want the promises given to them. They want this area open. They are the only residents of the 19.6 million acres. That is what we are talking about. Those people live there. They want this area open. They say they want the promises given to them.

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It is a balanced amendment. The environment is protected. It is very important that we look at the environmental safeguards America would put on drilling in ANWR to assure that we will have environmental standards. That is why we may well be drilled in Russia which is very close to Alaska, as we all know. About 20 miles separates them at their closest point. They could drill right across the coast from Alaska, and we do not know what the environmental safeguards would be. We certainly would not have control over them, and that would affect the Alaska coastline even more because we would not have control of the way Russia might decide to drill. They might not decide to drill only in the winter. They might not decide to put any limitations on the kinds of ships that would come in and out of the water. I think that maintaining control is the better environmental argument.

ANWR would produce at least a million barrels a day. That is about the amount we import from Iraq every day. The percentage of the U.S. oil needs that would be met by ANWR is nearly 5 percent. We consume 20 million barrels a day, import 12 million of those barrels. We are right at 60 percent of our needs every day having to be met by imports. Our ANWR production would make up for 8 to 10 percent of our current imports.

I have mentioned to the Senate from Massachusetts says this is going to be a drop in the bucket for our energy needs; that this really gets us nowhere. So why would we do it?

We would do it because we need to do everything we can to maintain our own stability and to look to ourselves for our economic and security needs. I would rather be looking at American jobs with American resources, American production and American control than have import needs. I think that the argument falls flat when we realize that the 60 percent includes some of America’s worst enemies, such as Iraq. Iraq has threatened America before; so have some of the other countries from whom we import oil. Then there are countries with whom we have great friendships, such as Venezuela. They also send us about a million barrels a day but they are in upheaval. There are strikes and the government is in an insecure situation. So while we would certainly count Venezuela as a friend, they are not as reliable right now as we need to have.

I think we need to look at this whole ANWR issue in light of the circumstances. I have always felt that America needed an energy policy that depended on our own resources. Today, it is no longer an option. It is no longer a matter of good public policy; it is a necessity. It is a matter of national security that we control our own economy.

If countries, that would do us harm, could say “we will stop exporting oil to America and shut down their factories, keep them from being able to drive to work, shoot the prices so high the airline industry starts to crater,” then are we not going to beat them from within? Maybe we do not have to beat them from without because if their economy is not going to win. Of course, they are right.

If we allow that to happen, we are not responsible stewards of our country. Iraq has, in fact, said they are going to stop exporting oil that could come to America. With Iraq using this as a weapon, and other countries possibly doing the same, or deciding that perhaps they cannot export any more because of their internal situations, then what are we going to do if we have not planned ahead?

The Senator from Massachusetts says we should conserve our way out of the crisis, but let’s look at that. The 10 most popular automobiles in America make up 1.5 percent of the automobile sales in America. In America, we have long distances to drive. In America, people have big families, and we know a heavier car is safer than a small car. So it would seem the Senator from Massachusetts would demand that people have only the choice of an unsafe car, that is not the one they want for their families, as a way to become more stable in our economy.

I fundamentally disagree with him that this is the right approach. I think we need to look to our own resources as part of a balanced package that would keep our country strong.

I think we should have incentives for more fuel-efficient automobiles, so that if people make that choice of their own free will, and if that meets their family’s needs, they would be able to do that and maybe even get a tax credit for it. I think we need to look for alternative forms of energy. I think we have become away from nuclear power-plants, which are known to be the most clean and effective ways to produce electricity. I think there are new things we will be able to find in the future, such as ethanol, hopefully, becoming more reasonably priced; other forms of wind energy that certainly could produce electricity, not in the great amounts we need at this time, but I think Americans are ingenious and we will find other sources. But that would not be enough to do.

We need to have a balanced plan that also allows us to produce the amount of energy we would need to keep our country strong. The major sources of oil in this country are ANWR and the Gulf of Mexico. We are drilling in the Gulf of Mexico, but we have not yet found the technology to go as deep as we would need to go in parts of the Gulf of Mexico to tap the added resources that might be available there. We do however certainly have the capability to find oil as well. In the Senate bill, we do not try to help get the Gulf of Mexico oil. No. The House bill allows us to continue the royalty help that we give for deep drilling in the Gulf because it is more expensive and takes more research and exploration.

Senator Bennett Johnston of Louisiana passed a royalty relief bill that takes out the first four royalties from deep well drilling in the Gulf. It abates those royalties in order to create an incentive for companies to add that expense of drilling in that deep Gulf area. That credit lapsed and is no longer in effect. The House energy bill put that back in place. We should do that. That is a valid incentive because it would produce more oil in the Gulf.

In the Senate bill, there is very little about production, aside from the marginal well tax credits which were my in bill. I have fought for the marginal well tax credits for a long time. I am pleased that they are in the bill because the marginal well tax credits could help the marginal, small, little oil wells to give them a floor so that anyone willing to go in and tap a site, that would produce only 15 barrels a day or less, would be able to withstand the falling prices. A number of those small wells were closed when oil was low. We need to keep a couple of years ago, and they have not been reopened because of the instability of the prices.

If all the small wells are drilled and producing, we do have that credit in this bill which will equal the amount we import from Saudi Arabia. It is a significant amount. It takes 500,000 wells to do it. These are generally small businesses. That is good.

Other than that, there is nothing in this bill that speaks to production. The House bill has the incentives for deep Gulf drilling, which I think is very important and I certainly hope will come out of the conference report if we can pass the bill before the Senate.

The House has ANWR, which the Senate does not, and about which we are fighting and talking today. ANWR is a significant addition to our own national stability. The ability to control our destiny rests in ANWR and deep Gulf drilling. When you put those together with increasing nuclear capabilities, clean coal burning, wind, and other forms of renewables, a balanced package of conservation and production includes ANWR and the deep Gulf incentives.

I would debate this. I hope some of our Members, who have said they are very concerned about drilling in ANWR, will look at the facts: ANWR has no trees in the part we will drill, it would only be done in the winter when you use ice roads and ice runways so there is no footprint on the sand where it would not hurt the environment, but, in fact, would be severely restricted by environmental concerns.

If we are going to have affordable, reliable, and clean energy, we must have a broad-based package. Nothing but a broad-based package that gives the amount we import from Iraq and Saudi Arabia and Venezuela is hardly worth the effort because it
wouldn’t give enough stability to control our own destiny.

It is essential we pass a bill that allows America to control our economy and will produce American jobs. We are talking hundreds of thousands of jobs. That, in itself, helps stabilize our economy. It is why the Teamsters Union and the building and trade unions have been so helpful in this effort. I have never seen a union so committed and so sincere and work so hard as the Teamsters to try to keep these jobs in America. We have lost many jobs, thousands of jobs, since September 11.

These are good-paying jobs that would become available if we drill in ANWR and in the deep Gulf—not only the jobs on the rigs themselves, but all of the companies that produce the pipe, all of the companies that produce the oil-well supplies.

It would be a huge boost to our economy. However, most importantly, it would stabilize our economy from oil price spikes that will hurt our airline industry, that will hurt our factories, that will hurt profitability and start causing more layoffs if we do not get control.

I thank my colleagues for finally allowing this amendment to come forward. It is our responsibility to pass this amendment for the limited exploration in ANWR with the environmental safeguards and with the very specific times that assure we would not have the drilling on the land. This is our responsibility. It is a national security issue. It is an economic issue. If we don’t look out for America, who will? This is the Senate of America and we must look out for the people, for the jobs, for the security of our country. That is what we have been elected to do. It is our job and it is time to step up to the plate and do the right thing for the people who have put their trust in us.

The PRESIDING OFFICER (Mrs. Cahnahan). The Senator from Nevada.

Mr. REID. I have spoken with the two managers of the bill. I would like to propound a unanimous consent request that Senator WELLSTONE be recognized for 20 minutes, Senator LIEBERMAN for 20 minutes, Senator BOND for 20 minutes, and Senator LOTT for 10 minutes, in that order.

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

The Senator from Minnesota.

Mr. WELLSTONE. Madam President, when I first came to the Senate, my first year here in 1991, I think with Senator LIEBERMAN and Senator Baucus, we started a filibuster against well drilling in ANWR. We succeeded. I am proud to be part of this effort, as well. With all due respect, as I listen to some of my colleagues speak, they make the case we need to do this for our own national security; we need to do this for energy independence; we need to do this for the American consumer. I think it has precisely the opposite effect.

We are talking, altogether, the equivalent of what the United States consumes for 6 months. We are talking about oil that is not recoverable for another 10 years. And we are also talking about continuing to barrel down this oil path, this fossil fuel path, which is destructive to our environment.

I am an environmental Senator from the State of Minnesota. I am concerned about global warming. In many ways, it is not our future. There is a different future.

I come from a State, for example, a cold weather State at the other end of the pipeline. When we import barrels of oil or MCFs of natural gas, we export billions of dollars. Last year our energy bill was between $10 and $11 billion, but we have wind, biodiesel and ethanol, biomass electricity, saved energy, efficient energy use, and clean technology and small business. There is another direction that we can go. There is simply no reason to destroy a pristine wildlife refuge. There is no reason to do this environmental damage.

One of the most moving meetings I ever had was with the Gwich’in people who live on the land. They made the appeal to me as a Senator out of their sense of environmental justice not to let this oil go forward.

This whole idea of energy independence for America, based upon another idea that we drill our way to independence, makes no sense. The United States of America has 3 percent of the oil reserves, but we use 25 percent of the world’s oil. We have not seen a portion of this amendment, the Section 2 deduction for ANWR in the House bill, which the White House. They take it out in their budgets. I think, frankly, it takes advantage of the pain of the people and the hopes of people, it is an amendment that does not do the job.

Why in the world are we now being told on the floor of the Senate the only way we can get relief to thousands of steelworker retirees around the Nation, where their health benefits and their life insurance is in jeopardy, is by drilling? Who are the people who want to do this in Alaska? I would like to know who made that linkage, and how anyone can argue that is the only way we can help steelworkers, retired steelworkers, or, for that matter, whether we need this at all, in fact, is even a real effort.

Let me explain. The amendment does not deliver on the promise. Senators come out here and say the only way we can do this is from the royalty from the drilling. The Senator from Alaska says the legacy costs could be as high as $18 billion. I think the costs are about $14 billion over 10 years. Drilling in ANWR cannot produce those kinds of Federal revenues. This amendment dedicates much of the ANWR revenue to other purposes.

According to the Congressional Budget Office, nonpartisan CBO, less than $1 billion of the revenue from ANWR is going to be available, in this amend- to pay for legacy costs over 10 years. In other words, less than one-tenth of what the CBO says we need to cover these legacy costs for steelworkers, for the coke- makers, who are the steelworkers in the North, Minnesota—less than one-tenth of what we need is covered by this amendment. And that presupposes the House Republican leadership would sign onto it—they have not—and that this administration would sign on to it. They have not.

So what we have here is a little bit of sleight of hand, where you get oil drilling for ANWR in the House bill—it is in there—and in the Senate bill. You get less than one-tenth of what we need for legacy costs. That is all you get. But the Senate has a prior agreement from the House Republican leadership, and they take it out in conference. You do not have any prior agreement from the White House. They take it out in conference.

To try to tell you, this is in many ways this amendment tells a horrible story. The steelworkers, hard-working people—the range has seen tremendous
pain. LTV workers are out of work. This doesn’t help people out of work now who are also losing their health care benefits. But for retirees, it says we can help you, but the only way is if you go along with what the oil industry wants, and if you look at the fine print, you find this doesn’t meet more than one-tenth of the cost.

Where is the commitment from the White House? Where is the commitment from the Republican leadership? I tell you what, we will bring a bill out to the floor which will cover legacy costs. Then all Senators get a chance to vote on it. Then we can decide who wants to provide the help to people. By the way this is good for the industry, that simply is not going to be able to compete without our doing so.

I want to say, the second-degree amendment—it is so interesting. I have another piece here. There actually will be an effort to deduce on lease on the Coastal Plain which will be imported except to Israel. There is even language of oil for Israel. Oil for Israel, legacy costs for steelworkers—although not really. It is not real. But this seems to me to be old politics where you are trying everything to get the votes. You do not know what else to do so you start adding on all these other amendments, and you think you can buy off this group of people or buy off this vote or get this vote or get this vote.

I am a Senator from Minnesota. I want to make the final distinction between a real effort and my position on ANWR. So, it is clear. I am opposed to the oil drilling. I led a filibuster when I first came here. I am opposed to it now. I will vote against oil drilling in ANWR, period.

The second distinction. I am for a real effort to deal with the legacy costs of retired steelworkers. We have to. I am working with a bipartisan group of Senators who are equally committed.

If we want to talk about what kind of revenues are going to bring a bill out going to be, over 10 years, about $14 billion. There is less than $1 billion revenues from actually ANWR revenues to cover the legacy costs. That doesn’t do the job.

Steelworkers know this and they have said so. We don’t need to be doing the bidding of the oil companies to help the steelworkers. We can do that on our own. We can do that right here on the floor of the Senate.

What is happening with the legislation out, it will be a tough fight. I do not know where the administration will be. Frankly, I think we need their commitment first because if we do not get their commitment first, we will never be able to do this. It will be billions over 10 years. We have to do it for the industry, for this industry to have a chance, an industry that is so important to the national security of our country. This is a national security question. But we also have to make sure we get the help to people who have worked so hard all their lives.

Where is the administration on this? I have not heard the administration commit itself to anywhere close to the amount of revenue we are going to need to cover legacy costs. The silence of the White House on this question is deafening. The silence on the part of the Republican leadership is deafening. And the effort to have an amendment attached onto this amendment which purports to help taconite workers on the Iron Range but which really does not—as opposed to the real effort and the real fight which we will make—troubles me.

There are too many people and too much pain. People are hurting. We should not be playing around with this. The second-degree amendment does deserve to be defeated. The underlying amendment deserves to be defeated. I urge my colleagues to vote against closure, and I believe we will have a strong vote against closure.

I yield the

The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Minnesota for what is, for him, a characteristically truthful, passionate, and in some senses, courageous statement. But it is this type of service here, I thank him and all the others of our colleagues who have joined in this filibuster to stop the drilling for oil in the Arctic Refuge.

I must say for myself, in the 13 years now that I have been in the Senate, I cannot remember the last time I said I would participate or proclaim to participate in the leadership of a filibuster. But I have done that in this case because I remember what Senator BYRD instructed us on some time ago—that the purpose of the filibuster, which is to say the requirement for a supermajority to proceed with 60 votes, is to prevent us from allowing the passions of the moment to sweep through Congress and do last lasting damage to America’s values and interests.

If there ever was an example of how the temporary passions of a moment, if responded to in law, could do permanent damage to our great country, its values, and interests, quite literally, then this debate over the drilling in the Arctic National Wildlife Refuge is exactly that.

I rise to oppose the amendments before us and oppose the motion for closure. This proposal has been before us for a long time. I remember discussing it in my campaign for the Senate in 1988. It has risen and fallen over the years, but the basic heart of it remains wrong. It is to develop one of the most beautiful places in America, the Coastal Plain of the Arctic Refuge, known as the American Serengeti, inhabited by 135 species of birds and 45 species of land animals. The plain crosses all five different ecoregions of the Arctic.

To take this magnificent, unspoiled piece of nature and develop it for what? For a very small amount of oil no sooner than a decade from now, which will not do what all of us say we want to do, which is to break our dependence on foreign oil. And it will provide no price relief to American consumers of gas and oil.

The fact remains that drilling in the refuge would not produce a drop of oil for a decade—far beyond the time of the current crisis in the Middle East which some have tried to use to gain support for this proposal to drill; and, therefore, after the Middle East is too little to change in any meaningful way our dependency on foreign oil.

Even if we did allow the drilling for oil in the Arctic Refuge, this administration’s own Energy Department concluded that drilling in the Arctic Refuge would only reduce our dependence on oil by 2 percent 20 years from now. That is in the year 2020 or thereabouts. We would depend on foreign sources of oil by 62 percent. Is that 2 percent worth destroying this beautiful piece of America?

The fact is, even if the oil were coming out of ANWR, notwithstanding suggestions to the contrary, it would be priced at world prices. So there wouldn’t be any relief given to America’s consumers if we allowed the drilling for oil. No, the only way for us to remove our economy from the troubles in the Middle East that are going on now or that may go on in years ahead is to end our dependence on foreign oil.

As my colleagues have said over and over again, we don’t have much oil left with American land—3 percent of the world’s reserves of which we use 25 percent every year. It is just not there. Therefore, if we want to break our dependence on foreign oil, as mighty a nation as we are, we have to develop our energy, and we have to conserve more. We have to use the gifts of ingenuity and technology that have created so many miracles in our time to help us power our society and our economy in a way that is not only cleaner than oil but, most important to the moment, is within our control and our possession. Surely, we can do it.

As part of doing this I say, as so many others who oppose drilling for oil in the Arctic Refuge have said, we are not opposed to all development of America’s energy resources. Far from it. While we must move beyond our dependence on fossil fuels, we cannot do it immediately, requiring us to continue to pursue supplies of oil, and particularly to pursue supplies of fuel. In fact, may I say as a Democrat that I am proud that the Clinton administration actually leased more land for energy development than either the Reagan or previous Bush administrations.

But those decisions were evaluated, such as the decisions we shall make.
and should make in the future, which is
to determine the environmental im-
 pact of that exploration—to hold the
test up. How much energy will we get?
What damage will it do to our environ-
ment? By that test, the Arctic Refuge
does not pass.

Let me show my colleagues a map of
the North Slope of Alaska. Here is this
very small area of the Coastal Plain.
That is what our colleagues from Alas-
ka want to be able to drill. Compare it
to all the rest of this that is now open
and, in many cases, already leased for
oil exploration. This is a very small
part of that area. There is very active
e xploration and drilling going on in
the rest.

We are not asking to take out every
possibility of development in enormous
swaths of land. The fact is, companies
have made promising new discoveries
at the locations in blue that I have just
indicated. For example, last winter
Phillips announced major discoveries
of three significant oilfields in the Na-
tional Petroleum Reserve in Alaska.
The oil companies have plans to drill
up to 59 exploration wells over the next
5 years. None of that is going to be af-
fected by our desire to stop these
amenities, which aim to get into that
last very special and important
area to preserve.

What about that small green section
in the corner of the map that I pointed
to? The so-called 1002 area of the Arctic
Refuge is the small biological heart of
the entire National Petroleum Reserve in
Alaska, we are not asking for the entire
North Slope to be protected. We only ask
for the small piece of land that serves as
the most essential and vital habitat in the
region. Much to the contrary of what has
been argued, the area is not even the most
promising of the North Slope for
exploration for oil.

Let me quote from comments of an
oil industry consultant in a recent New
York Times article:

"There is still a fair amount of explora-
tion risk here: You could go through eight
years of litigation, a good amount of invest-
ment, and still come up with dry holes or
uneconomic discoveries."

Listen to the comments of a spokes-
man for BP Alaska:

"Big oil companies go where there are sub-
stantial fields and where they can produce
oil economically. Does ANWR have that?
Who knows?"

We owe it to the American people to
determine whether the measure before
us is responsible and responsive to our
energy needs or whether it is simply a
distraction that threatens to bring
down the 400-plus pages of good energy
policy contained in the underlying bill.

To determine that, I think we need only
to ask a very businesslike, very
American question: What do we gain
and what do we lose? I can tell you
what we would gain in less than a
minute. It would take days to catalog
what we would lose. If necessary, to take
days to stop this authorization to drill in the
Arctic Refuge.

What would we gain I have talked
about. It would take at least 10 years,
and then there would be, at best, a 6-
month supply of economically recover-
able oil—a yield that would be spread
over 50 years.

What are the costs? The visible
damage would be substantial: an environ-
mental treasure permanently lost, hun-
dreds of species threatened, interna-
tional agreements jeopardized, oil
spills further endangering the Alaskan
landscape, and an increase in air pollu-
tion and greenhouse gas emissions.

The unseen damage of drilling would
be just as real: a nation—our Nation—
full of believing it has taken a step
 toward energy independence, when it
has done no such thing; a nation be-
 lieving it is extracting oil using so-
called "environmentally sensitive"
methods when it will not—all in all,
the American people misled in both
meanings of that term, not appre-
ciating the reality, and also a failure of
conservation. This plan presents a false
promise of economic stimulus, a false promise
of energy independence, and a false
promise of environmental sensitivity.

The first claim my colleagues make
is that drilling in the Arctic is a nec-
essary part of a balanced, long-term
energy strategy. But, I say respect-
fully, calling drilling in the Arctic Ref-
uge part of a strategic energy plan is
like calling oil a beverage. It is lit-
urally and figuratively hard to swal-
low.

This ill-considered plan will do noth-
ing to wean us from our dependence
on foreign oil. But we do have such a pro-
sal which would take aggressive and
strategic steps in pursuit of new
sources of energy and better conserva-
tion; and that is the underlying bill
fashioned by Senator Bingaman, Sen-
ator DASCHLE, and others working with
them. It would provide us with the re-
sources we need in the short term by
measures such as expediting the nat-
ural gas pipeline from Alaska and pro-
viding the resources necessary to proc-
es the many lands already leased for
exploration.

I want to share with my colleagues a
few words on the question of the effect
that drilling in the Arctic might have on jobs
because that is an argument that has been
made.

Drilling in the Arctic Refuge will ac-
tually create fewer jobs than dozens of
the smarter alternatives that would
create new industries using American
technology that will be encouraged by
the underlying bill. The much quoted
study claiming that the Arctic drilling
would result in 750,000 jobs has since
been widely discredited. Even its au-
thors have acknowledged its method-
ology was flawed.

The real job creation figure, in my
opinion, is much closer to 45,000. Those
jobs are short term, most of them in
construction, as opposed to the perma-
nent jobs that would be created by new
energy industries, new energy tech-
tology industries created all over
America.

In order to try to settle this ques-
tion, the Joint Economic Committee
looked at the question and found that
the proposal would result in modest
employment gains, peaking at an esti-
mat ed 65,000 new jobs nationwide in
the year 2020. That would be an increase in
permanent employment than one-tenth of 1 percent over that time—
certainly nothing to sacrifice a na-
tional treasure for, particularly when
we have so many better, new energy al-
ternatives that will create so many
more longer lasting jobs.

I would like to say a word about the
oil prices impact from drilling in the
Arctic because American consumers are
sensitive and, appropriately, accus-
tomed to being concerned about the ef-
fects on the price of a gallon of gas and
the outcomes on the price of gasoline.
Events on oil pricing and gasoline price-
ing and may be deceived into thinking
that if we drill for oil in the Arctic Ref-
uge, we will be protected from inter-
national oil price fluctuations.

But the price of a gallon of gas on
U.S. oil prices, even under the inflated
estimates for petroleum potential that
are cited by drilling advocates because the
price of oil is determined by broad,
global supply and demand, not by the
presence or absence of an individual
oilfield.

Let's look, for example, at the case of
Prudhoe Bay. In 1976—the year before
the largest oilfield ever discovered in
North America entered production—a
barrel of West Texas Intermediate crude
oil sold for $12.65 and standard
gasoline averaged—I take a deep breath
here—59 cents a gallon. That was 1976.
Two years later, with Prudhoe Bay
now adding more than 2 million barrels
a day to domestic supply, in 1978, West
Texas Intermediate crude had in-
creased by more than 15 percent to
$14.85 a barrel and gasoline averaged 63
cents a gallon. It went up. During the
next 2 years, as Prudhoe Bay produc-
tion increased, oil prices also sky-
rocketed to $37.37 per barrel, while gas-
oline nearly doubled to $1.19 a gallon—
all because of world oil prices.

This obviously does not demonstrate
a relationship between Alaskan oil and
gasoline prices that will be paid around
the world.

In closing, I want to get back to what
this all says about our values and the
choices we have to make. The question
is, Are we willing to destroy a habitat
that is home to so much beauty and
wildlife and deprive future generations
of visiting and experiencing this mag-
nificent part of our country in return
for what will slightly—2 percent out of
62 percent—reduce our dependence on
foreign oil two decades from now and will not affect the price the
American people will pay for gasoline and oil?

I think the answer has to be no. Wil-
derness and the oil industry cannot
peacefully coexist, certainly not in this case. So we are forced to make a choice. I have made mine. I believe the American people agree. Why? Because conserving our great open spaces is fundamentally an affirmation of our core American value. Conservation is not a partisan or Republican value; it is a quintessentially American value.

What lesson does it teach the generations that come after us if we go ahead with this terrible mistake of drilling in the Arctic Refuge? That we, as Americans, do not value our national heritage? That we did not conserve it for future generations of Americans? That we sold it for, essentially, effectively, the equivalent of a barrel of oil?

The ethic of conservation tells us it is not only sentimentally difficult to part with beautiful wilderness, it is practically unwise, because in doing so we deny future generations a priceless piece of our common culture.

Let me close with the words of a great, great American, a great conservationist, and a great Republican, Theodore Roosevelt. In 1916, he said this:

The “greatest good for the greatest number” applies to the number within the womb of time. The time at which those whose life form but an insignificant fraction. Our duty to the whole, including the unborn generations, bids us [to] restrain an unprincipled present-day minority from wasting the heritage of these unborn generations. The movement for the conservation of wildlife and the larger movement for the conservation of all our natural resources is essentially democratic in spirit, purpose, and method.

That is a quote from the great T.R. They live and breathe with as much wisdom today as they did in 1916. In addition to all of the pluses and minuses and balances and statistics, they are the ultimate reason why we should reject these amendments to allow for the drilling for oil in the Arctic Refuge.

I yield the floor.

The Speaker: Mr. BOND. Madam President, I rise today to discuss what I think is one of the most important issues our Nation faces, and that is national security.

Yes, this is an energy bill. More specifically, we are talking about an amendment to drill for oil in a small remote region of Alaska. What does that have to do with national security? Let’s set the stage because the facts are getting lost in some wonderful rhetoric that takes me away in a dream world. I don’t recognize the place I know as Alaska when I listen to it.

We have tried to put out the facts. I have heard other things that are not quite so factual. Just as a beginning, over the next 20 years, U.S. oil consumption is projected to grow even after factoring in a projected 26-percent increase in renewable energy supply, which we strongly support, and a 29-percent efficiency increase. People think that is outrageous. Some people have a terrible guilt trip that the United States uses so much oil we don’t have enough, so we ought to give up.

Drilling in ANWR reasonably could almost double our reserves. The United States has about 22 billion barrels of proven reserves. 3 percent of the world’s reserves. ANWR could hold 16 billion barrels of oil more. That is almost doubling. It is adding 16 to 22 billion in our reserves.

We use oil. There is no question about it. We use 25 percent of the world’s population. But we also produce 15 percent of world’s total economic output. We are more efficient than the world as a whole, and we produce food and medicine and goods to improve the lives of Americans and people around the globe.

Let’s be serious. When we are talking about the fact that we use oil, yes, we more in our view from our Service Report. We need to make sure we have adequate oil reserves.

We just heard some information from the Energy Information Administration that there is no more recently a letter of February 22 to Senator MUKOWSKI from Mary Hutzler, Acting Administrator for Energy Information. I ask unanimous consent that a copy of the letter and the addendum be printed in the RECORD.

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

**DEPARTMENT OF ENERGY, Washington, DC, March 22, 2002.**

Hon. Frank H. Murkowski, Ranking Minority Member, Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C.


AEO2002 reference case.

The size of the resource assumed to be in ANWR also has an effect on petroleum import reductions. The larger the ANWR resource base, the greater is the reduction in petroleum imports. In 2020, the reduction in petroleum imports from ANWR oil development comes from increased Alaska production, rather than lower 48 state production. The opening of ANWR is projected to range from 500,000 barrels per day in the low ANWR resource case to 1.39 million barrels per day in the high ANWR resource case.

The impacts of ANWR on the world oil price path, the opening of ANWR has a similar impact on oil import reductions.

When combined with a high world oil price path, the opening of ANWR has a similar impact on oil import reductions. The opening of ANWR in a reference case (Table 2A).

In the high world oil price cases with the opening of ANWR and high ANWR resource, import reductions in 2020 range from 760,000 to 1.32 million barrels per day more than the high world oil price case without ANWR. In the high ANWR resource case with high world oil prices, oil consumption is reduced by half a million barrels per day and about 70 percent of the import reduction is from lower imports of crude oil.

Reductions in expenditures on imported crude oil and petroleum products range from $3.7 to $16.9 billion compared to the reference case, or 6 to 13 percent of U.S. oil imports.

This addendum responds to a March 21, 2002, request from Senator Frank H. Mukowski for more information from the Energy Information Administration’s Service Report, “The Effects of the Alaska Oil and Natural Gas Provisions of H.R. 4 and S. 1766 on U.S. Energy Markets.” The addendum provides projections on the increase in U.S. oil production, the decrease in net petroleum imports, and the change in net petroleum exports across the range of cases explored in the Report. The projections in this addendum are based on the assumptions about Alaska oil production, the size of the resource assumed to be in ANWR, the size of the resource assumed to be in ANWR as well as an asset on imports. The larger the ANWR resource base, the greater is the reduction in petroleum imports. The reduction in petroleum imports from increased Alaska production, rather than lower 48 state production, is projected to range from 500,000 barrels per day in the low ANWR resource case to 1.39 million barrels per day in the high ANWR resource case.

In 2020, ANWR is projected to increase U.S. oil production by 8.9 percent in the low resource case, compared to 25.4 percent in the high resource case, compared to the AEO2002 reference case.

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could be sustained by that; or Connecticut, 132 years; Minnesota, 85 years. To say that is not significant misses the picture very badly.

What would be our dependence upon foreign oil? Well, without ANWR in 2030, the energy outlook is that 86.7 percent of the oil we would buy from abroad. If you take the medium case, the medium production case, it would drop that to 62.2 percent. That is a 5-percent or 4-percent reduction. If it is the high case, it would go down to 58.7 percent, a 6-percent consequence.

Those percentages make a huge difference. They make the difference between whether we have a situation where we can manage it in tight consumption or whether we are up against the wall.

The 1.5-million-acre Coastal Plain, called the 1002 area, of the 19.6-million-acre Arctic National Wildlife Refuge, is one of the best places to look for the oil that America needs. When large chunks were set aside in 1980, they saved a small 1.5-million-acre Coastal Plain out of 19.6 million acres.

Why did they save it?

Well, we have the letter of July 3, 1980, from Senator Hatfield and Chairman Henry Jackson. They were right when they wrote this in 1980. They said:

One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Action such as preventing even the exploration of the Arctic Wildlife Range, a ban sought by one amendment, is an ostrich-like approach that ill-serves our nation in this time of energy crisis.

"Ostrich-like approach," those are the words of Chairman Jackson. He said: This is an energy issue. It is a national defense issue. It is an economic issue. It is not just an easy vote you can throw away and get some greenie points. Chairman Jackson concluded:

It is a compelling national issue which demands the balanced solutions crafted by the Energy and Natural Resources Committee.

The only regret I have today is that the Energy and Natural Resources Committee did not have an opportunity to craft a bill because I am confident that they know the energy situation. And they would have said that this is a necessary step.

The Energy Department said: The Coastal Plain is the largest unexplored, potentially onshore basin in the United States. The USGS estimates there are up to 16 billion barrels of recoverable oil, enough to offset Saudi imports for 30 years.

The 1002 area is not a beautiful piece of America. Congress set it aside for oil exploration. The people who talk about this give these words pictures of a magnificent forest. I don't think they have been there. When I go back home, I ask anybody: Have you been to the North Slope? Do you know what it looks like?

They tell me:

I kid my colleagues from Oklahoma that it is as attractive as a frozen Oklahoma. Nobody I know has refused to drill for oil in Oklahoma because of its pristine beauty. I have been there. I have swatted away the mosquitoes. This is what it looks like in the winter. My good friend, the senior Senator from Alaska, refers to it as the proverbial Hades. It is quite a few degrees colder.

When I have been there in the middle of July, it has gone up to 38 or 39 degrees, and there are those hardy souls who work out there in shirt sleeves, 39 degrees, because it is a heat wave.

This is the best we can show you. This is what the 1002 area looks like. That is Kaktovik in the background. Look at this magnificent beautiful piece of Alaska. Look a little flat? Look a little same? It is. But it has its own beauty. It really does.

One of the beauties is it has caribou and wildlife and birds, and they thrive up there. Here is a picture of drilling in Prudhoe Bay. This is Prudhoe Bay. If you can see what that is, all these are caribou. The caribou herds thrive. The drilling does put permanent structures in there. But the temporary rock and gravel roads make a great place for caribou to calve. And the birds are there and the other wildlife is there.

Somebody said we are going to destroy this great swatch, this beautiful natural reserve in Alaska. Are we talking about the same thing? We are talking about 2,000 acres, roughly 3 square miles. The Coastal Plain of 30,600 square miles. That is less than the size of Dulles Airport and the State of South Carolina. It is 3 square miles out of 30,600 square miles. This was in the area consciously set aside, on a bipartisan basis, because Chairman Jackson and the people on the Energy Committee then realized that this was where we were going to have to get our natural resources.

What would happen if we drilled and they found oil? It would mean 700,000 jobs would be created across the United States—not from a Government make-work program, but from private investment.

Wildlife habitat will be protected under the world's strictest and most environmental standards. To drill out there, you have to take all the equipment in, in the midwinter on ice roads, when it is 100 to 200 degrees below zero. That is so cold that I cannot even think about what you do that so you don't disrupt the land.

The caribou herd in and near Prudhoe Bay's oilfield is five times larger than when development began. It is five times larger. Prudhoe Bay is producing 20 percent of our Nation's oil production.

Now, let me say one other thing. As a result of my personal visit up there, the people who live there, the indigenous people, the Native Alaskans, the people who live in the region, they understand that this is the way they can improve their lives. They can make a positive economic contribution to the welfare of this Nation and benefit from it. They beg us to allow them to go ahead and develop a resource that will not interfere with their fishing and their hunting and the wildlife around them.

I heard it said that it would be 10 years before we got any oil. Well, it depends on how much Congress delays it, how many lawsuits. Perhaps as soon as 3 years after the first lease sale. There has already been discovery on State lands of an oilfield that extends under the Coastal Plain. We know it is there, just not how much. If the Congress were serious about it and we said we want to develop this in an environmentally sound manner and do it quickly, we could get it online.

Contrary to a myth that many on the other side have spread, and as my friends from Alaska pointed out, we are not exporting the North Slope oil. None has been exported since May 2000. The average well at Prudhoe Bay produces over 550 barrels per day, more than three times the 160 barrels produced per day by the average oil well in the United States. If the oil in ANWR is locked up, a lot of wells will have to be drilled to replace it, or we will be back in the situation in which we found ourselves several years ago.

By a very significant majority, 63 Members of this body, said we want to continue to be able to give American consumers the choice to drive SUV's, light pickup trucks, or vans. We ordered Transportation to use the best scientific and technological information available to push for increased oil and petroleum efficiency, gasoline combustion efficiency, and do everything we can to increase the efficiency. But don't force unrealistic standards that merely require us to move down to smaller and smaller cars until we are driving around in golf carts. If we are going to continue to supply the energy needs that my colleagues and I are pressing with us on the CAFE amendment said we are going to need, we need the oil coming from ANWR. This is absolutely essential for our economy, for the sound development, the business of industry, and, most of all, to supply the transportation needs of our families.

For each dollar of crude oil and natural gas brought to the market, there will be $2.25 of economic activity generated through the economy. The actual impact of the ANWR oil could be anywhere from $378 to $720 billion. These are all good economic arguments. But this is not the only question.

Keeping the oil production in the United States means we are buying less dollars. We keep our dollars at home. These are U.S. dollars not going to foreign countries, with leaders who may be on a mission to destroy our entire existence.

If that was too subtle for some colleagues, let me say it. Just last week, we watched Iraq announced a month-long oil export embargo to protest Israel's response to the terror
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campaign. Some argue that Iraq only produces 1.5 billion barrels a day, roughly 4 percent of world supply. We are told Saddam Hussein is only supplying 8 percent of U.S. imports. It ought to be time that we tell the American people this country can not and should not maintain that level of dependence on Iraqi oil.

Last year, we paid Saddam Hussein $6.5 billion. Does that sound like good policy? Do the American people really want to continue any efforts to benefit a tyrant such as Saddam Hussein, who continues his reckless oppression of his own people while threatening the security of the world with the development of weapons of mass destruction?

Madam President, let me answer that question emphatically. The United States must not continue this type of dependence, resulting in billions of dollars going directly to one of this century’s most demented and ruthless rulers. The time has come for the United States to develop its own ability to produce oil and petroleum so we don’t have to depend on him.

I commend President Bush for his actions in the Middle East, and I fully support him in the efforts to defend our nation. But if it should occur one of these days in the near term when the President, we would hope in consultation with this body, deems it necessary, for the protection of peace and safety in the world and our own security, to go on Saddam Hussein and his tyrannical regime once again, we must not be held hostage by the fact that they are supplying us oil.

Right now, they have us over the oil barrel when we have oil and petroleum products in the United States we can develop to maintain our security.

Drilling for oil in Alaska is not just a good, sound option, it is a necessity. We must decrease our dependence on foreign oil every way we can. As I said a couple weeks ago, the Senate wisely adopted a reasonable, scientifically based mandates to increase our automobile fuel usage. The CAFE provisions mandate an increase in standards that will help reduce our dependence. We provide incentives for alternative fuels such as electric power, solar-powered vehicles, and other provisions that include the use of biodiesel in bus fleets and school bus systems.

Yes, we must have renewables. Last week I voted in opposition to an amendment by my colleagues from California and New York that would have undermined the renewable fuels standards. I applaud my colleagues for opposing that effort because renewable standards are one important part of our energy policy. We need to make every effort to decrease our dependence on foreign sources of oil.

I urge my colleagues in the strongest possible way to support the efforts of the Senators from Alaska. I have been there with them to visit this region. I have seen the oil exploration underway. I have seen the wildlife running on those plains.

Madam President, when they finish, there will not be any signs of development, and it will still be a barren, mosquito-filled plain in the summer, with its natural attributes and an absolutely hideously cold winter, and the wildlife, the birds, and the fish that thrive and survive. We are not destroying anything.

Even if they were going in to burn and turn it upside down, we are talking about 2,000 acres—2,000 acres, just a little over 3 square miles out of 30,000 square miles in Alaska. Anybody can legitimately say we are going to No. 1, destroy anything, because we are not destroying the drilling. We have shown how it can be done, and we are only talking about a thumbnail size out of the entire area.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator’s time has now expired.

Mr. BOND. Mr. President, I thank you for that good news, and I urge support. I ask my colleagues to support the Senators from Alaska.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I rise in support of the Senate bill that has been offered by Senator MURkowski to allow for exploration in this area known as ANWR, the Arctic National Wildlife Refuge. Also, it is very reasonable to pursue what will happen with the situation if we do not have the result of opening up this wildlife area. It is important that we look at this issue in the most serious way.

I just got off the phone with the President’s National Security Adviser, Condoleezza Rice, talking about the situation in the Middle East. I appreciate the fact Secretary Powell has been there and has been meeting with the interested parties trying to make some progress in that very difficult situation. The problem is, if we have a better feel now of what can be done, that progress was made in dealing with the situation on the northern border of Israel. But the fact is, we still have a very volatile situation in the Middle East, one that could cause disruptions in a number of ways from that region of the world.

The oil from Saudi Arabia comprises about 25 percent of the oil the world gets. We have had threats from Saddam Hussein before, and in my mind that he would use any tool of destructive capability he could find, including cutting off the oil that comes from Iraq.

I still agree very strongly with Senator MURkowski that it is impossible to explain why we would be getting oil directly or indirectly from Iraq, refining it, and then sending it back to the region to be used in our planes to patrol the region to keep Saddam Hussein and the Iraqis under control.

The point that is so critical to me—this map I am sure my colleagues and the American people have seen. The area we are talking about is an extremely small portion on the Arctic Ocean, and the people of the region and the Senators and Congressmen of the State want this to happen. We are being told we cannot do that.

We are being told by people from States in the furthest extremities of the eastern part of the United States:
We do not think this should happen in this area. Whatever happened to Senatorial courtesy and trust? For years as a Member of Congress in the House and Senate, I put my greatest reliance—although I don’t do it right to this day—on my own mind—but I put an awful lot of reliance on the Senators and Congressmen from the States.

When I had the Congressman from North Dakota say to me and others: Yes, the Garrison Diversion is something we want—a lot of environmentalists said we should not have the Garrison Diversion—I took the word of then—Congressman, now-Senator Dorgan about the need for and the justification for the Garrison Diversion.

We have had lots of debates in years gone by about water supply in Arizona. I did not have a Mississippi dog in that fight. I did not know all the ramifications of the argument. Who did I rely on? I relied on the word of the Congressman, the Senators and the people in the local region.

Why are we not doing that now? Two of the most effective, most respected Senators in this body, the Senators from Alaska, Mr. Stevens and Mr. Murkowski, are going to give them the opportunity to do this in a safe, reliable, affordable way in a very small region.

We have the letter from the Alaska Natives who live in this area asking us to support opening of ANWR and basically pleading with us to give them an opportunity. The people who live in the region want it. They know it can be done safely. They know it can be done in a way that would benefit the people economically. I am really at a loss for words to explain why this should not be done.

There is a national movement of some kind by various groups saying we must not let this happen, but when it comes with energy evidence, when it comes to dealing with the likes of dictators in Iraq such as Sadam Hussein, when it comes to creating new jobs, this is the thing to do. It is supported by labor unions. The people who would be involved in transporting the supplies, the people who would be involved in building the pipelines, they are for this.

For those who are worried about the environment, I have never seen a project stronger environmental rules that would have to be enforced than any project I know of, and they have narrowed the area. They have offered to put more land in pristine reservations. Everything possible has been done to make it possible for us in the United States to get the benefit of this exploration and this pipeline and the supply we would get from it.

So when we look at our current situation, relying on 60 percent foreign oil, for our energy needs, when we look at the instability in the world, in several countries where we rely on the oil they produce, and then when we look at the benefits we get economically, and the jobs, this is legislation we clearly should pass.

An energy policy without ANWR is not complete. In my own case, I have spoken about the ability to explore in the West, to go where I want to, and in the Gulf of Mexico, close to where I live. I want it because we need it. I know it can be done in an environmentally safe way and in a way that will not be damaging to the fish in the Gulf of Mexico, and yet we had a tremen-dous amount of interest about opening up even a part of that area. Yet those of us who live there, the Senators from Alabama and Mississippi, although not the case with the Florida Senators, were saying: This can be done, and we need to do it.

I believe a map speaks a million words in explaining what is involved. So I thank Senator Murkowski for his diligence. He has tried every way in the world to make sure the American people understands the importance of this, that they understand this could be done in a way that would benefit America with probably somewhere between half a million and 735,000 new jobs, that it would reduce our dependence on foreign oil.

Some people said if we started today, we would not get it online for months, perhaps years. Eventually we are going to have to do this. The time will come when America is going to have serious energy emergencies. It is not going to just happen. There is no time to go where we can get energy the quickest, and one of those places is this particular area on that northern slope of Alaska.

So I wanted to come and add my support for this effort. I do not know how in the world we can justify not being for this. I believe President Clinton vetoed this effort in 1995, and yet the Congress has passed this several times over the last 20 years. I believe that is correct information. We should do it once again.

I urge my colleagues, if they are undecided or if they have been leaning the other way, think about it again. The situation has changed. The need for this oil and the gas that might be involved has changed since this debate began. I would not want to be a Senator who voted no on this 6 months from now, because we could be having huge problems. This could be a vote that would haunt us forever. I do not mean that as a threat, I mean it as a plea. We need this.

The Senator from Louisiana and I are very closely situated to the Gulf of Mexico. We know we can get oil and gas with the technology now available. That technology has become so sophisticated, one does not just take a potshot down and hope they hit. When they look at the charts, they know exactly where the little shelves are. They can go right to where the oil is.

Some of the best fishing I have ever experienced in my life was around the oil rigs off the coast of Louisiana, not far from the Chandelier Islands. I know the area, I have been there. I have not been to ANWR.

Senator Murkowski and I will have to debate where fishing is the best. He has tried to take me to Alaska, but I said: “Isn’t it very cold up there? Isn’t it a prettier green area?” I would rather see where there are palm trees or oil rigs already in place.

I say to my colleague from Alaska, I really appreciate the job he has done. I am going to work with him to the very last minute to see if we cannot do what is right, not just for the Senator from Alaska, not even just for Alaska. This is for America. If we are from some remote State, for us to say this little piece of 2,000 acres cannot be used to produce oil and gas is irresponsible, in my opinion, when you look at what we are faced with in terms of threats around the world.

I urge my colleagues to pass this. Let us get a good energy bill for the good of our country.

Mr. MURKOWSKI. Will the leader yield for a question?

Mr. LOTT. I am happy to yield.

Mr. MURKOWSKI. Does the leader know what the temperature is outside today?

Mr. LOTT. In Washington, DC. I think it is approaching 95. What is the temperature on the northern slope of Alaska?

Mr. MURKOWSKI. I was hoping the minority leader would respond by asking me the same question. Having been there exactly a year ago today, with Senator Bingaman, who left his gloves at home and we had to find a pair of socks for him—we later found him a pair of gloves—and Gale Norton, Secretary of the Interior, it happened to be 77 below zero in Barrow. That gives some idea of the contrast between Washington, DC, and Alaska.

Mr. LOTT. In April it is still that cold?

Mr. MURKOWSKI. It was that particular day a year ago today. So I think that is a little reference to the harshness of the environment up there.

Mr. LOTT. Mr. President, I ask unanimous consent that the letter to which I referred be printed in the RECORD. There being no objection, the letter was ordered to be printed in the RECORD, as follows:

KAKTOVIK INUPIAT CORPORATION, Kaktovik, AK, April 17, 2002.

Hon. Tom Daschle is listed.

Hon. Trent Lott, U.S. Senate, Washington, DC.

Dear Senators Daschle and Lott: The people of Kaktovik, Alaska—Kaktovikmiut—are the only residents within the entire 19.6 million acres of the federally recognized areas of the Arctic National Wildlife Refuge (ANWR). Kaktovikmiut ask for your help in fulfilling our destiny as Inupiat Eskimos and Americans. We ask that you support reopening the Coastal Plain of ANWR to energy exploration.

Reopening the Coastal Plain will allow us access to our traditional lands. We are asking Congress to roll back the Inupiat and to all Americans: to evaluate the potential of the Coastal Plain.
In return, as land-owners of 92,160 acres of privately owned within the Coastal Plain of ANWR, the Kaktovik Inupiat Corporation promises to the Senate of the United States:

1. We will never use our abundant energy resources “as a weapon” against the United States, as Iraq, Iran, Libya and other foreign energy exporting nations have proposed.

2. We will not engage in any terrorist States or any enemies of the United States;

3. We will neither hold telethons to raise money for, contribute money to, or in any other way support the slaughter of innocents at home or abroad;

4. We will continue to be loyal Alaskans and proud Americans who will be all the more proud of a government whose actions to reopen ANWR and our lands will prove it to be the best remaining hope for mankind on Earth; and

5. We will continue to pray for the United States, and ask God to bless our nation.

Mr. MURKOWSKI. Reserving the right to object, I want to work with the majority whip. Senator STEVENS is going to want to speak and does not want to be limited to any time commitment.

Mr. REID. No problem.

Mr. MURKOWSKI. I will also going to reserve my right to extend my remarks. I do not want this list to exclude other Members who may be wanting to speak. In the interest of time, I am quite willing to proceed with the list as given, subject to the will of gentlemen and ladies who are in the Chamber currently looking for recognition.

Mr. REID. I also ask unanimous consent that following Senator NICKLES, Senator STABENOW be recognized for 10 minutes.

Mr. MURKOWSKI. It is the understanding, Mr. President, that we will go back and forth.

Mr. REID. The consent I propounded does that. The time works out quite closely, also.

Mr. MURKOWSKI. I reserve the right of Senator STEVENS to come in to this sequence if it is necessary. I assume Senator BINGMAN will reserve that right for himself, as I will, and the majority leader would, as well.

Mr. REID. I certainly think the two managers of the bill should be able to say whatever they believe is appropriate during this debate. But so we have some understanding, until we get this agreement, there is no extended remarks of the two managers. We get this done and Members can speak as long as they wish.

Mr. MURKOWSKI. Reserving the right to object, I reserve that for Senator Stevens because he is in a hearing and he may want to come back. I ask unanimous consent he be allowed to come into the sequence which would involve an interruption.

Mr. REID. I think that is fair.

Mr. MURKOWSKI. Senator BINGMAN and I work well together.

Mr. REID. Mr. President, I again propound the request, with the exception of Senator Stevens, who is involved elsewhere. If he wishes to speak, he will be allowed to speak at the appropriate time for whatever time he desires.

Mr. MURKOWSKI. We would like to have a copy of the list because there are two lists working.

Mr. REID. We will get that to the Senator.

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

Mr. DURBIN. Mr. President, if I am not mistaken, I am the first Senator under the unanimous consent request.

I thank the Senators from Nevada and Alaska.

This has turned out to be a historic debate about energy in that we have spent more time on it than any other subject. I am very pleased that we have come to the Senate in the last 5 or 6 years.

It is important we do spend the time, because if the issue is energy security and energy independence, we see on a daily basis why it is not only timely, but absolutely essential for our national security.

We followed the issues in the Middle East for many reasons. There are those who feel a special attachment to the nation of Israel and the alliance of the United States with that nation. There are those who follow it for many other reasons. Let’s be honest. One of the reasons we consistently look to the Middle East is because it is a source of energy for the United States. We were involved in a war a little over 10 years ago in the Persian Gulf because of the invasion of Kuwait by Iraq. President Bush’s father made it clear at the time this was about energy, about oil.

Time and again, the United States focuses its attention on the world because of our dependence on countries for the oil and gas they send to our shores. It is an essential part of our economy, an essential part of our daily lives. We Americans are very happy and comfortable with our automobiles and trucks. We like the feeling of being in America. However, it has a price. It has a price not only in maintaining the vehicle but a price in terms of our relationship with the world.

The purpose of this energy bill is to talk about how we establish some energy independence and energy security, how we make the right decisions today so we can say to our kids and our grandchildren, in the year 2052, we took a look at the world and said: We have to change a few things in the United States so we don’t end up totally dependent on some foreign country for our energy, so that your life and your economy is going to be less dependent on what happens in Saudi Arabia or the gulf states or any other part of the world.

That is as noble an aspiration as could be asked for in political life. It generated, thanks to the leadership of Senator BINGMAN of New Mexico, this landmark piece of legislation. We have cut through some of the legislative bogeymen. We are in the process of creating a more secure America.

To the surprise of this Senator, and many others, Vice President CHENEY basically said: That is none of your business. We are going to put together....
our plan and submit it to you. We hope you like it, but you don’t have a right to know with whom we consulted.

In the meantime, the Government Accounting Office has taken the administration to court to produce the names of the people with whom they worked. They are the ones that the District of Columbia ordered the disclosure of some of the names. To the surprise of virtually no one, the major groups that wrote the administration’s policy were the oil and gas companies, the energy companies. They are the ones that stand to gain if we do this together. Yes, there was an invitation for an environmental group to drop by and say, hello, have a sandwich, and leave, but the substantive work and the appointments were with the energy companies. It is reflected in the administration’s approach.

Why are we debating the Arctic National Wildlife Refuge? Frankly, for reasons it is hard to explain, it is the centerpiece of the George W. Bush administration’s energy plan for the future of America. We have spent more time talking about that tiny piece of real estate in Alaska than many other issues that do bear on the importance of energy security.

One fact is easy to believe, if one didn’t know the facts, that if we could just drill in the Arctic National Wildlife Refuge, if we could scatter Porcupine caribou herd, put up our pipeline and drill, America could breathe a sigh of relief. We finally found the oil we need for the next century.

Nothing could be further from the truth. That is why you have to ask yourself, if this is not the answer to our energy prayers, why are we spending so much time at this altar? We are spending more time debating the Arctic National Wildlife Refuge than many other critically important elements of our energy security.

It has a lot to do with the group that put together the administration’s energy plan. Let’s be honest. These oil companies own the rights to drill the oil. If they can get into this wildlife refuge, if they can drill, they will make some money out of it. It is part of business. It is a natural part of the free market economy. It isn’t about energy security. It is about these oil companies.

Look at the impact of ANWR on net imports. The green line is net imports with ANWR; the blue line is net imports without ANWR. The two lines are almost indistinguishable. The chart says the same thing that President Bush’s Department of Energy has already said.

So we find ourselves in the position of debating this issue. When President Eisenhower created the Arctic National Wildlife Refuge—and I might remind people, President Eisenhower was not viewed as some radical environmentalist—he was following in a long line and a long tradition in America where Presidents of both political parties took a look at their heritage, America’s lands, and said: There are certain things which we want to honor, respect, and not exploit.

They took a tiny piece of real estate in one of the most remote parts of America, in this new State of Alaska, and said: This piece we will protect as a wildlife refuge.

For over 40 years, President after President, Democrat and Republican, has rejected the notion. Today we have an argument from this President and his supporters in Congress that it is time for us to move in and start to drill.

I suggest to my colleagues that the Arctic Coastal Plain we are discussing is a unique natural area, one of America’s last frontiers. These precious lands will be part of our legacy for future generations. Before we cavalierly say to these oil companies: pull in the pipelines and trucks, start drilling, we ought to step back and reflect as to whether or not this is sensible or responsible. I do not believe it is.

In this energy policy we have brought to the floor, there are a lot of suggestions about reducing our dependence on foreign oil. There was one that came to the floor for debate and a vote a week or two ago which went to the heart of the issue. Of all the oil we import to the United States today from overseas, 46 percent of it goes for one purpose: cars and trucks. That is right. Forty-six percent of all the oil coming to the United States goes to fuel our automobiles and trucks. That number is supposed to grow to almost 60 percent in a few years. In other words, our demands for more vehicles to be driven on the highway as we want is going to increase our dependence on foreign oil.

I stand to ask that part of any responsible energy bill would talk about the fuel efficiency of the cars and trucks that we drive.

Not in the eyes of the Senate. We had a vote to put a new fuel efficiency standard on the books, and lost 62 to 38. This Big Three automakers and their supporters came to the Senate and said: We do not want you to improve the fuel efficiency and fuel economy of vehicles in America.

The Senate said: You are right. We are not going to touch it.

Why is that significant? It is significant for this reason. Look at what would happen here in terms of the billions of barrels of oil we would have saved just by increasing fuel efficiency of cars and trucks in America. If we had gone up to 36 miles a gallon by 2015, with 10-percent trading of credits back and forth, the red line shows we would be saving somewhere in the range of 14 billion barrels of oil cumulatively over the next 30 years. If you see the blue line is higher because it is at an earlier date that it is implemented.

You have to scroll down here, if you are following this, and look down low and see what the ANWR means in comparison. It is this line here at the bottom, barely over 2 billion barrels of oil in the entire history of drilling in the Arctic National Wildlife Refuge.

This Senate rejected real savings when it came to fuel efficiency and fuel economy. We rejected that. We rejected it, incidentally, because the Big Three in Detroit and their lobbyists in Washington effectively lobbied the Senate.

But today we are being asked to go ahead and drill in the Arctic National Wildlife Refuge. Why? The lesson and the moral to the story is there are a lot more lobbyists for the oil companies than there are for the Porcupine caribou that live in the Arctic National Wildlife Refuge. That is the bottom line. There are not a lot of people out there waiting in the lobby, but there are a lot of folks with Gucci loafers on, and they are waiting to tell us: Don’t touch the Big Three when it comes to the fuel efficiency of vehicles.

I think it is shameful to think that between 1975 and 1985 we passed a law that doubled the fuel efficiency of cars to a level of about 28 miles per gallon, and that we have not touched that issue for 17 years. That tells me we have been derelict in our responsibility. If we really care about America’s independence and security, we would be focusing on fuel efficiency, fuel economy of the cars and trucks we
Americans won like go-carts, they will not be safe, the cars will be so small they will look with that idea: Technically impossible; efficiency, the Big Three said that was impossible, the cars will be so tiny they will be like go-carts. People won't like them. They won't be safe. And people are going to buy cars from overseas. The same arguments, the same empty arguments. It shows an attitude of some of our manufacturers in this country which in a way is embarrassing.

Why is it when it comes to the new generation of vehicles on the road, the hybrid vehicles getting 50 or 60 miles a gallon, they all have Japanese nameplates on them? This is the greatest country in the world, with the strongest military in the world, the best schools in the world, the best engineers in the world. Yet when it comes to automobiles, we are satisfied with the bronze medal every day of the week. Frankly, the Senate has not stepped up to its responsibility in adding the provisions that are necessary to make sure our energy independence is established.

We want energy security but not at the expense of America's last frontier. If we are serious about energy security, we have to reduce oil consumption in the vehicles in our country. A comprehensive, balanced energy policy will provide for oil and gas development in environmentally responsible areas—not the Arctic National Wildlife Refuge.

We can establish conservation measures. We can cut down on our energy consumption not only not to ourselves but to our children. As James E. Service, a retired vice admiral of the Navy, wrote in a recent Los Angeles Times op-ed:

National security means more than protecting our personal and our country. It also means protecting the wild places that make our nation special. Drilling the Arctic National Wildlife Refuge... just doesn't make good sense or good policy.

He said that on January 14 of this year.

But someone before him really set the tone for Congress to think about it. His bust is out in our lobby. His name was Teddy Roosevelt. As Vice President, he presided over this Senate. He is the one who really told America to be mindful of the heritage you leave. I quote him:

'It is not what we have that will make us a great nation; it is the way in which we use it.'

Teddy said that almost 100 years ago. On this vote, we will find out whether the Senate remembers Roosevelt's advice to our Nation.

I yield the floor. THE PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized.

Mr. BURNS, Mr. President, I think if we have learned one thing from this exercise on energy legislation, it is that we found trying to mark up a bill on the floor of the Senate is pretty difficult. I was reminded that back in 1992 when the did the Senate didn't have any kind of a bind when it came to the floor. Maybe it doesn't make a lot of difference.

I would like to remind my colleagues that today we should be talking about a policy we can shape to take us into the future. We are not only dealing with the acute situation we find ourselves in today, but where we want to be in 20, 30, 40, or 50 years from now. What do we do about new technologies, and which technologies are able to be developed in that time? That question indicates to me we have a great deal of flexibility to allow those new technologies to evolve and be used as soon as possible. What do we do in Government mandates, therefore we should make sure they are not frozen in place. We should allow those new ideas to grow.

Market forces will dictate more in the direction of conservation than any mandate by the Federal Government has ever done.

Let me remind you that if gasoline goes to $2 a gallon, you are still spending more money for the water you buy in that filling station than you are for the gasoline. You will start looking for conservation practices in the things you do in your traveling habits.

Fossil fuel has been the primary fuel of our economy since the turn of the last century. For over 100 years it has served us well, and it could for the next hundred. However, it should not be the only fuel we use in our everyday lives.

New technology has moved us to unlimited use of renewables and different energy sources. If we are proceeding on energy conservation technology and practice, we know the present conditions and situations. We should deal with them and decide what our policy will be after resolving this acute situation. The condition we find ourselves in today is about energy security. To those who would use the flimsy argument saying we should use less and produce less, I say there is another one that is acutely in our make-up; that is, energy security is economic security is national security. What degree of energy that takes that is acutely important. Our challenge should be that debating this bill will take us beyond that situation. The world condition is at hand, and it should be dealt with right now.

I have iterated many times that we are still dependent on fossil fuels. The switch from those fossil fuels is a process that will take a long time, and it will be very expensive.

What is at stake here? Let us look at the real facts instead of the misinformation that is floating around this town. Let me remind you that the American people know what is at
stake, and they are not comfortable with the facts they are given. They are equally uncomfortable with what is happening on the floor of this Senate.

I have one simple question: Why are we importing oil from Iraq? Agreed, they have large oilfields, but why sell oil under the U.N. resolution. The income derived from those sales is to be used to buy food and medical supplies for the citizens of Iraq. If Saddam Hussein sells us anywhere from 650,000 to 650,000 barrels of oil a day, and also sells some oil on the black market, what is he doing with that money? Where do you think it goes? I will tell you where it doesn’t go. It doesn’t go to the citizens of Iraq. He buys arms and technology to equip his army and support terrorist activities around the world. In fact, we are told that Iraq is paying $25,000 cash to any family who loses a suicide bomber. That is going way over the line.

From the Gulf, we import about 10.8 million barrels of oil a day, and 1.5 million barrels comes from Saudi Arabia. Nearly a million barrels come from Iraq.

Let us take a look at this tiny little spot called the Arctic National Wildlife Refuge. Keep in mind that when it was created, the little area was set aside for oil and gas exploration and production. That is the reason it was set aside—not the whole Arctic Plain, but just that little footprint of 2,000 acres or less.

Conservative estimates put the total production at about 1.35 million barrels a day. That would replace 55 years of oil from Iraq and 30 years of oil imports from Saudi Arabia.

The reserves in ANWR are estimated to be 10 billion barrels. That is a conservative estimate.

Remember how we underestimated Prudhoe Bay. It has produced nearly 20 percent of our domestic production in the last 25 years.

Since 1973, domestic production has decreased by 57 percent. We are only producing about 8 million barrels a day, and we are using 19 million barrels a day.

Anybody who doesn’t understand that didn’t take basic math in the same grade school where I went to school, which is a little country school.

We hear every day on the floor of the Senate that we should be concerned about our balance of payments. We should worry about it. Last year alone, we sent $4.5 billion to Saddam Hussein’s Iraq for his oil.

As I said, energy security is economic security is national security.

This has a job impact. We heard all kinds of estimates. But we know this won’t happen without the effort of labor. Yesterday, if you had stood with the heart and soul of the labor folks in this country and heard their arguments that this should happen, then you would understand why the Nation supports its investment and exploitation of this tiny spot.

We have people living in Montana who work on the North Slope. We have had since the first day they started production up there. They jump on airplanes, spend a couple of weeks, and come home for a week. It is important to my state. If Prudhoe were built today, the footprint would be around 1,900,000 acres—100,000 acres smaller than it is. ANWR will impact 2,000 acres out of 1.5 million acres on the Coastal Plain. I have been up there. I have seen the Porcupine caribou herd. It has grown three times in size during the last 20 years. That is where they calve. They don’t stay there all winter. They are a migrating herd. Nothing has kept them from migrating. The people who live in that area depend on that herd. That is a source of food supply for them. When they migrate, that is when they get their winter stores. They don’t have grocery stores like we have down here. They don’t want anything to happen to that herd. I don’t think you can’t have any more oil production on how that herd will be impacted.

Oil and gas production and wildlife have successfully coexisted in the Alaskan Arctic for over 30 years. The figures bear that out.

Despite what is told and the misinformation that flies around here, the folks on the Coastal Plain support this by 75 percent. They understand what the revenue does. They understand that it provides a government service which is demanded by them. That is even taking into account the money that it pumps into the National Treasury. Anybody on the Budget Committee around here would understand that also.

I know how this impacts a State represented by two Senators who have stood in this Chamber and have fought for their people every day. It is like us going to southern Illinois and saying: You can’t have any more oil production down there. But they can’t say it because there are no public lands. But in Alaska there are, and that is the difference. Withdrawal of public lands from any exploration of natural gas in the States of Wyoming, Colorado, and some in New Mexico has cost the American people 137 trillion cubic feet of natural gas. And that is going to be the fuel that produces the electricity of the future. We think it is for the environment, when it could be lifted, produced, and moved with hardly a disturbance to any of the surface of our land.

And, yes, you are going to see natural gas turn up as a transportation fuel.

What we are doing in this argument defies common sense. These are the facts. They should not take away from our investment into new technologies and conservation. I will not let anybody else redefine the word “conservation” because it is defined as a wise use of a resource. We should move forward on R&D into new technologies. Even coal and Mon- tana is the “Saudi Arabia” of the coal reserves in this country—it is there, it is handy, it is affordable, and it is ready for use.

Our investment in fuel cell technology will be an important part of our energy mix, and we should not depart from its development. I will tell you what fuel cells do. Fuel cells are to the electric industry what the wireless telephone is to the telecommunications industry. They are safe, clean, and now we have a chance to make it affordable. We should continue our work in that area.

But, in the meantime, let’s do what common sense tells us to do: Let’s use that little footprint afforded to this country for the production of energy because energy security is economic security, is national security. I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, seeing no other Senator seeking recognition, I would like to take just a few minutes to go over a chart that has already been identified on a couple of occasions but I think needs a little further identification.

As I show you on this map what happened in Alaska in the mid-1970’s, a land law was passed, and our State was, in effect, gerrymandered by Congress.

I want you to look at all those stripes across an area that is one-fifth the size of the United States because it is entirely the Tongass—this area in southeastern Alaska where our capital, Juneau, is located—Ketchikan, our fifth largest city; Wrangell; Petersburg; Sitka; Haines; Skagway—this is a national forest. There are 16 million acres there that national forest is the only thing they forgot is people lived in the forest. The communities were there. The assumption was that there would be no real justification for the State selecting land there. It was not even an issue in statehood in 1959.

The reason it was not an issue was there was an assumed trust between the people of Alaska and the Congress of this country that those people could look after their own affairs. It is a national forest, and the only thing they forgot was people living off the renewability of the resources, the fish and the timber.

Previous to statehood, the Department of Interior ran the fisheries resources of Alaska. They did a deplorable job. They figured that one size fits all. We actually had our fishermen on self-imposed limits.

My point in showing you this detail is this is what happened to Alaska. Rather than have a resource inventory of those areas that are potential for minerals, oil and gas, timber, and fish, there was an arbitrary decision made. It was a cut deal by President Carter. As a consequence, these areas of Alaska were withdrawn. They are important for refuges or sanctuaries, but they were all withdrawn from development.

I want you to take a closer look at the map because here is where the real influence of America’s extreme environmental community entered into this national effort.

You notice here on the map, clear across where the Arctic area comes
April 17, 2002

CONGRESSIONAL RECORD — SENATE

Roosevelt said:

"I would like to ask just for a brief reflection throughout the remainder of the day."

They tried to gerrymander, if you will, the designation of land in this State by closing access. We have this huge area out by Kotzebue that is mineralized. They closed that off. This did not happen by accident. This was a cut-and-dry deal in 1980. Now we are living with the ramifications. They closed that off. This did not happen by accident. This was a cut-and-dry deal in 1980. Now we are living with the ramifications.

The citizens of the territory of Alaska want us to make decisions. They don't want us to make decisions that are not happening by accident. This was a cut-and-dry deal in 1980. Now we are living with the ramifications. They closed that off. This did not happen by accident. This was a cut-and-dry deal in 1980. Now we are living with the ramifications.

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Currently, total renewables production, which includes geothermal, solar, wind, hydro and biomass, reaches only 8 percent of our overall domestic energy production. We should work to increase that, however, since these forms of energy are environmentally friendly and can help reduce our reliance on foreign energy sources. However, we also must be realistic about our challenge. Because renewables make up such a small piece of our overall energy picture today, they don’t have the capacity to meet our needs in the timeframe we are facing. A sudden, forced shift in these sources would severely strain their underdeveloped capacity, causing shortages and price spikes that would hurt our economy.

For example, the requirement in the Daschle bill that utilities generate 10 percent of their electricity from renewable sources of energy is estimated to increase the cost of electricity nationwide by 5 percent and a whole lot more in a State such as Ohio. Just as we develop new sources of electricity generation, we should continue to encourage development of new energy sources for transportation.

In the 1970s, the United States recognized the need for diverse energy supply by expanding the use of natural gas, coal, nuclear, hydropower, and other renewables, and decreasing the use of oil for non-transportation uses. In 1977, 90 percent of all oil in this country accounted for almost 50 percent of our oil consumption. Today, these non-transportation uses account for about one-third of our oil consumption.

Though home heating oil use remains high in certain regions of the country, particularly in the Northeast, consumers have increasingly sought other sources such as natural gas to heat their home. In addition, oil-fired power plants are virtually nonexistent today in the United States. Crude oil prices and policy priorities encouraged substituting oil with other fuels for our non-transportation needs, but oil products still make up 95 percent of the energy used for transportation in the United States.

This number will not decrease unless fuel cells and hybrid vehicles become more economically viable. But their day is coming. In fact, in a recent meeting with General Motors executives in Detroit, I was told that the company sees fuel cell technology becoming a viable power source in the next 10 to 15 years. We are talking reality. It is not science fiction to think that our children and grandchildren will see a time when the roads are traveled by cars that run on hydrogen and give off only water.

An amendment from the Finance Committee will help encourage the development of these new technologies, providing an estimated $2 billion in tax incentives for the use of alternative vehicles and alternative motor fuels.

We are doing a lot right now to try and move away from the use of oil in this country and bring down our demand for it through research, incentives, and many other things. Encouraging these new fuel sources is worthwhile, but until they become more widespread, we will need to continue relying on oil to move people across town and across the country and to move raw materials and finished goods.

As I have mentioned, much of this oil comes from foreign sources. We must increasingly compete against other nations for this oil. As demand grows in response to the expanding world economy, the world economy is growing. For example, at one time, China produced enough oil to meet their domestic needs and still have some left over to export. Today, they import oil.

What if there was an opportunity in the United States to greatly reduce our dependence on foreign oil by using domestic sources? Following the amendment offered by Senator Murkowski, we have that opportunity. For over 40 years, Congress has debated whether or not to develop the Arctic National Wildlife Refuge, or ANWR. Mr. President, yesterday were eloquent and very informative on the history of ANWR. I suggest that those who did not hear the Senator, take the time to read his remarks in the CONGRESSIONAL RECORD. His remarks should help them to make a better decision on this amendment.

As Senator Stevens reminded us, this debate is about our national and economic security, but, sadly, the reality of ANWR has always been misconstrued and used as a political tool. I have to say, those who are opposed to allowing a small portion of ANWR to be used to help meet our energy needs have done an admirable job in trying to sway public opinion. Unfortunately, they have incorrectly painted this as a wholesale abandonment of the Alaskan wilderness.

Thus far, they have had vast success in muddying the facts. Today, though, I will make clear what ANWR is, what we are talking about, and what limited, precise oil exploration in ANWR means for our Nation.

Created in 1960, ANWR was expanded to 19 million acres in 1980 by the Alaska National Interest Land Conservation Act. While designating 8 million of the original acreage as wilderness, Congress treated the 1.5 million acres of ANWR’s Coastal Plain very differently. I am sure Senator Stevens may remind us again, but back in 1980 Congress debated the same subject. At that time, Mark Hatfield, the ranking minority member, introduced an amendment which was defeated.

Chairman of the Energy Committee, wrote a letter urging their colleagues to support exploration in ANWR because, and I quote:

One-third of our known petroleum reserves are in Alaska. We have more than a billion barrels of oil, one of the largest onshore accumulations in the world. There is a vital oil and gas and...
that a drill pad that would have been 65 acres in 1977 can be less than 9 acres today. We know that Alaskan oil companies now build temporary ice pads, roads, and airstrips instead of using gravel. We know that the pictures in the commercials and magazines refer to ANWR — America’s Serengti. They must not be talking about the Coastal Plain, for this area is a winter wasteland, where temperatures regularly reach 70 degrees below zero for 9 months of the year, with 56 consecutive days of darkness.

We also know that the Coastal Plain is along the same geological trend as the productive Prudhoe Bay, and it is the largest unexplored, potentially productive onshore basin in the United States. But nobody knows for sure what is under there because we are prohibited from finding out.

In addition to the initial 1987 report, the Department of the Interior has issued assessments in 1991, 1995, and 1998 that confirm the potential of the Coastal Plain. According to the USGS, it is estimated that the Coastal Plain holds between 5.7 billion and 16 billion barrels of recoverable oil, with an expectancy of about 10.3 billion barrels. The Coastal Plain could hold more than that, though. For example, the North Slope, was originally thought to contain 9 billion barrels of oil, but it has produced 13 billion barrels to date.

And if there isn’t any oil? We know that technology is so advanced for Arctic drilling that there can be, if any, environmental damage from exploratory drilling. For example, an exploratory well drilled in 1985 in the area adjacent to the Coastal Plain did not affect the wildlife. If the area does have as much oil as estimated, the benefit could be great. To put the numbers in perspective, Texas has proven recoverable reserves of 5.3 billion barrels. There is a 95-percent chance that ANWR will yield more oil than all of Texas and a 5-percent chance that there is three times as much oil as in Texas.

One of the half-truths being spread by those opposed to this amendment is that there is only 6 months of oil in the Coastal Plain. This is misleading because it assumes no other sources of oil—no imports, no other domestic supply—except from ANWR. The real truth is that, according to the Department of Energy, ANWR’s oil supply would last 60 to 60 years.

Last week, Iraq, one of the “axis of evil” nations, announced a suspension of oil exports. Iraq supplies more than 9 percent of the 8.6 million barrels of oil we import every day. It is a longstanding U.S. policy not to allow oil to be used as a political weapon. We cannot be held hostage to external interests or pressures. Iraq’s embargo last week shows there are some countries that still think they can apply pressure in this manner.

I am not upset at the fact Iraq shut its spigot because I have little doubt we will make up whatever dropoff occurs from other sources. Frankly, I think it is incredible that we send $24 million a week and $4.5 billion a year to a nation that is clearly an enemy of the United States and over which our military flies regular combat missions. It doesn’t make sense.

Iraq’s oil embargo is the embargoes card on the table as a weapon to try to shape American opinion and Government policy. Who is to say other leaders in the Middle East might not take the same step in the near future? We know who they are. But who are they going to be tomorrow, particularly in light of growing Muslim extremism. Some of my colleagues may say since all our oil does not come from the Middle East, we can look to other nations. That is true, and one such supplier, Venezuela, is currently undergoing political and labor strife which has a tremendous impact on its oil industry. Indeed, reports by Venezuela’s Industrial Council earlier this week indicated that production in the oil industry has been shut down. When Chavez retook the Presidency, oil prices went up almost 5 percent out of fear he will keep a tight rein on the production volume.

It is not out of the question to say our Nation may once again face the long lines we experienced during the 1973 oil embargo. You would have thought we would have learned our lesson and worked to develop other oil sources. The embargo cost the United States more than $300 billion into the U.S. economy and create up to 750,000 jobs at home. In my state of Ohio, the number of jobs created is estimated at 52,000 for the petroleum industry and 31,000 for other jobs, such as oilfield and pipeline equipment manufacturing, telecommunications and computers, and engineering, environmental and laboratory research. This is good for the people in my State, in spite of the fact we are so far away from Alaska.

The economic impact for oil development in Alaska is not a surprise; we are experiencing it even today. It has meant a great deal to our State and to many other States.

I also wish to point out that we have the support of Alaska’s citizens and elected officials. We have heard from both of Alaska’s U.S. Senators. We have heard from the Inupiat Eskimos who live and own 92,000 acres of Coastal Plain. Twenty years ago, they were opposed to this, but now are for it.

We cannot continue to rely on unstable foreign sources to meet our energy needs. The events of September 11 made it clear who our enemies are, yet we continue to do business with them and support their terrorist activities by buying oil from them. We know we have the resources domestically to reduce our addiction to foreign oil. Now is the time to tap them.

This amendment is economically sound, it is environmentally responsible, and it responds to our long-term national security needs. It is my fervent hope that my colleagues will recognize these facts and support this amendment to allow for oil exploration in ANWR, just as they did in 1995 and 1980.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Mr. President, I ask unanimous consent to speak for 7 minutes prior to the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized for 7 minutes.

Ms. CANTWELL. Mr. President, I rise today in opposition to this amendment, which would open up the Arctic National Wildlife Refuge to oil development. I believe drilling in ANWR is a...
short-term, environmentally unconscionable fix that fails to address our Nation’s real malady: Our dependence not just on foreign oil, but our overdependence on oil itself. I believe there is no way to justify drilling in all of the areas in the name of national security. Oil extracted from the wildlife refuge would not reach refineries for 7 to 10 years and would never satisfy more than 2 percent of our Nation’s oil demands at any one time.

There is no disputable short-term or long-term impact on the price of fuel or our increasing dependence on OPEC imports. Put another way, the amount of economically recoverable oil would temporarily increase our domestic reserves by only one-third of 1 percent, which would not even make a significant dent in our imports, much less influence world prices by OPEC.

An “ANWR is the Answer” energy policy fails to recognize the fundamental fact that we cannot drill our way to energy independence. The United States is home to only 3 percent of the world’s known oil reserves, and unless we take steps necessary to increase the energy efficiency of our vehicles, in particular, in the transportation sector, this Nation’s consumers will remain subject to the whims of the OPEC cartel. To suggest that drilling in the Arctic is the answer is to ignore the facts and creates a complicity that truly jeopardizes our economic and energy security.

Furthermore, I believe the recent U.S. Geological Survey report on the biological value of the Arctic National Wildlife Refuge Coastal Plain and the impacts of oil and gas development on resident species reinforces what many of us have argued from the beginning. Drilling in the Arctic represents a real and significant threat to a wide range of species including caribou, snow geese, and other wildlife. This report represents sound science. It was peer reviewed and summarizes more than 12 years of research.

In stark contrast, the Department of the Interior’s recent release of a new two-page memo, which purports to examine the impacts of “more limited drilling” in 300,000 acres of ANWR, was prepared in 6 days. One report, 12 years of research; the other report, just 6 days.

Essentially, in this report the administration decided to dispute its own scientists and say drilling in ANWR was acceptable. I disagree with that. Rather than drilling in ANWR, I believe our task is to craft a balanced policy that will permanently strengthen our national security and energy independence. We need an energy policy that endows America with a strong and independent 21st century energy system by recognizing fuel diversity, energy efficiency, the great assets that distinguish us and will create in the future, and environmentally sound domestic production as a permanent solution to our Nation’s enduring energy needs. We are making some progress on these goals within this bill.

Obviously, one of the most important provisions the Senate has thus far debated involves the expedited construction of a natural gas pipeline from the Alaska portion of the 48 States. There are at least 32 trillion cubic feet of natural gas in existing Alaskan fields, and building a pipeline to the continental United States would provide the steel industry, and help prevent our Nation from becoming dependent on foreign natural gas, from many of the same Middle Eastern countries from which we import oil.

It is very important that we make this investment in new natural gas and in job development. Adopting energy efficient technologies can significantly advance our national and economic security, to move ahead onto new energy resources and a 21st century energy policy.

These are policies that will make our energy system truly secure and independent. I agree our national security depends in part on the United States becoming less dependent on foreign energy resources, and that we must develop more domestic supplies and a new energy policy that will also make us less dependent on nonrenewable fossil fuels. It would be a mistake to look at this ANWR debate in only one way, and to not invest in our country’s new sources of energy.

Therefore, I urge my colleagues to oppose it in the name of national security, to move ahead onto new energy sources and a 21st century energy policy.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, with all due respect to my dear friend and wonderful colleague from Washington, I rise to oppose the position she has outlined and to support the amendment by the Senator from Alaska. I think it is very important for us to spend time on this issue. One of the previous speakers said: Why would we spend so much time on this issue? Why would the Senate, all 100 Members of the greatest deliberative body in the world today, spend so much time on this issue?

The answer is because this is not a small matter. This is not an insignificant debate. This is not a minor point. This is a major point in the debate on the future of this Nation and in what our energy policy is going to look like and how we can strengthen and improve upon it.

It is said that beauty is in the eye of the beholder. But given what I have heard in this Chamber, I say that balance must be in the eyes of the beholder as well because those of us both for and against this amendment continue to say we are for a balanced policy. Yet we argue the different aspects of what balance really is. So I am going to give it one more shot by saying what I think balance is.

The Senators from Alaska have done a magnificent job of making clear that we are not for drilling everywhere; we support a balance.

When this area was created, the areas in dark yellow, light yellow and green, there was a balance in the creation of this piece of land, land that is as large as the State of South Carolina. Here we have a balance; part of a refuge set aside for wildlife of all kinds, and a small part where we drill. Why would we be willing to drill here? Because it is the largest potential onshore oilfield in the entire United States. It is not a minor field. It has major resources of
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oil potentially, as well as gas. So a balance was struck. A deal of sorts was created.

We said let’s set aside a huge piece of land for a refuge, for a wilderness area, and then let’s set aside a part of it to drill.

The reason I feel so strongly about opening this section of ANWR to drilling—and it took me a while to come to this position because I have heard a lot of other arguments—is because of this precedent. I feel this will set. If we overturn the original dual intent of ANWR and block all drilling there, where will we stop? Instead of adding to production in the United States, even using the lowest estimates, to replace the oil we get from Saudi Arabia for about 8 to 10, maybe 8 to 12 years.

People say ANWR will not produce a lot of oil, that it will not come online for several years—and I agree it will take time. But there’s enough oil, even using the lowest estimates, to replace the oil we get from Saudi Arabia for about 8 to 10, maybe 8 to 12 years. People say ANWR will not produce a lot of oil, that it will not come online for several years—and I agree it will take time. But there’s enough oil, even using the lowest estimates, to replace the oil we get from Saudi Arabia for about 8 to 10, maybe 8 to 12 years.

The fourth reason we need to support drilling in ANWR besides the fact we need it, besides the fact it is balanced, besides the fact we are doing it in many other States in the same way we would be asking Alaska to contribute, besides the fact that it means thousands and thousands of good-paying jobs that people in America would like and need at this time, it is the right thing to do for our environment. I mean that sincerely. I know I said on the floor some things in the past about environmental organizations, and I believe their positions, with all due respect to the great work they have done, are leading this country in the wrong direction.

I work very well with environmental groups in Louisiana and many of our environmental groups around the Nation. But I will say it again: When we drill and extract resources in America, we can do it in the most environmentally sensitive way in the world. We can do it in the most environmentally sensitive way in the world. Because we have the strictest rules and regulations.

Even the former executive director of the Sierra Club agrees, and he is on the record saying that by pushing production out of America, all we are doing is damaging the world we need to protect.

We have the best rules and the best laws. We have a free press and the ability, to punish those who pollute the environment.

That does not happen in other places around the world, places without the same confidence in the law that we can have here in the United States. So the pro-environment position—and I think there would be many Americans who would choose the latter.

The third good reason is jobs. We continue to make decisions in this Congress that keep Americans from getting good paying jobs. Every time they decide not to apply for jobs, they may as well be voting that says: Congress doesn’t think we should drill. So go look elsewhere for work.

I don’t know about the Presiding Officer, but I have thousands of people in Alaska who have heard Senators say 60,000 jobs doesn’t matter. This Senator believes 60,000 jobs is a lot of jobs. We should allow more production, which will lead to more than 60,000 jobs. We should promote investments in conservation and alternative fuels. There are lots of jobs, in science and other high-end jobs, associated with alternative fuels. Why not have good jobs for both production and conservation? Why turn down these job-making opportunities when it is so important to provide jobs for people in Louisiana, for people in Alaska, for people in Delaware, for people in New Mexico? I don’t understand it.

We can create good, skilled jobs, where people can make a very good living, with the lowest estimates. I could be wrong. We have a free press and the ability, to punish those who pollute the environment.

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That does not happen in other places around the world, places without the same confidence in the law that we can have here in the United States. So the pro-environment position—and
mean this sincerely—is to drill and explore and extract resources where we can watch it, where we can control it and where we can make sure it is done correctly.

If I am wrong I would like someone to come up to me and tell me: Senator, you are not thinking clearly about this.

Apart from the many troubled parts of the world where production is taking place, I don’t know where else we would drill. This must be part of that to me or the most hypocritical part of that to me, is that we consume more than everyone else. If we were not consuming that much, I would say fine. But we go to poorer countries with less infrastructure, fewer rules, and weaker laws and enforcement, not because they need the oil but because we need it. And we degrade the environment and support illegitimate regimes because we will not drill in our own country. I do not understand it.

I want to show the map of these States that do not produce energy. There are only a few of us. There are only 15. There are only 15 States in the entire country, just 15, that produce at least 50 percent of the energy they consume. You can see the States represented here. We love all of our States, wish them all well, and we are all part of this great Union, but the red States on this chart produce less than half the energy they consume, which means they do not produce oil, they do not produce gas, they do not produce nuclear, they do not produce wind, solar, or hydro, but they want their lights to come on whenever they want and they want to power their businesses and industries.

Now look at this map and say this is fair. I know there are products produced in some States that other States do not produce. I am clear. But there are no moratoria on growing corn, no moratoria on growing cotton. People are not opposed to that or think it harms the environment to grow corn or grow wheat. But we have a policy growing in this country that we do not want to produce anything but we want to continue to consume.

I am for conservation measures. I voted against the proposal to reduce CAFE standards, not because I don’t agree with the goal, but because the method was wrong. It would have cost too many jobs in my State. There is a better way to get there. I would vote for even more stringent measures but not that particular measure.

There are strong conservation measures that I and many Members support. But this attitude has to change. We have to have an attitude among all of these colleagues that we either reduce your consumption significantly or you decide how to produce the energy. You have your choice. You can produce it any way you want. But what you cannot do is sit on the sideline, complain and complain, prevent other States from drilling, and then just continue to consume.

I have an amendment. I am thinking about offering this. I hope people who voted against ANWR will think about ways we can encourage our States, in a fair way, to make their own choices about how they would like to generate more energy or consume less, and to put it in balance, so our Nation can truly achieve independence. I hope we can do that.

Let me show one more chart. This is the Gulf of Mexico. You can see the red areas here where there is active drilling. We have been doing this now for 50 years. We have made some mistakes. I am the first one to admit it. We didn’t know all the things that we know now back in the 1940s and 1950s. We did not have the science and the technology. But we have made tremendous progress in the communities. Louisiana is happy to produce hundreds of millions of barrels of oil and gas, and host pipelines that light up the Midwest and New York and California. We want to do it. We are proud of the industry, and we are getting better and better at it every day.

But it is grossly unfair for our State, and Mississippi and Alabama and Texas, to bear the brunt of this production when other States don’t want to produce. They want to pour salt on our wound, we get no portion of the revenues that are generated. Taxpayers may not realize this, but the royalties that come into the Treasury every time you produce a natural resource can keep our personal income taxes lower.

When we do not drill, royalties do not come into the Treasury, so taxes have to go up to support Government. So a fifth really good reason to explore is so we can bring money into the Treasury, again in a very balanced approach, and keep taxes minimal for taxpayers.

However, all that money that goes to the Federal Treasury right now, from production in Louisiana, Texas, Mississippi, and Alabama, is not shared with those States. Since 1950, we sent $120 billion to the Federal Treasury. Louisiana, which has produced the lions share of the offshore production for the whole Nation, has not received a penny.

This is a true story. I know my time is almost to the end, but I am going to end with a couple of points on this. Two years ago the mayor of Grande Isle, a tiny little place down here at the foot of Louisiana, told me of a lot of their unique problems.

The mayor called me and said: Senator, I have a problem. I don’t have a sewer system and a water system that is able to bring the fresh water that I need. I have children in school drinking rainwater out of a barrel, dipping a cup into a barrel, drinking the rainwater, because we do not have the right sewer and water system. Because it is a small town, they do not have the necessary resources. I was sitting in my office in Washington thinking about these children dipping that cup and drinking that rainwater. I know if they just looked up at it just a few miles they could see a rig, producing the Nation’s oil and gas. The money it produces is not going to help them get a sewer system which they desperately need. It will not help these children get a road so that when it floods or the weather is bad, they can get school. This is coming all the way up to Washington for us to spend on all the States in the Nation.

When I ask to have a sewer system for them, I have to come back, and plead for money from the budget to get the kids in Grande Isle a drinking water system. That isn’t fair.

I will propose and will continue to propose that we have more drilling and that we are going to commensurately drill in the Gulf of Mexico. We have been doing this now for 50 years. We have made some mistakes. I am the first one to admit it. We didn’t know all the things that we know now back in the 1940s and 1950s.

If I am wrong I would like someone to come up to me and say: I don’t agree with the goal, but because we do not have the right sewer system and a water system that is able to bring the fresh water that I need. I have children in school drinking rainwater out of a barrel, dipping a cup into a barrel, drinking the rainwater, because we do not have the right sewer and water system. Because it is a small town, they do not have the necessary resources. I was sitting in my office in Washington thinking about these children dipping that cup and drinking that rainwater. I know if they just looked up at it just a few miles they could see a rig, producing the Nation’s oil and gas. The money it produces is not going to help them get a sewer system which they desperately need. It will not help these children get a road so that when it floods or the weather is bad, they can get school. This is coming all the way up to Washington for us to spend on all the States in the Nation.

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Let me close by reading something out of the Atlantic Monthly, “The Tales of a Tyrant”, written by Mark Bowden, author of “Black Hawk Down.” We are familiar with the incident. Many of us have seen the movie. It is very riveting. I would like to read about the kind of people from whom we are getting our oil.

Wearing his military uniform, he walked slowly to the lectern and stood behind two microphones, gesturing with a big cigar. His body and broad face seemed weighted down with sadness. There had been a betrayal, he said. A Syrian plot. There were traitors among them. Then Saddam took a seat, and Abd al-Hussein Mashhadi, the secretary-general of the Command Council, appeared from behind a curtain to confess his own involvement in the putsch. He had been secretly arrested and tortured days before; now he spilled out dates, times, and places where the plotters had met. Then he started naming names. As he fingered members of the audience one by one, armed guards grabbed the accused and escorted them from the hall. When one man shouted that he was innocent, Saddam shouted back, “Itla! In the air!” Get out! Get out! He later, after secret trials, Saddam had the mouths of the accused taped shut so that they could utter no troublesome last words before their firing squad. When all of the sixty “traitors” had been removed, Saddam again took the podium and wiped tears from his eyes as he repeated the names of those who had betrayed him. Some in the audience were crying—perhaps out of fear. This chilling performance had the desired effect. Everyone in the hall now understood exactly how the old yankee ingenuity and southern ingenuity, we can get that done for the people of our State.

In conclusion, I have given five good reasons why this is so important.

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in spite of articles like this, because of movies that we see, because of headlines like this, and the disruptions not only in the Mideast but in Venezuela, I don’t know what will make the Members of this Senate decide that we must produce where we can, where we can produce. We can set aside lands where we can set aside land, create jobs for our people and security for our Nation.

I am giving the best I can give. I don’t think we have the votes. But I submit the Record, and I hope people will reconsider their positions.

Mr. BINGAMAN. Madam President, under the unanimous consent, I believe the Senator from Wisconsin is the next Senator to speak.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, I rise to oppose the amendments offered by my colleagues from Alaska, Mr. MUKOWSKI and Mr. STEVENS. I oppose these amendments for several reasons, and I rise to share my concerns with my colleagues.

Energy security is an important issue for America, and one which my Wisconsin constituents take very seriously. The bill before us initiates a national debate about the role of domestic production of energy resources versus the importation of petroleum. But the debate is about the tradeoffs between the need for energy and the need to protect the quality of our environment, and about the need for additional domestic efforts to support improvements in our energy efficiency and the efficient use of our energy resources. The President joined that debate with the release of his national energy strategy earlier this Congress. The questions raised are serious, and differences in policy and approach are legitimate.

I join with the other Senators today who are raising concerns about these amendments. Delegating authority to the President to open the refuge to oil drilling does little to address serious energy issues that have been raised in the last few months.

Though proponents of drilling in the refuge will say that it can be done by only opening up drilling on 2,000 acres of the refuge, that is simply not the case. The President will decide whether the entire 1½ million acres of the Coastal Plain of the refuge will be open for oil and gas leasing and exploration. Exploration and production wells can be drilled anywhere on the coastal plain.

I infer that when proponents say that only 2,000 acres will be drilled, they are referring to the language in the amendment which states, and I am paraphrasing, ‘‘the Secretary shall . . . ensure that the maximum amount of surface acreage covered by production and support facilities, including airstrips and any areas covered by gravel berms or piers for support of pipelines, does not exceed 2,000 acres on the Coastal Plain.” That limitation is not a clear cap on overall development. It does not cover seismic or other exploration activities, which have had significant effects on the Arctic environment to the west of the Coastal Plain. Seismic activities are conducted with convoys of bulldozers and “thumper trucks” over extensive areas of the tundra. Exploratory drilling involves large rigs and aircraft.

The language does not cover the many miles of pipelines snaking above the tundra, just the locations where we provide the infrastructure to support the pipelines literally touch the ground. In addition, this “limitation” does not require that the two thousand acres of production and support facilities be in one contiguous area. As with the oil fields to the west of the arctic refuge, development could and would be spread out over a very large area.

Indeed, according to the United States Geological Survey, oil under the Coastal Plain is not concentrated in one large reservoir but is spread in numerous small producing fields. To produce oil from this vast area, supporting infrastructure would stretch across the Coastal Plain. And even if this cap were a real development cap, what would this mean? Two thousand acres is a single square mile. The development would be even more troubling as it is located in areas that are actually adjacent to the 8 million acres of wilderness that Congress has already designated in the arctic refuge which share a boundary with the Coastal Plain.

The delegation of authority to open the refuge is controversial, and make no mistake, it will generate lengthy debate. I have also heard concerns from the constituents in my state who have paid dearly for large and significant jumps in gasoline prices. Invoking the ability to drill in response to a national emergency does not add to gasoline supplies today, nor does it address the immediate need of the Federal Government to respond to fluctuations in gas prices and help expand refining capacity. In some instances, there were reports of prices between $3 to as high as $8 per gallon in Wisconsin on September 11 and 12, 2001. The Department of Energy immediately assured me that energy supplies were adequate following the terrorist attacks, and these increases are being investigated as possible price gouging by drillers seeking to benefit over the State of Wisconsin. With adequate energy resources, constituents need assurances that these unjustified jumps can be monitored and controlled.

And I, along with many other Senators, have constituents who are concerned about the environmental effects of this amendment, and what it says about our stewardship of lands of wilderness quality.

I also oppose opening the refuge for what it will do to the Energy bill as a whole. This measure contains important provisions that we need to enact into law. In light of the tragic events of September 11, a key element of any new energy security policy should be to secure our existing energy system—from production to distribution—from the threat of future terrorist attack. Americans deserve to know that the President has protected the existing North Slope oil rigs and pipelines from attack. Americans deserve to know that the Senate has considered measures to reduce the vulnerability of above ground electric transmission and distribution by replacing needed investments in siting of below ground direct current cables, in researching better transmission technologies, and in protecting transformers and switching stations. Americans want us to review thoroughly the security of our Nation’s domestic nuclear powerplant safety regimes to ensure that they continue to operate well. Finally, Americans living downstream from hydroelectric dams want to know that they are safe from terrorist threats. Americans want to know that the Senate has considered measures to ensure that the existing infrastructure is secure.

These were issues that the House did not address on August 2, 2001, when it passed this bill, because the post attacks of September 11, were obviously unthinkable at that time. These are issues that drilling in the refuge does not address. But we are a changed country in response to September 11, and these are very real issues today, issues that must be addressed.

In addition, there have been significant technological changes in the last few months that can help us reduce our dependence upon foreign oil. On September 19, 2001, a model year 2002 General Motors Yukon that can run on either a blend of 85 percent ethanol and 15 percent conventional gasoline or conventional gasoline alone rolled off the line in my hometown of Janesville, WI. The 2002 model year Tahoes, Suburbans and Denalis with 5.3 liter engines will be able to run on either diesel. But while my constituents could buy a vehicle that can run on a higher percentage of ethanol, we do not have a place open today to buy that fuel in Wisconsin. We could go a long way under this bill to reducing dependence on foreign oil by using domestic energy crops and biomass more wisely, and we should pass this bill to reflect our new technological capacity.

I also oppose this amendment because there is a lingering veil of concern that special corporate interests may benefit over Congress and this amendment. Oil companies receive a good deal of financial assistance in the form of tax breaks from the Federal Government to encourage development of domestic oil supplies. I have spoken of, for example, the percentage depletion allowance in the mining of hardrock minerals, and its use in the oil sector darts the hardrock tax break.

This longstanding tax break allows those in the oil business to, in effect, write off all of their losses. The ostensible reason for the depletion allowance is to encourage exploration of oil...
drilling sites, which, presumably, no one would do without such a tax break.

The oil industry argues that other businesses are allowed to depreciate the costs of their manufacturing. But this tax break goes well beyond the costs of acquiring or laying capital equipment. For example, a manufacturing company can only deduct the original cost of a sewing machine, whereas an oil well can produce tax deductions as long as it keeps producing oil. So this deduction can amount to many times the cost of acquiring the well, and this deduction has been mostly depleted, or that contain extra costs. The net effect of this is that somehow the oil industry

The combined effect of the depletion allowance, the intangible drilling cost deduction, the enhanced oil recovery credit, and other subsidies can sometimes exceed 100 percent of the value of the energy produced by the subsidized oil. This makes no economic sense at all. I make these points because the taxpayers already give the oil sector a great deal of assistance, and now we are being asked to give up additional public lands as well.

Before we allow the President to open more public lands, I think we should be mindful of the help these industries are already getting.

I also am concerned about the effect of a decision to open the refuge to oil drilling on areas that have already designated for special protection. The 19-million-acre Arctic National Wildlife Refuge contains 8 million acres of wilderness that Congress has already designated. The amendment proposes to essentially trade wilderness designation for other areas in the refuge, 1.5 million acres in the southern portion of the refuge for the 1.5-million-acre Coastal Plain. The existing wilderness areas in the refuge, however, are immediately adjacent to the Coastal Plain. I am concerned that the President would permit drilling on the Coastal Plain of the refuge before Congress considers whether or not the Coastal Plain should be designated as wilderness. Establishment of drilling on the Coastal Plain would be allowing a use that is generally considered to be incompatible with areas designated as wilderness under the Wilderness Act. We have had very little discussion about the effect of drilling in the refuge on the wilderness areas that we have already designated. I want colleagues to be aware that the drilling question threatens not only our ability to make future wilderness designations in the Coastal Plain but also could endanger areas that we have already designated as wilderness in the public trust.

Colleagues should keep in mind that the criteria established in this amendment that the President must certify in his determination to open of the Coastal Plain as a source of oil do not include any new developments or changes in the geological information or economics that affect potential development of Arctic resources. The United States Geological Survey has already reconsidered those factors in its 1998 reassessment of the Arctic Refuge Coastal Plain’s oil potential. Rather, the current discussion, in my view, is prompted by the rhetoric and opportunistic efforts of those interests that somehow the oil industry

Furthermore, to suggest that exploration is a permanent footprint on the land begs the issue. Here is what exploration looks like in the summertime on a particular area that was drilled. The
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reality will show you that the footprint is certainly manageable. To suggest somehow that that particular activity, because of the advanced technology, is incompatible with this area is really selling American ingenuity, technology, and American jobs short.

The Senator from Wisconsin didn’t indicate at all the concern of the jobs associated with this. He didn’t concern himself as to where we would get the oil. He simply said he didn’t think it should be in this area. He talked about the flow of technology, refuge and wilderness.

Let me show you the map one more time. It has been pointed out again and again, but perhaps some Members are not watching closely enough. They simply assume that the ANWR Coastal Plain is wilderness. Congress specifically designated it as a specific area outside the wilderness. It is the 1002. Only Congress can open it. It is the Coastal Plain.

Within ANWR there are almost 8.5 million acres of wilderness. There are 9 million acres of refuge and 1.5 million in the Coastal Plain. What we proposed in the amendment has mentioned—is the creation of another 1.5 million acres of wilderness.

It is time that Members, before they come to the Chamber, familiarize themselves with what is in the amendment. It is a 2,000-acre limitation. Not too many people want to recognize that. They suggest the entire area is at risk. That is ridiculous. We have an export ban. Oil from the refuge cannot be exported. We have an Israeli exemption providing an exemption for exports to Israel, under an agreement we have had which expires in the year 2004. We are going to extend it to the year 2014.

As I have indicated, we have a wilderness designation, an additional 1.5 million acres which would be added to the wilderness out of the refuge. Here is the chart that shows that. We are adding to the wilderness.

If we don’t have the conscience of some Members who believe that is the price we should pay, I don’t know what does.

Finally, we have a Presidential finding. This amendment does not open ANWR. ANWR is opened only if the President certifies to Congress that exploration, development, and production of oil and gas resources of the ANWR Coastal Plain are in the national economic and security interests of this country.

What does that mean? It means different things to different people. I suppose one might say. From the standpoint of at least my interpretation from the former senior Senator from Oregon, Mark Hatfield, the statement I opened with, I would vote to open ANWR. I would send one other young man or woman to fight a war in a foreign land over oil. We did that in 1992. We lost 148 lives. At that time, we were substantially less dependent on imported oil.

Make no mistake about it. Our minority leader, Senator Lott, indicated in his statement the vulnerability of this country. Our Secretary of State has not been able to bring the parties together in the Middle East. It remains unclear. The Carter oil is now produced in Venezuela is unclear. The estimates are this Nation has lost 30 percent of the available crude oil imports that we previously enjoyed—that is an interruption—as a consequence of Saddam Hussein terming of production for 30 days. We have reason to believe Colombia is on the verge of some kind of an interruption which will terminate the oil through their pipeline. This is a crisis.

The reason you don’t see Members coming down here saying, “I guess we had better do something about it now,” is very clear. The shoe is not pinch enough. The prices are not high enough. I would hate to say there are not enough lives at risk.

Members could very well rue the day on this vote, recognizing the influence of America’s environmental community on this issue. I think everyone who is familiar with oil development in Alaska understands that we consume this oil in Alaska. It is jobs in America. It is U.S. ships built in American shipyards. These are the facts. By not recognizing the real commitment we have to doing business in America, we are going to have to get that oil overseas.

When the Senator from Wisconsin generalizes about oilfields, he doesn’t give us the credit for the advanced technology moving from Prudhoe Bay to the next major oilfield we found in Alaska called Endicott. Endicott was 56 acres. It was the 5th largest producing field. Those are the kinds of technological advancements we have in this country.

As a consequence, I am prepared to continue to respond to those inaccuracies. It is a shame we have to subject ourselves to the pandering associated with interpretations that have nothing to do with the extent of the risk associated to our national security at this time.

The risk is very real. The risk may go beyond the risk associated with just a political view of this issue. In this amendment, we are giving the President of the United States the authority to make this determination. I would like to think every Member of this body values not only the President but his office to see what is in the best interest of our country, our Nation, and our national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

RECESS

Mr. BIDEN. Madam President, I ask unanimous consent that the Senate recess for up to 3 minutes so our colleagues may have a chance to meet His Excellency, President Andres Pastrana, President of the Republic of Colombia, and His Excellency Juan Manuel Santos, Minister of Finance.

President Pastrana’s term ends in the next 2 months. We just had him before the Foreign Relations Committee. In all the years I have been on that committee, as I said to my colleagues today and I say to my colleagues here, we have never had a better friend of America as a head of state from any country more so than President Pastrana.

One distinction that marks his service to his country and to the entire region is that when we lose elections here, we get a pension. When you run for election, stand for election, and take a stand in Colombia, you often literally get kidnapped.

I have become a personal friend of the President, and I visited with him and his family. I cannot tell you how much I admire and marvel at his personal courage and that of the other officials in Colombia who have fought to keep the oldest democracy in the hemisphere just—that—a democracy.

I ask that the Senate recess for up to 3 minutes for my colleagues to be able to meet the President and the Minister of Finance of Colombia. I ask unanimous consent that we recess for up to 3 minutes.

There being no objection, the Senate, at 5:34 p.m. recessed and reassembled at 5:34 p.m. when called to order by the Presiding Officer (Ms. CANTWELL).

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, I rise to oppose the proposal to drill in the Arctic National Wildlife Refuge. With all due respect to my colleagues on the other side, who I know feel strongly, I feel strongly as well and have been involved with this issue since my time in the House of Representatives, where I consistently cosponsored legislation that would not allow drilling to occur.

It is important that we continue to stress the fact that drilling in ANWR will not create energy independence and that we are talking about, even if
we started drilling tomorrow, the first barrel of crude oil would not make it to the market for at least 10 years. So it would not affect our current energy needs. There is a real question in all of the debate going on about the concerns that are directly in front of us. This is not the answer to that.

We are talking about whether or not, on the one hand, we risk the environmentally sensitive Coastal Plain for the equivalent of just 6 months’ worth of summer usage in the United States. And this is something that will be available for use for 10 years. It doesn’t make sense to me. I think that in this energy bill, when we look to the future, we ought not to be going to the past in terms of trying to drill our way to energy security and independence.

According to the EIA, an independent analytical agency within the Department of Energy, drilling in the Arctic Refuge is projected to reduce the amount of foreign oil consumption by the United States in 2020 from 62 percent to 60 percent—a whopping 2-percentage difference by 2020. This certainly is not going to address our energy needs. Drilling in the Arctic Refuge will not really make a dent in the question of the overdependence on foreign oil. Even John Brown, the CEO of BP Amoco, admitted in an interview on “60 Minutes” back in February that it was “simply not possible for the U.S. to drill its way to energy independence.” That is why we have a proposal in front of us that is comprehensive.

I would like to, once again, commend the sponsor and the leader on this issue, Senator Bingaman, for not only his leadership in coming forward with a broad plan that moves us to the future, but also his patience during this process, as we have moved through all of the amendments and the different components in each of which we have been involved.

When we look at the tradeoff, I simply don’t believe it is worth it. Drilling in the Arctic Refuge will lead, potentially, to environmental damage. The proponents of drilling claim that the modern techniques are clean and would cause no environmental damage.

First, drilling accidents do happen. Over the past several years, across the Nation, there have been accidents due to poor maintenance, equipment failure, human error, even sabotage. Certainly, in this time of concern about terrorism, we need to be concerned about these as well. In these accidents, crude oil was dumped into our rivers, our lakes, our streams, and wetlands, and often dangerous hydrogen sulfide gas was released into the air as well.

This is to be a good tradeoff for the equivalent of 6 months’ worth of oil that we cannot actually begin to use for 10 years. We can create more jobs and help our U.S. steel industry and help our economy and make other kinds of positive benefits without drilling in the Arctic Refuge.

There are more than 35 trillion cubic feet of natural gas immediately available in the existing oilfields on the Alaskan North Slope. Currently, natural gas is produced with this oil but is reinjected, as we all know, back into the ground because there is no pipeline to bring it to the lower 48 States. Constructing the Alaskan natural gas pipeline will create more than 400,000 new jobs and provide a real opportunity to the U.S. steel industry, which, I might add, is incredibly important in my State of Michigan, where we are concerned about an integrated steel industry. By 2017, the pipeline from the upper peninsula of Michigan to our steel mills.

This pipeline would require up to 3,600 miles of pipe and 5 million tons of steel. The Alaska natural gas pipeline also would provide natural gas to American consumers for at least 30 years and would be a stabilizing force on natural gas prices. We can do that. We agree on that. We can move in this direction. It creates more jobs. It adds more energy sources and does not risk one of the most important, pristine, environmentally sensitive areas in our country.

There are other, better supply options available to us. Currently, as we all know, in the Gulf of Mexico, it is a source of 25 percent of the crude oil produced in the United States, 29 percent of the natural gas, and there are 32 million acres in the western and central portions of the Gulf of Mexico under lease but not developed. Why are we not talking about those areas?

In addition, the oil industry is extremely optimistic about the prospects of finding additional oil reserves in the National Petroleum Reserve in Alaska, where we are already drilling. In fact, the three largest oil discoveries in the last 10 years were made in the National Petroleum Reserve in Alaska. So we have options.

I am always perplexed in this debate to hear why this is the focal point of the administration’s energy plan, this one piece of land, when we do have other options, and we have other options for creating jobs as well.

We also know that conservation and investment in new technologies are the real solutions. Given relatively small amounts of oil available in the Arctic Refuge, it does not make sense to endanger this 1.5-million-acre Coastal Plain that is the biological heart of this pristine national treasure.

An energy policy such as the Senate energy bill that encourages conservation and investments in new technologies can help us come closer to achieving independence within 10 years.

I am very proud of what is happening in Michigan as it relates to alternative fuels, agriculture, and also what we are doing in terms of technologies that are important for our future.

The bottom line is the Arctic National Wildlife Refuge is one of the most pristine places in the United States. This tradeoff is not worth it. We can meet our energy needs in other ways that look to the future. We can create important jobs for our people in other ways with the natural gas pipeline. We have other opportunities to drill that do not involve risking this important part of our heritage. Our country needs a comprehensive energy policy, and certainly that policy needs to recognize the current importance of oil, gas, and coal exploration. But to ensure America’s energy security for the future, it should support energy efficiency, conservation, clean and renewable energy sources, and it should help diversify our energy sources.

Overall, I have to say I am disappointed in the direction in which the Senate energy bill is heading because it has been diverted from achieving these important goals. I am disappointed because we had an opportunity to make progress on our long-term challenges.

This bill started off in the right direction. Unfortunately, after many amendments, it is now a far different bill, and I believe it does not respond adequately to the challenges we face either in my home State of Washington or nationally.

It focuses too heavily on coal and natural gas. It does too little to diversify our energy sources.

It does not meaningfully raise fuel economy standards, and it does not protect electricity customers. In fact, it creates considerable uncertainty in electricity markets. It pursues electricity deregulation despite the hard lessons learned through our recent experiences in California and with Enron. It takes regulatory authority away from the States and gives it to the Federal Energy Regulatory Commission.

And it does not do enough to encourage investments in our transmission systems.
Overall, this energy bill reflects the way we have treated energy policy for decades. We have not addressed the long-term problems. Instead, we wait until there is a crisis, and then we are stuck at looking at bad, short-term fixes like drilling in ANWR. We have not dealt with our long-term dependence on oil. We have not invested enough in renewable energy. We have not diversified our energy resources, and we have not put enough financial incentives behind conservation.

The way to address our energy problems is to focus on the long-term solutions like reducing our need for oil and investing in clean and renewable energy sources.

Unfortunately, much of this bill continues to largely endorse the past practices of short-term fixes that do not address many of the real long-term problems.

Today we are being asked to damage a sensitive ecosystem and spoil one of the most pristine and unique national treasures. In fact, the oil in the Arctic will not help us deal with our long-term energy problems.

With all of the problems we are experiencing in our transmission systems, this is not the time to dramatically alter the way electricity markets are regulated and function.

With our emergency standards, I think we should proceed very cautiously.

I will now turn to the debate over drilling in the Arctic National Wildlife Refuge. Where will we and future generations be asked to drill tomorrow?

To get out of these short-term traps, we need to invest in long-term solutions, such as diversifying our energy sources.

This bill started with a strong renewable portfolio standard which would have diversified our energy sources. After many changes, however, these standards are now no better than the current pathways we have. To me, that is a missed opportunity. We should be doing more to diversify our energy sources.

Currently, Washington State and the Pacific Northwest are very dependent on hydroelectric power to meet our energy needs. This dependence contributed to severe price spikes during last year’s drought and California’s disruption of the west coast energy market.

I fear that in our rush to address last year’s energy shortfall, we in Washington State are now becoming overly reliant on natural gas. Diversifying our energy resources will help us prevent future price swings. Developing other resources like biomass, solar, and geothermal energy will protect us from future shortages and will ensure our communities and economy can continue to grow.

However, rather than enacting a strong renewable portfolio standard, this bill will continue the failed strategy of digging more, burning more, and conserving less.

I refer next to the electricity title in this energy bill. The Presiding Officer is from Washington State and she knows well, on and agreed to many amendments. However, electricity consumers in this underlying bill do not appear to be protected.

I think we are moving too quickly to deregulate electricity markets and to create regional transmission organizations. From the California energy crisis to the collapse of Enron, the events of the last few years have highlighted the importance of not having slowly with electricity legislation. In Washington State, our regional transmission system has more than 40 major bottlenecks. There are many other parts of the Nation that also have major bottlenecks, and we need to fix them.

We can all build the generation facilities we need but still not have power because the transmission capacity is inadequate.

I will vote against oil exploration in ANWR because the potential benefits do not outweigh the significant environmental impacts. The Arctic National Wildlife Refuge is an important and unique national treasure. In fact, it is the only conservation system in North America that protects the complete spectrum of Arctic ecosystems. It is the most biologically productive part of the Arctic Refuge, and it is a critical calving ground for a large herd of caribou, which are vital to many Native Americans in the Arctic. Energy exploration in ANWR would have a significant impact on this unique ecosystem. Further, development will not provide the benefits being advertised.

The proponents of this bill continue to argue that over the years energy exploration has become more environmentally friendly. While that may be true, there are still significant environmental impacts for this sensitive region. Exploration means a footprint for drilling, permanent roads, gravel pits, water wells, and airstrips. We recognize that our economy and lifestyle require significant energy resources, and we are continually raising new questions. However, opening ANWR to oil and gas drilling is not the answer to our energy needs.

Many people are incorrectly stating the exploration of ANWR will reduce our dependency on foreign oil. It is the only way to become less dependent on foreign oil is to become less dependent on oil overall. The oil reserves in ANWR—in fact, the oil reserves in the entire United States—are not enough to significantly reduce our dependence on foreign oil.

There are four ways to really reduce our need for foreign oil. First, we can increase the fuel economy of our automobiles and light trucks. Higher fuel economy standards will reduce air pollution, reduce carbon dioxide emissions, save consumers significant fuel costs, and reduce our national trade deficit.

In addition, cars made in the United States will be more marketable overseas if they achieve better fuel economy standards. Last month, many of us in the Senate tried to raise CAFE standards, but our efforts were defeated.

A second way to reduce our need for foreign oil is to expand the use of domestically produced renewable and alternate fuels. From the California energy crisis to the production of toxic pollutants, create jobs in the United States, and reduce our trade deficit.

Third, we can invest in emerging technologies such as fuel cells and hydrogen powered cars. The United States has always led the world in emerging technologies, and this should not be any different.

Fourth, we can also increase the energy efficiency of our office buildings and our homes.

These four strategies will reduce our dependence on foreign oil and protect one of our Nation’s most precious treasures.

The proponents of drilling in ANWR have argued it will help our national security, and I want to comment on that. Back in 1995, the same proponents of drilling in ANWR fought to lift the ban on exporting North Slope oil. Prior to that, all oil produced on American soil on the North Slope of Alaska, was, by law, headed for domestic markets. This export ban had been in effect for over 20 years. In 1995, some Members worked to lift that ban. On the other hand, I helped lead a bipartisan filibuster, with Mr. Hatfield, a great Senator from the State of Oregon, to keep the export ban in place because it served our Nation’s interest. Since that debate first took place, I have become even more convinced that sending our oil to overseas markets is the wrong policy for our country.

The PRESIDING OFFICER. The Senator’s time has expired.

Mrs. MURRAY. I ask for 3 additional minutes.

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

Mrs. MURRAY. It is recognized that gasoline prices in west coast States are frequently among the highest in the Nation. It is estimated that since 1995 more than 90 million barrels of Alaskan oil have been exported overseas. Approximately half of that oil went to Korea, a quarter of it went to Japan, and a remaining fifth went to China and Taiwan. I would respectfully suggest to the administration and the proponents of drilling in ANWR that if this debate were really about providing Americans with our own oil or about denying Saddam Hussein the means to develop his evil plans, here in the Senate we would be considering reimposing the export ban.
The administration has been silent on reimposing that ban. The House has been silent on reimposing the ban, and I doubt the Senate will move on it either.

Now I suspect that someone from the other side is going to stand up and say that the House-passed ANWR bill precludes the exportation of oil from ANWR and that the pending amendment limits the exportation of ANWR oil except to our friends in Israel. But it will be easy for proponents to do an end run around those provisions.

First, the export ban would have to survive in conference. Even if it survives, oil companies will still be allowed to export more of the oil they drill from other parts of Alaska where the ban does not exist.

The proponents will say there have not been any recent exports of North Slope oil. The fact is that as soon as the economics line up, we will add to the 90 million barrels already sent overseas.

Let us remember that the amount of oil in ANWR is too small to significantly impact our current energy problems, and, further, the oil exploration in ANWR will not actually start producing oil for as many as 10 years.

Exploring and drilling for oil and gas in ANWR is not forward thinking. It is a 19th century solution to a 21st century problem.

For all of these reasons, I oppose energy exploration in the Arctic National Wildlife Refuge, and I continue to have strong concerns about the energy bill as it is currently written. I yield back my time.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Idaho.

Mr. CRAIG. Mr. President, many of us who have come to this Chamber over the last 24 hours to speak on this most important issue have approached it from a variety of points of view, all of them with some degree of logic that points out a frustration, if not a legitimate concern, about the energy supply of our country.

A few moments ago, the Senator from Michigan was speaking about ANWR, that it was only a moment in time that would pass quickly and that we ought to be much more interested in other sources of energy.

While she was speaking, I was thinking of a trip I recently made to her State, to Dearborn, MI, to the laboratories of Ford Motor Company, and there, for a period of time, I had the opportunity to visit with their engineers and scientists and look at what clearly is some of the latest technology that the laboratories of Ford Motor Company are employing toward future transportation.

One of those is a much touted, much talked about hydrogen fuel cell. Someday in the future, many of our cars might well be fueled by that fuel cell, generating the electricity that would drive the hydrogen fuel cell in the hub of the wheels of that car.

I drove that car. I had the privilege to take it out on the track at Dearborn and drive it around the track. It was an exciting experience, to think that this vehicle could be my future, my children’s and my grandchildren’s future, as a form of transportation. Very clean; a drop of water now and then emitting from the tailpipe of that car. So it is an exciting concept, to think we have invested, taxpayers have invested in future technologies that someday may be available to the consuming public as a form of transportation.

Let me talk about the rest of the story, about which the engineers and the scientists huddled around the hydrogen fuel cell at Ford Motor Company talked. They talked about the tens of billions of dollars it would take to build the infrastructure to fuel the hydrogen fuel cell that would have to be spread across the country, comparable to the gas station on every corner of America today that fuels the gasoline-powered cars.

Had we thought about that? Well, I had not thought about it to that extent, that it would take decades to build that kind of infrastructure so that driving a hydrogen fuel cell car would be as convenient as the gas-powered car. Certainly, we didn’t think about whether it be Seattle, WA, or Boise, ID. I am not confident we would want to drive to one spot, one location only, to fuel our hydrogen car. I am sure we would want it at least as nearly convenient as the gas-powered car of the day. That was one issue.

The other issue is a very real problem in the minds of American drivers today as to the acceptability of hydrogen cars. It is a little thing called “boom,” a fear that it might blow up. It is a false fear. The hydrogen fuel cell car would not blow up because it is a very safe form of energy. But the reality and the public perception is there. A decade of information, cumulative, invested in experiments and public relations and education and experience is all going to be part of that equation.

What happened the day I drove that $6 million prototype hydrogen-fueled cell car at Dearborn, MI, taught me something. It taught me we do not instantly do new things around here; we don’t instantly have a new hydrogen-fueled cell car. Its day will come, and I do believe it might. It clearly is environmentally clean, and it would be important for environmental reasons.

Yes, the economy will create hundreds of thousands of jobs and invest billions of dollars to get us into new forms of transportation. However, they predicted at Ford Motor Company that we would literally decades away, if not double decades, from a hydrogen-fueled cell car.

I say to the Senator from Michigan whose economy depends on the employment of the auto industry to make her State go, what do you do in the meantime, if you don’t have the fuel to drive the engines of the cars that the workers in Dearborn, MI, produce today? That is part of what the Senator from the State of Michigan represents.

I guess you let them be unemployed. If gas goes up to $3 or $4 a gallon, certainly the kind of vehicle, if not the quantity of vehicles that are produced in Michigan today and by the auto industry around the country, is going to dramatically change. Some would say that is perfectly fine, that is the way the marketplace ought to work, and, therefore, who cares. The Senator from Michigan cares. I know the Senator from Idaho cares because in Idaho, driving from Boise, ID, to Twin Falls, ID, is not around the corner. A few minutes down the road is 2½ hours. It is 250 miles. To go anywhere in my State means driving a couple hundred miles. My State is 600-plus-miles long. By the way, that is from here to Boston. And it is about 550 miles wide at the widest.

My State is a mile-intensive State. People travel long distances. Transportation is critically important. Large, safe automobiles that consume a certain amount of energy are necessary and important.

Important to my State, which is now becoming a manufacturing State and a processing State, are the products we produce which have to get to places like Chicago, to the Detroit, the New York, the Minneapolis-St. Paul because we feed a world economy. If we cannot get the product we produce to that economy at a reasonably priced way, then either we go out of production or it gets produced closer to that marketplace.

The point I am making and the point that has been made by many today is that we are an energy-dependent economy; we are an energy-dependent society. We use a great deal of it. We are wealthy because of it. We are free because of it. We have great flexibility as a country because of it. We are powerful because of it. And we can help other freedom-loving people around the world, because of our capabilities not only use energy but produce energy.

Yet today we have heard many coming to the floor opining the fact that production was somehow bad in the name of the environment, in the name of the critter, in the name of the pretty little plant, in the name of life after, in the name of generational concerns, in the name of something. Someone has found a reason not to produce additional energy for this country. Yet the only presence on the table, the very wealth that has created this country was, in part, a direct result of the abundance of reasonably priced, reliable energy.

When I listen to some of my colleagues, a fundamental thought goes through my mind. Don’t they get it? Don’t they understand the jobs that are created in their State are based on a certain economic equation and that if you adjust that equation arbitrarily or on the right to be wrong, you run the risk of destroying that job and dramatically changing the economy of the country? Don’t they get it?
What happens if we get $3-a-gallon gas in this country? What happens to the cost of doing business in this country? What happens to the thousands and thousands of people who no longer have a job because of that in this country? Don’t they get it? Or is praying at the altar of a creature, a plant, a conscience, an environment? And what are we going to do about it? And what are we going to do about it? Don’t they get it? Yeah, they get it. We all get it. My wife told me last night: Don’t you get emotional over this issue; you really shouldn’t; keep your cool. I am trying to, but it is very frustrating for me to suggest to my grandchildren that because of a public policy they are going to be denied certain rights, certain freedoms, certain flexibilities within their lifetime that I had within my lifetime because my forefathers recognized the importance of producing energy, we have lost our production, we have lost our sovereignty, our ability as a country to drive our economy and shape our attitude, our relationship today. It is the bottom line of the debate today. It is the fundamental belief that has animated the public policy of this country for the last 4 weeks on the floor of the Senate about a national energy policy.

The first opportunity I had to visit with President-elect George W. Bush, the first opportunity — our assistant leader, who has just come to the Chamber, had a chance to visit with President-elect George W. Bush in Trent Lott’s office. The issue in Florida had just been solved. The President-elect was in town. He was beginning to put together his Cabinet. He came to the Hill to visit with us. I will never forget that. We were all so very proud and excited about his Presidency. He said: I campaigned on education. I campaigned on tax cuts. I campaigned on a national energy policy. It was the first time; it was never the first time. It was the first time; it was never the first time.

That was a priority of this President, and in the 1970s, when we were having the energy crisis, when we were wondering about now. But somehow, over the years, in this state of ambivalence toward production, toward self-sufficiency, we have wandered off toward Saddam Hussein. On any given day it can be anywhere from 55 to 60 percent dependency.

That is the bottom line of the debate today. That is the bottom line of the debate today.

What about nuclear? We have included nuclear in this bill, and we are enhancing it—we are reauthorizing Price-Anderson—another 20 percent of the base. We believe in climate change and global warming, we are probably going to want nuclear to be a greater portion of that mix in time.

So why on the floor of the Senate tonight are we picking and choosing and saying this but not this? Do we know better? No, we do not know better. But we do know that as we have grown increasingly energy dependent on someone else’s production, we have lost our flexibility as a country, we have lost our ability to shape domestic and foreign policy, we will lose a little bit of our freedom because our sovereignty, our ability as a country to make those kinds of decisions that drive our economy and shape our attitude and our relationships with our foreign neighbors is, in fact, freedom.

“Oh, it is a freedom argument tonight?” You’re darned right it is. Somebody is saying you don’t need to produce the 15 or 20 billion barrels of oil in the ANWR, or the 7 or the 8 or the 10 or the 12 we don’t know much is there, but we know there is a lot there. But if we did, one example about the freedom I am talking about, or the flexibility in foreign policy, if we did produce ANWR—bring it into the pipeline, make it available to our refineries, allow it to go to the pump for you and me to put in our gas tanks—we could turn to Saddam Hussein, who just turned his pumps off last Tuesday, and say: Keep them off. We don’t need you anymore. We don’t need to buy the 720,000 barrels a day from you for $42 a billion a year so you can use that money to pay Palestinian families to allow their kids to be human bombs.

We don’t need to let you do that anymore. Most importantly, we are not going to pay for it.

Our policy today, or the absence of striving toward the form of relative energy independence is, in fact, allowing that policy. Shame on us. Bad policy. Bad policy. Bad policy. We were warning ever the years, in this state of ambivalence toward production, toward self-sufficiency, we have wandered off toward Saddam Hussein. On any given day it can be anywhere from 55 to 60 percent dependency.

Oh, it is only 14 percent. Since when did that not count? I think it counts now, you cannot be cavalier about this issue.

Now let’s talk environment. I do not make little of the environment. I live in a beautiful State. We have very strict environmental standards in my State and we adhere to them and we believe in them. But we also believe in production. In the 1970s, when we drilled the North Slope of Alaska under the most strict environmental conditions ever imposed on an oilfield, we did it and we did not hurt the environment.

You have heard speeches in this Chamber today and yesterday about the abundance of the caribou herd and all the successes there. A cousin of mine was a foreman for Peter DeWitt. He helped build the pipeline. We were visiting the other night about the phenomenal technicalities involved in building that pipeline, but they got it done.

It was the first time; it was never done before. But Congress said it cleanly, do it sound environmentally, and they did and that pipeline is 55, 60 miles away from the field we are talking about now.

We are not going to hurt the environment. The technologies of today, slant drilling and all of those new employment of technology within the energy field, weren’t there in the 1970s, and we did it then. We will do it better today.

It is not a matter of hurting the environment; it is a matter of not doing anything. That is the debate here. Do it or do not do it. Take the environmental equation out of it.

Do it or do not do it. Why then are they arguing? Why would anyone take that point of view? I suggest because there are some esoteric attitudes, if you do that you slow down economic growth, you discourage this, and the world changes. It is kind of a cave and a candlelight idea; you can live in and have candlelight for their reading. You will not have to have all these other goodies that we call the...
Mr. NICKLES. Mr. President, I wish to thank my colleague, Senator CRAIG from Idaho, for his speech. I also compliment Senator MURKOWSKI for his leadership in trying to put together a good energy bill, as well as Senator STEVENS. Both have made extensive speeches on the need for exploration in Alaska. I happen to respect both individuals very much.

I happen to have accepted one of their invitations to visit the area. And I believe all Senators received this invitation as well. I encourage my colleagues to do so.

I think there is a long tradition in the Senate where we have given home State Senators great latitude in making decisions that impact their States primarily. I am kind of bothered by the number of times the majority party is coming out against drilling in ANWR without ever being there, without ever visiting the people, and without knowing the real impact.

Alaska happens to be one of the prettiest States in the Nation. It is one of the largest. I have been to several points in Alaska, including the Prudhoe Bay area and the ANWR area. Alaska contains beautiful scenic areas. However, the ANWR area, and particularly the coastal region, is not one of the prettier areas of Alaska. On the whole, although, it is a beautiful State.

When I heard people say we can't mess up this pristine wilderness, I was thinking that maybe they did not visit the area, or they are coming out against drilling in ANWR without ever being there, without ever visiting the people, and without knowing the real impact.

It is incumbent upon us to do something. President Bush, to his credit, and Vice President CHENEY's, to his credit, formulated a national energy policy—the first administration to do so in decades. The House, to its credit, last June passed a bipartisan energy bill. My compliments to them.

Many of us in the Senate wanted to pass a bipartisan energy bill. I have been on the Energy Committee for 22 years, and this is the first very significant piece of legislation we passed has been bipartisan—every single one.

We passed a bill deregulating natural gas prices. It took years, but we did it.

In the Finance Committee, we passed a bill to eliminate the windfall profits. We passed a bill to repeal the Fuel Use Act. We passed a bill to eliminate the Synthetic Fuels Corporation.

Many of those mistakes that were made during the Carter administration were enacted by the Democratic Congress which needed to be repealed. And we repealed them in a bipartisan fashion.

We started marking up the energy bill. All of a sudden, the majority leader腭 is the chairman of the Energy Committee not to have a markup. So the bill we have before us, in my opinion, is in desperate need of improvement. It is 590 pages. It was never marked up in committee.

I have been on the committee for 22 years. I was never able to offer an amendment on this bill.

Some people say: Why have you been on this energy bill for so long? We have to rewrite the bill on the floor. Why don't you spend more time on ANWR? Guess what. If we had marked the bill up in committee, we would have ANWR in there. We had the votes. I suspect the reason the majority leader腭 told Senator BINGMAN not to mark up the bill is because he is adamantly opposed to exploration in ANWR. He may well have victory on the floor tomorrow. We will find out. I hope he is right.

What about the hundreds of thousands of jobs that wouldn't be created if we will not have exploration? What about the billions of dollars that we are shipping overseas to little countries, such as Iraq, that really aren't

marketplace, and somehow the world is going to be a better place.

I think not. I think we ought to talk about the differences and the tradeoffs. We ought to talk about the jobs.

My colleagues from Alaska and those who have analyzed this matter would suggest anywhere from 250,000 to 700,000 jobs could be created. Since when did jobs become a dirty environmental issue? I think it is a clean idea. I think it puts millions of dollars of lost dollars for folks. It allows them to buy houses and cars and a college education for their kids. That sounds like a clean idea to me, and somehow someone is suggesting that is a bad idea.

The number is simple. It ought not be that frustrating. None of us should struggle that mightily about it. It is producing energy for this economy, doing it in a wise and responsible way, doing it in an environmentally sound way, and for them do hurt at least us.

You have to go to the oil to get the oil. We know there is oil under the ANWR in Alaska. The work has already been done. The EIS is already in place. We have already geophysicists that are trying to raise money for the oil companies to do an appraisal of that area. We will be less free, more dependent, with less flexibility. The job of Colin Powell and his colleagues will be even more difficult because we have less independence to engage our friends and our enemies in trying to create a safer world. That is part of the issue. That is part of the debate.

My colleague from Oklahoma is in the Chamber ready to speak. It is an important issue. I hope all of us will take seriously the vote that we will be casting, I believe tomorrow, on cloture on this most important issue. In my opinion, it is a generational issue that comes before us at this time.

I yield the floor.

The PRESIDING OFFICER. The assistant Republican leader.

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our best friends? Because he is continuing that policy—he is continuing the dependency, in some cases, on very unstable and unreliable sources of oil.

Our national energy is tied to our energy security, and we are taking steps to secure our energy. We could adopt our actions significantly by allowing exploration in ANWR. But the majority leader may be successful in keeping it off.

My guess is, if we had done the bill as we have done it, ANWR bill in the last 20-some years in committee, that it would have been in the bill, and it would have stayed in the bill. I think the majority leader knows that. Maybe his tactic will be successful, but he has totally disrupted the precedents and the standard of using committee procedures to mark up bills.

We have committees and a process in which they follow. Why disenfranchise 20-some Senators from marking up a bill? This offends me. This bill has 590 pages. The first bill we considered had 539 pages.

Again, no Senator got to mark up either bill. This was put together by the majority leader. This was put together by Senator Bingaman. No other Senators were allowed to mark it because there wasn't a markup held.

Where is the committee report? The standard procedure in taking up a bill is that we will have a committee report and allow individual Senators to make comments supporting or opposing the bill's provisions.

However, since we seem to have skipped this process, we have to dig through the bill and find out what is in it. This legislative language and not the easiest language to read. There is no common English explanation for it, as we have in almost every major bill.

I am very offended by the process. It was done I think primarily to avoid having a vote on ANWR, or making it impossible to put ANWR in the bill. It would only take 50 votes.

I disagree with that very strongly. I disagree very strongly with countless Senators. I would love to know how many Senators have never been up there and are making decisions that say: I know better than Senator Murkowski; I know better than Senator Stevens.

I know that both Senator Stevens and Senator Murkowski have been there several times. I happen to have been there, I think, once. I learned a great deal. I have been to Kaktovik, and I talked to the villagers there. They are more concerned about their environment than anyone else. They live there 365 days a year. Yet we are going to deny them an economic livelihood? I think that is a serious mistake.

I have heard countless people say: We can't do this because of the environmental impact. We are talking about 2,000 acres—2,000 acres—out of a land mass that is 19.6 million acres. And 2,000 acres may be about the size of an average airport, compared to 19 million acres, that is about the size of South Carolina. That is a very small percentage, very little negative impact, if you consider the impact to be negative in the first place. We have hundreds or thousands of wells in my State of Oklahoma, as Texas and Louisiana do also. We have not seen considerable negative impacts.

A pipeline, is that so bad? You ought to look at a interstate pipeline map and see how many pipeline miles are across the State of Louisiana, Texas, Oklahoma, Kansas. You don't know they are there, but they are there. And people act like that would just desecrate this beautiful area. I just ques-
tion that.

As a matter of fact, I look at the ANWR Coastal Plain, and it would take just a small connection to be able to tie into the TransAlaska Oil Pipeline. This small connection would be about 100 miles long.

I look at the gas pipeline, and I heard the Senator from Michigan say, oh, she is all in favor of the gas pipeline. That is all new pipeline, and that is about 3,000 miles. The pipeline we are talking about is maybe 100 miles, connecting from ANWR to the oil pipeline that is already built. The oil pipeline is about 800 miles.

Now we are talking about a 3,000-mile pipeline, almost all of it new, going through a lot of virgin territory that has never had roads, never had a pipeline on it. This is the gas pipeline that a lot of people are saying would do 100 times the environmental damage of what we are talking about, connecting to the oil pipeline that is already there—100 times the environmental damage.

I heard somebody say, what about the caribou, or what about the wildlife in the area? I remember flying up there and looking around and looking at the wildlife. Alaska is a gorgeous State that has a lot of wildlife. In that particular Coastal Plain area, when I was there, I did not see hardly any wildlife. I see more wildlife in my State of Oklahoma or the State of Louisiana in any square mile than what I saw at the time I happened to visit there. I did not visit there when the caribou were migrating in.

I care about the caribou. I saw a lot of caribou at Prudhoe Bay. I remember when Prudhoe Bay was originally built, there was about 3,000 caribou. Today, there are 20-some thousand. The caribou herds have multiplied dramatically. Caribou that are raising these facade,
I urge my colleagues to consider doing what is right for America, what is right for our country, what is right for our national security, and, frankly, what is right for Alaska.

This project is supported overwhelmingly because the people there need it, both economically and for the national security implications as well.

So I urge my colleagues, tomorrow, to support Senator Murkowski and Senator Stevens and allow exploration in the ANWR area.

Mr. President, one final comment I will make, and that is, there is an amendment pending—I guess we may have a vote on it—dealing with money going to help the steel industry cope with some of the difficulties they have. Some people call them legacy costs, but it is picking up health costs for retirees.

I think that is a serious mistake. I do not know why the Federal Treasury of the taxpayers should have to take general revenue money, or money coming from this pipeline to pay pension costs or health care costs for one particular industry. If you are going to do it for this industry, then what about the textiles, what about railroad workers, what about railroad workers?

You have a lot of industries that have a lot of retirees who are struggling with paying their pensions and/or health care plans. They made those contracts when they were in Congress, responsible to come in and assume all the costs of those contracts? If so, we have real serious problems. If we are going to do it for one, how can we not do it for another? I think it would be a serious mistake and set a serious precedent that I hope we don’t follow.

So I urge my colleagues to vote no on the steel legacy amendment, as it has been called.

However, I urge my colleagues, with every fiber in my being, to support exploration in ANWR, the Murkowski amendment. Let’s listen to the Senators from the State of Alaska. They know this issue inside and out, far better than anybody else. They have been dealing with money and balanced. We cannot allow poor energy policy proposals to be used as a smokescreen for an unwillingness to focus on the harder long-term issues.

Drilling in the ANWR would not only create numerous jobs, but also allow exploration to support Senator Murkowski and Senator Stevens in their advice and open up ANWR for exploration.

Furthermore, the claim that drilling in ANWR would cost thousands of jobs is excessive. The job estimates used to support drilling in the Arctic refuge were developed by the American Petroleum Institute, API, in 1990 and are not supported by the Congresional Research Service and other recent independent studies, the API used exaggerated estimates and questionable economic analysis.

More than 95 percent of Alaska’s North Slope is open to oil and natural gas exploration or development today. In 1996, the Clinton administration opened nearly 4 million acres of the National Petroleum Reserve-Alaska to oil and gas drilling and signed a bill lifting the ban on the export of Alaska North Slope oil, a move strongly supported by Senators Stevens, Lincoln Chafee, and Robert Graham, who was a friend from the days when I was in Washington at the Interior Department. When I left I was Solicitor, and I was very close to Gordon Allott. He was a personal friend as well as the person I worked with in the Eisenhower administration.

He said he thought it would be good if I would meet with some of the older Senators and talk about life in the Senate. So I said I would, and a day or two later, Senator Allott said they were going to gather up in Senator Eastland’s office. At that time it was on the third floor. I think it was room 306, just above what has been one of the leader’s offices on the second floor.

As I walked in, I found that I was facing eight of the senior Senators. I hadn’t been around long. I had been familiar with Senate activity. But it was a very interesting meeting: Senator Eastland of Mississippi, Senator Allott of Colorado, Senator Coton of New Hampshire, Senator Thurmond of South Carolina, Senator Long from Louisiana, Senator Bruska of Nebraska, Senator Talmadge of Georgia.

Those were different days. Those were days when there was a different feeling in the Senate. These were eight senior Senators, four from each side. Obviously, they enjoyed one another’s company. Those were the days when, late at night, they would sit around the table in Senator Eastland’s office. He said to me: Why don’t you help yourself, son. I did, and I sat down. And Senator Allott said to me they just thought they ought to talk to me a little bit about how it was easy to get along in the Senate if one understood the Senate.

For instance, the conversation went to the point of the fact that we were a new State, a young State that had only been in the Union for 10 years. They wanted to make sure I understood the Senate. Senator Allott said to them I had been around during the Eisenhower days. I had been with the liaison to the

Mr. MURKOWSKI. 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. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

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

Mr. STEVENS. Mr. President, I got an e-mail from my oldest son, who told me he was surprised by the comments of the Senator from Minnesota concerning this issue being a political issue and politics as usual. I am not surprised. But I did tell him I think the Senate has changed.

Before I go to my other remarks, I would like to relate to the Senate what happened to me as a young Senator, a young appointed Senator. I came here in 1968, and by the springtime of 1969, in the State of Alaska, the Senate had 18 members, 12 Democrats, six Republicans, one Independent. So I had been in the Union for 10 years. They told me they just thought they ought to talk to me a little bit about how it was easy to get along in the Senate if one understood the Senate.

For instance, the conversation went to the point of the fact that we were a new State, a young State that had only been in the Union for 10 years. They wanted to make sure I understood the Senate. Senator Allott said to them I had been around during the Eisenhower days. I had been with the liaison to the
Senate. They said they wanted me to understand relationships in the Senate.

We talked about senatorial courtesy and what it means to have a right to be consulted concerning appointments to your State. We talked about just the idea of a separation between individual Senators: this is a place where, if you are going to be here, you ought to know who you are working with, and they welcomed a newcomer, an appointed Senator, to visit with them on how they felt about the Senate.

It was one of the most interesting conversations of my life. The point got around to a new State and the prerogatives of a new State. One of the things they told me was very simple: If you and your colleague agree on an issue that affects your State, for instance, land in your State, you let us know because we believe you know more about your State than we do, and we are going to rely on you; we are going to rely on you to judge matters of Federal actions that affect your State, and only your State.

I thought about that last night. I have listened to people here over the years talk about the rights of their States and what might happen to their States.

I don’t think any State has lived through what we have lived through in the first years of our statehood. We have been denuded of jobs—I will talk about the people who have done it—by a group that takes advantage of the division of the country in order to achieve objectives they could not achieve but for the divisions that exist in the Senate today. It is truly a split Senate. Relationships between the majority and minority are strained more than I have ever seen them.

We have a situation where the two of us, since 1961, have sought the fulfillment of a commitment made to us in 1960, and it is apparent now that it will be denied—not permanently; we still will have a chance to come back at this again. This bill will not forever forbid the concept of oil and gas leasing in the Arctic Plain of Alaska, but it will not happen until there is an act of Congress to authorize it to proceed.

In terms of the relationships of the Senate, I raised the question: What about other Senators? Are we to presume that the concept of the Senate relying upon the two Senators from that State, if they agree on an issue pertaining to their State, the Senate will listen to them? I don’t think so.

I think we have seen really a split in the Senate intentionally caused by the radical environmental organizations of the country that think they really control the country now. I will show you; they probably do. They probably do much more than the public believes.

Senator Welleston said today that he had met with the Gwich’in people because of the pristine wilderness, and they live in the area. I beg to correct the Senator. The Gwich’in live on the south slope of the Arctic range. They are Canadian Indians, at least part of a Canadian tribe of Indians called the Gwich’in. They have land in Alaska. They opted not to participate in the great land settlement of the Alaska Native lands settlement. They don’t want to. They took their land and did not want to rely in any way on the Federal Government.

As a matter of fact, right after they took their land, rather than participate in the land claims settlement, they put their land up for oil and gas leasing. No one wanted to lease it. They put their land up for coal leasing. They do have a lot of coal. And no one wanted to lease it.

As a matter of fact, we hardly ever heard from the Gwich’in about this issue until they were hired by one of the environmental organizations, and they have become the spokesmen for the environmental organizations as a representative of the Alaska Native people. But we have the Canadian Indians who live in Alaska.

The Alaska Native people, the Alaska Federation of Natives, and particularly the great Eskimo community on the Alaska North Slope, support drilling in the Gwich’in, north of the Alaska Coastal Plain. They live in the area. The Gwich’in don’t. The people who own land within this area at Kaktovik, the Eskimo people, violently support this. They want it to happen. They have been denied the right by Federal order to drill on their own land, and our bill removes that impediment.

I have tried my best to explain why we went into the concept of looking at the steel legacy program. One Senator said he thought my effort was not real, not authentic, and I sought to take advantage of the hopes and pains of his people. If I had been here, I would have taken a point of personal privilege. That is an accusation of immoral conduct on the part of a Senator—were it true. It is not true.

Who made that linkage? The people who don’t want to work with us. They know my amendment would provide a cashflow to the steelworkers who are currently going to be denied their medical care that they thought they were going to get. One Senator said: It is only $1 billion. It is only $1 billion. Well, we are getting $1.6 to $2.7 billion, we believe, in the bonus bids. And they get $1 billion. Between now and 2065, they get $8 billion over 30 years. If it is cynical, it is cynical because of the people who don’t want to face up to their own responsibilities.

We need that steel. We can’t build this great pipeline from Alaska, 3,000 miles from the North Slope to Chicago, unless we have steel. We can’t have steel unless the steel companies of this country survive. They are not going to survive under the current circumstances.

As I said yesterday, 30 steel companies have gone bankrupt in the year 2000. Do the people who represent those areas understand their State? I understand mine. My State is bankrupt because the last administration closed down our mines, our timber operations, oil and gas activity, and our cruise ships. They have closed us down and want us to be a national park.

I am trying to represent my people, but I just hope these people here don’t come in and accuse me of having taking action to take advantage of the hopes and pains of people.

I hope I am here then. I hope I am here then. We will have a discussion then. One said that drilling can’t help because they thought that the legacy fund could not be solved by the monies that would come from drilling in ANWR. I never said they would be solved. I never said they would be solved. I said we could provide a plug in that fund to keep them going until we got production from the Arctic Plain, and then we could go up to a total of $18 billion in 30 years to make that fund sound.

Now, it is one thing to not agree with a Senator who is trying to put two things together. By the way, let me remind the Senate that the great civil rights legislation of this country was introduced by Everett Dirksen of Illinois as a rider to another bill. It was a rider to another bill. It was the military structure and school bill. He added the civil rights legislation.

From some people on the other side, you would think the Democratic Party started civil rights in this country. The person who introduced the major bill was Everett Dirksen of Illinois, working with Lyndon Johnson when he was majority leader. Johnson called up the bill so that Everett Dirksen could offer that amendment. It was in February 1960.

In terms of other debates, when we were talking about the Foreign Military Sales Act of 1970, Senator Cooper of Connecticut and Senator Frank Church of Idaho offered an amendment to limit military operations in Cambodia. That became a substantial change in that bill. It became two bills, and, because they were joined together, they passed.

In 1982, we joined the Trade Reciprocity and Dividend Withholding Acts, and the proponents of both succeeded in bringing them together in the Senate. It is not unknown for a Senator to suggest that two separate pieces of legislation be joined together in order to make a coalition of Senators who believe in an objective.

I take umbrage to some of the comments made by those people who don’t have the guts to come forward and represent their own people. I would represent my people here until I die. We have done that. We have gone to the wall. I am accused of being the pork chief, or the chief porker around here. Why? Because my State is almost dead
due to the actions of the last administration in shutting down our timber industry, oil and gas industry, mining industry, and the cruise ships’ total opposition to the State of Alaska in terms of any kind of development on Federal land, whether it was within or without the great withdrawals. We have been talking about.

When we entered into that agreement in 1980, person after person—

without the great withdrawals. We have to do that. They have not done it, and they certainly should not be attacked.

Let’s talk about the fundraising groups. We have some charts. Fundraising groups are philanthropic organizations that raise money to help achieve conservation objectives. They have been the subject of a review by the Sacramento Bee. Why do I look at that? They happen to own our largest newspaper, the Anchorage Daily News. We came across some of these articles that I will ask to put in the RECORD.

The Institute of Philanthropy suggests that fundraising expenses not exceed 30 percent of environmental groups’ donations used to raise more money, not for environmental protection. The National Parks Conservation Association uses 41 percent of the money they raise to raise more money. Sierra Club, 42 percent; Defenders of Wildlife, 50 percent; Greenpeace, 56 percent; National Park Trust, 74 percent. So 75 cents out of every dollar goes to raise more money, not to help the parks.

Are these exemptsory institutions? Are they? No. They are organizations that are now there to participate in the management of them. Let me show you, for instance, the annual salary of these groups. This is just income of the presidents of philanthropic organizations. They are not the President of the United States, but you will see that several make more than the President of the United States.

Are these, exemptsory institutions? Are they? No. They are organizations that are now there to participate in the management of them. Let me show you, for instance, the annual salary of these groups. This is just income of the presidents of philanthropic organizations. They are not the President of the United States, but you will see that several make more than the President of the United States.

The median household income in the United States in 2000 was $42,148; that is the income of a husband and wife in a household in the year 2000. The Sierra Club’s executive director makes $138,000, which is conservative. All they really do now is raise money. That is a pretty good income. The president of the Earthjustice Legal Defense Fund makes $157,000. They raise money so they can sue—not in terms of doing anything for the conservation; they are protesters. Defenders of Wildlife, $201,000. The president of the Wilderness Society, $204,000, that is Fred Gaylord Nelson. He has graduated to a better salary, President, National Audubon Society, $239,000. World Wildlife Fund, $204,000. National Wildlife Federation, $247,000. What is exemptsory about that? Are these volunteers to save the world?

These are people in it for what they can get out of it, and what they get out of it is both money for themselves and money to contribute to people who support them. We will get into that, too. This is the amount of mailings sent annually by these groups. These are mailings, in the millions, for more fun than for people of a problem: the Audubon Society, 7 million; Greenpeace, 8; the Sierra Club, 10.5; Defenders of Wildlife, 11; the National Wildlife Federation, 12.5; National Parks and Conservation, 17; World Wildlife, 19; Nature Conservancy, 32. They mail a $150 million mailings a year. The response is 1 to 2 percent.

I wonder who owns the mailing companies. I have to look into that. Somebody is making money on just the mailings from these people. What are they doing?

One hundred sixty million mailings, how many trees does that take, Mr. President? They are stopping us from cutting our trees in Alaska. From what is that paper? They are not recycling it all. This group has in mind controlling what the Government does with regard to Federal lands in particular.

Who spends more to protect the environment? This is a series of the “Environmental Benefits of Advanced Oil and Gas Exploration and Production Technology” published in the Clinton administration. This is not this administration. This is the Clinton administration.

It is clear that the oil and gas industry spent $8 billion, in this 1 year, 1996. That is more than EPA’s entire budget for 1996 and 333 percent more than all environmental groups put together. The environmental groups spent $2.4 billion in 1996. That is their total salary, and we have seen most of this is spent to raise more money—this is from environmental groups—not to protect the environment, but to raise more money and pad their own wallets. It is amazing, as I look at law firms around the country. They are advertising to get contributions to protect the environment, and what they are really doing is taking contributions and paying themselves to represent protest groups. It is an interesting connection to the environment. I am not sure what is advancing the cause of the environment.

In any event, they are really soliciting money for their own salaries, which in my day in practicing law would have been thought to be unethical. It is not unethical now, I guess.

Mr. President, I ask unanimous consent that a series of articles from the Sacramento Bee be printed in the RECORD. They were written by a Bee staff writer in April of last year. The first is called “Green Machine.” Tom Knudson’s article says:

Dear friend, I need your help to stop an impending slaughter. Otherwise, Yellowstone...
National Park—an American wildlife treasure—could soon become a bloody killing field. And the victims will be hundreds of wolves and defenseless wolf pups.

So a New Jersey letter from one of America’s fastest-growing environmental groups—Defenders of Wildlife.

The article goes on:

In 1999, donations jumped 28 percent to a record $17.5 million. The group’s net assets grew to $14.5 million, another record. And according to its 1999 annual report, Defenders spent donors’ money wisely, keeping fund-raising and management costs to . . . 19 percent of all expenses.

But there is another side to Defenders’ dramatic growth. Pick up copies of its federal tax returns and you’ll find that its five highest-paid partners are not firms that specialize in wildlife conservation. They are national direct mail and telemarketing companies—the same ones that raise money through the mail and over the telephone for nonprofit groups, from Mothers Against Drunk Driving to the U.S. Olympic Committee.

You’ll also find that in calculating its fund-raising expenses, Defenders borrow a trick from the business world. It dances with millions of dollars spent on direct mail and telemarketing activities not as fund-raising but as public education and environmental activism.

Sounds like another Enron to me. Again, I ask unanimous consent this series of articles be printed in the Record.

There being on objection, the matter was ordered to be printed in the RECORD, as follows:

[From the Sacramento Bee, Apr. 23, 2001]

MISSION ADrift IN A FRENZY OF FUND-RAISING

By Tom Knudson

“Dear Friend, I’m writing you to help stop an impending slaughter. Otherwise, Yellowstone National Park could soon become a bloody killing field. And the victims will be hundreds of wolves and defenseless wolf pups.”

So begins a fund-raising letter from one of America’s fastest-growing environmental groups—Defenders of Wildlife.

Using the popular North American gray wolf as the hub of an ambitious campaign, Defenders has assembled a financial track record that would impress Wall Street. In 1999, donations jumped 28 percent to a record $17.5 million. The group’s net assets, a measure of financial stability, grew to $14.5 million, another record. And according to its 1999 annual report, Defenders spent donors’ money wisely, keeping fund-raising and management costs to a lean 19 percent of all expenses.

But there is another side to Defenders’ dramatic growth.

Pick up copies of its federal tax returns and you’ll find that its five highest-paid business partners are not firms that specialize in wildlife conservation. They are national direct mail and telemarketing companies—the same ones that raise money through the mail and over the telephone for nonprofit groups, from Mothers Against Drunk Driving to the U.S. Olympic Committee.

You’ll also find that in calculating its fund-raising expenses, Defenders borrows a trick from the business world. It dances with millions of dollars spent on direct mail and telemarketing activities not as fund-raising but as public education and environmental activism.

Take away that loophole and Defenders’ 19 percent fund-raising and management tab leaps above 50 percent, meaning more than half of every dollar donated to save wolf pups helped nourish the organization instead.

That was high enough to earn Defenders a “D” rating from the American Institute of Philanthropy, an independent, nonprofit watchdog that scrutinizes nearly 400 charitable groups.

Pick up copies of IRS returns for major environmental organizations and you’ll see that what is happening at Defenders of Wildlife is anything but unusual. Eighteen of America’s 20 most prosperous environmental organizations, and many smaller ones as well, raise money the same way: by soliciting donations from millions of Americans.

But in turning to mass-market fund-raising techniques for financial sustenance, environmental groups have crossed a kind of conservation divide.

No allies of industry, they have become industries themselves, dependent on a salemanship ethos that pervades the business world. Across America with a never-ending stream of environmentally unfriendly junk mail, reduces the complex world of nature to simplistic slogans in headlines, colorful caricatures, camera-ready heroes, and employs arcane accounting rules to camouflage fund raising as conservation.

Just as industries run aflue of regulations, so are environmental groups stumbling over standards. Their problem is not government standards, because fund raising by nonprofits is largely protected by the free speech clause of the First Amendment. The biggest challenge is meeting the generally accepted voluntary standards of independent charity watchdogs.

And there, many fall short.

Six national environmental groups spend so much on fund raising and overhead they don’t have enough left to meet the minimum benchmark for environmental spending—60 percent of annual expenses—recommended by charity watchdog organizations. Eleven of the nation’s 20 largest include fund-raising bills in their tally of money spent protecting the environment, but don’t make that clear to members.

The flow of environmental fund-raising is remarkable. At least $160 million worth of pitches swirled through the U.S. Postal Service, according to figures provided by major organizations. That’s enough envelopes, stationery, decals, bumper stickers, calendars and personal address labels to circle the Earth more than two times.

Often, just one or two people in 100 respond.

The proliferation of environmental appeals is beginning to boomerang with the public, as well. “The market is over-saturated. People are not responding,” said McPeake, who is also the group’s director of finance and development at Greenpeace, known worldwide for its defense of marine mammals. “Some people are so angry they send back the business reply envelope with the direct mail piece in it.”

Even a single fund-raising drive generates massive waste. In 1999, The Wilderness Society mailed 6.2 million membership solicitation letters—an average of 16,986 pieces of mail a day. At just under 0.9 ounce each, the weight for the year came to about 348,000 pounds.

Most of the fund-raising letters and envelopes are made from recycled paper. But once delivered, millions are simply thrown away, the weight of the junk mail swept along into paper recycling bins. Other materials often accompany them cannot be recycled—laminated personal address labels, printed stickers and window decals that you can actually mail to friends and family, because inside they are marred by sales graffiti: “To order, simply call toll-free . . .”

Environmental organizations—swamped with colorful envelopes emblazoned with bears, dolphins and other charismatic creatures—jump out at you like salmon leaping from a stream.

Pick up mail and more unsolicited surprises grab your attention. The Center for Marine Conservation lures new members with a dolphin coloring book and a flier for “Free Deluxe 35 mm camera!” The National Wildlife Federation takes a more seasonal approach: a “Free Spring Card Collection & Wildflower Seed Mix!” delivered in February, and 10 square feet of wrapping paper with “matching gift tags!” delivered just before Christmas.

The Sierra Club reaches out at holiday time, too, with a bundle of Christmas cards that you can’t actually mail to friends and family, because inside they are marred by sales graffiti: “To order, simply call toll-free . . .”

Hope, a cuddly brown wolf . . . Hope was triumphantly born in Yellowstone."

FACT: Facts: “There was never any pup named Hope,” says John Varley, chief of research at Yellowstone National Park. “We don’t name wolves. We number them.” Since wolves were reintroduced into Yellowstone in 1995, their numbers have increased from 14 to 196. Many of the wolves are that Yellowstone officials now favor removing the animals from the federal endangered species list.

FACT: Longtime conservationist Peter Brussard has seen enough.

“I’ve stopped contributing to virtually all major environmental organizations. I’m a former Society for Conservation Biology president and a University of Nevada, Reno, professor.”

“Your frustration is the mailbox,” he said. “Virtually every day you come home, there are six more things from environmental groups saying that if you don’t send them money, either the gray wolf will be extinct or the wolf reintroductions in Yellowstone will fail . . . You just get supersaturated.

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"To me, as a professional biologist, it's not conspicuous what most of these organizations are doing for conservation. I know that some do good, but most leave you with the impression that the only thing they are interested in is raising money for the sake of raising money."

Step off the elevator at Defenders of Wildlife's new digs in Washington, D.C., and you're in the heart of wolves: large photographs of wolves on the walls, a wolf logo on glass conference room doors, and inside the office of Charles Zelisko, senior vice president for operations, a wolf logo cup and a toy wolf pup.

Ask Zelisko about the secret of Defenders' success, and he points to a message prominently displayed behind his desk: "It's the Wolf, Stupid."

Since Defenders began using the North American timber wolf as the focal point of its fund-raising efforts in the mid-1990s, the organization has not stopped growing. Every year has produced record revenue, more members—and more emotional, heart-wrenching letters.

"Friend of Wildlife: It probably took them twelve hours to die. No one found the wolves in the remote, rugged lands of Idaho—until it was too late. For hours, they writhed in agony. They suffered convulsions, seizures and hallucinations. And then—they succumbed to cardiac and respiratory failure."

"People feel very strongly about these animals," said Zelisko, architect of Defenders' growth. "Our correspondence with them as they saw their children. A huge percentage own pets, and they transfer that emotional concern about their own animals to wild animals."

"We're very pleased," he said. "We think we have one of the most successful programs going right now in the country."

Defenders is one of the most recent environmental groups to find fund-raising fortune in the mail. Greenpeace did it two decades ago with a harp seal campaign now regarded as an environmental fundraising classic.

The solicitation featured a photo of a baby seal with a white furry face and dark eyes accompanied by a slogan: "Kiss This Baby Good-bye." Inside, the fund-raising letter included a photo of Norwegian sealers clubbing baby seals to death.

"Somebody would put up $25,000 or $30,000, and you would see whether sea otters would sell. You would see whether rain forests would sell. You would try marshlands, wetlands, all kinds of stuff. And if you got a response that would allow you to continue—a 1 or 2 percent response—you could create a new program."

Today, the trial-and-error process continues.

The Sierra Club, which scrambles to replace about $150,000 nonrenewing members a year, says it has seen fund-raising packages more frequently than General Motors produces new car models.

"We are constantly turning around and trying new themes," said Dave Foreman, a former Sierra Club historian and a board member of the Natural Resources Defense Council, which calls itself genuine ecologists.

Bruce Mate, a world-renowned whale specialist, said that statement is wrong, too.

"We're effective because people believe in us," Reynolds said. "We're not about to sacrifice the credibility we've gained through direct mail which is intentionally inaccurate."

"This is a bit of an embarrassment," he said. "This was really one of the first bits of information about the project. It was not meaningful to public opinion, just kind of throwing stuff out there. It's out-of-date, terribly out-of-date."

There is plenty of chest-thumping pride in direct mail, too—some of it false pride. Consider this from a National Wildlife Federation letter: "We are constantly working in every part of the country to save those special places and special species that are in all of our minds."

Yet in many places, the federation is seldom, if ever, seen.

"In 15-plus years in conservation, in Northern California, Nevada, Idaho, Oregon and Washington, I have never met a (federal) person who said David Douglas re- signed as a grass-roots organizer with the Theodore Roosevelt Conservation Alliance—a coalition of hunters and fisherman."

"This is not about conservation," he said. "It's marketing."

Oversaturating achievements is chronic, according to Alfred Runte, an environmental historian and a board member of the National Parks Conservation Association from 1993 to 1997.

"Environmental groups all do this," he said. "They take credit for things that are generated by many, many people. What is a community accomplishment becomes an individual accomplishment—for the purposes of raising money."

As a board member, Runte finds something else wrong with fund raising: its cost.

"Oftentimes, we said very cynically that for every dollar you put into fund raising, you only got back a dollar," he recalled.

"If you hit a big winner, you've spent as much as to generate money as it was getting back.

Some groups are far more efficient than others. The Nature Conservancy, for example, spends just 10 percent of donor contributions on fund raising, while the Sierra Club
spends 42 percent, according to the American Institute of Philanthropy.

Pope, the Sierra Club director, said it’s not a fair comparison. The reason? Donations to the Conservancy, he said, are out of most other environmental groups are tax deductible—an important incentive for charitable giving. Contributions to the Sierra Club are not, because the Center for Charities Information, which recently merged with the Better Business Bureau’s Philanthropic Advisory Service, rates Defenders’ fund raising excessive.

“We’re not all charities in the same sense,” Pope said. “Our average contribution is much, much smaller.”

Defenders’ tax-exempt status, he said, is purely a matter of accounting. Much environmental groups spend on fund raising is only slightly more complex than counting votes in Florida. The doorknoocking quagmire called “joint cost accounting.”

At its simplest, joint cost accounting allows nonprofits groups to splinter fund-raising categories that would be much more pleasant to a donor’s ear—public education and environmental action—shaving millions off what they report as fund raising.

Some groups use joint cost accounting. Others don’t. Some groups put it to work literally, others cautiously. Those who do apply it don’t explain it. What one group labels education, another may call fund raising. If you look at the letters that go out from us, they are chock-full of factual information.

But much of what Defenders labels education in its fund raising is not all that educational. Here are a few examples—provided by the Defenders of Wildlife. From the recent “Tragedy in Yellowstone” membership solicitation letter:

Unless you and I help today, all of the wolf families in Yellowstone and central Idaho will likely be captured and killed.

It’s up to you and me to stand up to the wealthy American Farm Bureau . . .

The American Farm Bureau’s reckless statement letter:

That is basically pure fund raising,” said Richard Larkin, a certified public accountant, with the Lang Group in Bethesda, Md., who helped deconstruct the joint cost accounting. “That group is playing a little loose with the rules.”

Defenders also shifts the cost of printing and mailing—of personalized return address labels into a special “environmental activation” budget category.

Larkin said:

“I’ve heard people try to make the case that by putting out these labels you are somehow educating the public about the importance of the environment.”

“We strongly disagree with what they are doing, said Orasin, executive director of the Wilderness Society, for example, who have been quoting them as the sources for the information they present to the Senate—all these things are going bad in Alaska, all these tragedies that have happened to Alaska. What they do not mention is the human tragedy that has happened to Alaska.

This article was printed on April 23, 2001. I hope Senators will read this and all other Sacramento Bee articles in this series. In fact, I think the Sacramento Bee ought to receive an award for them. They are enormous in terms of their reach.

The Sierra Club, for instance, one time said:

By this time tomorrow, nearly 100 species of wildlife will tumble into extinction.

They sent that to retired people and to working people who believe in protecting the environment. This says, as a matter of fact:

No one knows how rapidly species are going extinct. The Alliance’s figure is an extreme estimate that counts tropical beetles and other insects—that yet known to science—in its definition of wildlife.

And the Defenders of Wildlife are raising money.

This article says we will flight to stop reckless clear-cutting of the national forests in California and the Pacific Northwest that threatens to destroy the last of America’s unprotected ancient forests in as little as 20 years.

As a matter of fact: Clear-cutting the forests has stopped. It is down 89 percent from 1990, and yet they wrote that letter after the timber cutting stopped.

Paul Pritchard, the Trust’s president, said the group’s financial reporting meets non-profits standards. He defended sweeps fund raising.

“I personally find it a way of expressing freedom of speech,” Pritchard said, “I can ethically justify it. How else are you going to get your message out?”

Mr. STEVENS. Mr. President, the article goes on to say:

No allies of industry, they have become in themselves, donors, of the style of salesmanship that fills mailboxes across America with a never-ending stream of environmentally unfriendly junk mail, reduces the complex world of nature to simplistic slogans, emotional appeals and counterfeit crises, and employs arcane accounting rules to camouflage fundraising as conservation.

It goes on to say:

Six national environmental groups spent so much on fund-raising and overhead they don’t have enough left to meet the minimum benchmark for environmental spending—60 percent of annual expenses—recommended by charity watchdog organizations. Eleven of the nation’s 20 largest include fund-raising bills in their tally of money spent protecting the environment, but don’t make that clear to members.

The direct mail costs that we have seen can go up to 74 percent of the total money received and is being reported to members as money spent to protect the environment. Are these the people the Senate ought to believe they are? They are the ones the people on the other side have been quoting all day. That is why we are raising it. They have been quoting them as the sources for the information they present to the Senate—all these things are going bad in Alaska, all these tragedies that have happened to Alaska. What they do not mention is the human tragedy that has happened to Alaska.

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As a matter of fact: Clear-cutting the forests has stopped. It is down 89 percent from 1990, and yet they wrote that letter after the timber cutting stopped.
Again, I urge Members of the Senate to read these articles written by the Sacramento Bee. It is high time someone started looking into them, and we will do that later.

Mr. President, I have another series of articles from the Sacramento Bee. This time it is called “Litigation Central.”

It says the “flood of costly lawsuits raises questions about motive.” I refer to this article of April 24, 2001.

It says in part:

Suing the government has long been a favorite tactic of the environmental movement—used to score key victories for clean air, water and endangered species. But today, many court cases are yielding an uncertain bounty for the land and sowing doubt even among the faithful.

“We’ve filed our share of lawsuits, and I’m proud of a lot of them,” said Dan Taylor, executive director of the California chapter of the National Audubon Society. “But I do think litigation is overused. In many cases, it’s hard to identify what the strategic goal is, unless it is to significantly reshape society.”

The suits are having a powerful impact on Federal agencies. They are forcing some government biologists to spend more time on legal chores than on conservation work. As a result, species in need of critical care are being ignored. And frustration and anger are on the rise.

It goes on:

During the 1990s, the government paid out $31.6 million to lawyers fees for 434 environmental cases brought against Federal agencies. The average award per case was more than $70,000 for attorneys fees alone. One long-running lawsuit in Texas involving the endangered salamander netted lawyers for the Sierra Club and other plaintiffs more than $3.5 million in taxpayer funds.

It is a growth industry, suing the Federal Government for an environmental cause, mythical or otherwise.

Lawyers for the industry and natural resource users get paid for winning environmental cases.

As a matter of fact, the environmental groups are not shy asking for money. This is from this article:

They earn $150 to $350 an hour . . . In 1993, three judges on the U.S. Circuit Court of Appeals in Washington were so appalled by one Sierra Club Legal Defense Fund lawyer’s flagrant overbilling that they reduced her award to zero.

The lawyer had claimed too much money.

I see the Senator from Iowa is in the Chamber. Does he have a timeframe problem?

Mr. GRASSLEY. I would like to speak on ANWR for about 10 minutes if I could, or a little bit less.

Mr. STEVENS. I do not want to keep the Senator waiting. I have a lot more than that to speak. I ask unanimous consent that I be able to yield to the Senator from Iowa for 10 minutes without losing the floor.

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

The Senator from Iowa is recognized.

Mr. GRASSLEY. First of all, I thank the Senator from Alaska for his kindness.

I have heard discussed in the Senate this area of Alaska being about 19 million acres—some thought that there was only going to be drilling in about 2,000 acres of that 19 million acres. Two thousand acres out of 19 million acres is not very many acres.

My State of Iowa is about 55,000 square miles, and that multiplies out to about 35 million acres. So 19 million acres would be a little bit more than half of my State of Iowa. I know how big the State of Iowa is. I do not want to claim that I know how big the State of Alaska is, but I know how big the State of Iowa is because I travel every year to all 99 counties to hold at least one meeting in each county.

I know how much 2,000 acres happens to be because that would be about 3 square miles of cleared land of my farm in Iowa. Take 3 square miles out of my State of Iowa and it is practically nothing. So I do not know what the big deal is about drilling on 2,000 acres in the State of Alaska or even in the State of Iowa. It would be equivalent to drilling in one square mile of the State of Iowa. That is the way I see it.

I say to the Senator from Alaska, to me, this ends up almost as a no-brainer. From the facts I have heard that this will supply enough oil for my State of Iowa for 126 years—I have also heard it was equivalent to the amount of oil we would bring in from Saudi Arabia for 30 years. I think I have heard the figure of 55 years is the amount of oil that would come from Saddam Hussein. I have also heard my colleagues say we send $4.5 billion a year to Iraq for oil.

If all of this is correct—I do not believe that it has been refuted. I have not heard all the debate. But it really comes down to whether or not we would like to get our energy from areas that we control in the United States, or we want to get oil from unstable governments around the world, and whether or not we ought to save that $4 billion for America, spend it in America, or spend it with Saddam Hussein.

I also believe when we do drill in Alaska—and the Senator from Alaska does not have to respond to this unless I am wrong, there are very rigorous environmental rules that have to be followed.

We hear about the pristine areas of Alaska, and I do not dispute that, but do we not also have pristine areas in Siberia? I assume that whether it is Alaska or whether it is Siberia, there is going to be more oil added to the world pool of oil because it is going to be needed.

So would people in the United States rather have us drill under the strict environmental rules of the United States as they would apply in Alaska or would they rather have us let the Russians drill in Siberia where I know there was oil floating out of pipelines for long periods of time—and I do not know whether it has ever been cleaned up—and where there would be little concern about the environment in Siberia with Russia as a result.

I would think people in America would rather have us drill under the strict guidelines of the environmental requirements of the United States than they would in a country that does not have such guidelines, particularly concerning these already pristine environmental areas, whether it is in Alaska or whether it is anywhere in the Arctic area of the world. I think you would have to look at them the same way.

So I have come to the conclusion, I want to tell the Senator from Alaska, not just from listening to him but listening to other people and studying this, that I happen to think he is right on this issue. I think we have an opportunity not only on a lot of parts of this legislation to pave the way for a balanced, long-term national energy strategy that will increase U.S. energy independence and limit the stranglehold foreign countries have on American consumers.

A comprehensive energy strategy must strike a balance among development of conventional energy sources and alternative, renewable energy and conservation.

I think the President’s approach of incentives for production, incentives for conservation, and incentives for alternative and renewable fuels is a very balanced energy program. It is a program that, No. 1, incentives for renewables take care of the short-term needs of the country, and in the case of the second and third points, conservation and renewables take care of the long-term energy needs of our country.

During the past few weeks, I have had the opportunity to express my strong support for renewable fuel provisions included in this bill which require a small percentage of our Nation’s fuel supply to be provided by renewable fuels such as ethanol and biodiesel.

As a domestic renewable source of energy, ethanol and biodiesel can increase fuel supplies, reduce our dependence on foreign oil, and increase our national economic security. But they can’t do it alone, and it can’t be done overnight. That is why we need short-term solutions and we need long-term solutions.

The Senate has had an opportunity to consider renewable portfolio standards, which I believe will go a long way to promote renewable energy resources for electrical generation. However, that is only part of a solution.

As ranking member of the Senate Finance Committee, I have had an opportunity to work with Chairman Baucus to develop an energy-related tax amendment that includes provisions for development of renewable sources of energy such as wind and biomass and
incents for energy-efficient appliances and homes. The tax package, however, unlike the underlying energy bill, recognizes that a balanced energy plan can’t overlook the production of traditional energy sources such as oil and gas.

Developing domestic oil resources is vital to our national security. The United States is dependent upon foreign countries for over 58 percent of our oil needs. We are currently dependent upon Saddam Hussein, which I already told you, more specifically, for about 750,000 barrels of oil a day or 9 percent of our U.S. oil imports.

Last week, as we have been reminded during this debate, Iraq stopped its exports of 2.5 million barrels a day in response to developments in the Middle East, further driving up crude oil prices. It is important that Americans know that last year alone, we spent $4.5 billion of our money to pay for Saddam Hussein, thereby providing funding to help Iraq with its war machine.

The United States has the resources on our land that could reduce or eliminate the stranglehold Saddam Hussein has on the world economy. By developing our resources in Alaska, we could produce 10 billion barrels of oil and perhaps as much as 16 billion barrels of oil. This amount could replace the oil I have referenced from Saudi Arabia or the oil from Iraq that we have been funding over the past year for the sake of our national security, we ought to be developing our own natural resources at home.

Opponents have made claims that opening ANWR to oil development would do tremendous environmental harm. But, again, I repeat for my colleagues, 2,000 acres out of 19 million acres is a no-brainer. Only the best environmental technology will be used for exploration and development, leaving the smallest possible footprint.

Opponents have also argued that oil development in ANWR will hurt wildlife. Remember the warnings from environmental groups about the danger to the caribou if we developed Prudhoe Bay? They were wrong. Since the development in ANWR will hurt wildlife.

I thought the Senator might be interested in that. It is a very interesting exhibit at the Library of Congress. It includes some of the artifacts of our great country, including the great land that had economic potential, closed our mines, closed our pulp mills, closed our timber mills, canceled the permits of the wildcat well drillers for oil and gas. We have lost the American dream of private ownership of lands in Alaska.

I am pleased to have received this letter addressed to me:

We write as members of the House with a strong interest in the steel industry to convey our strong support of your efforts to resolve the legacy cost burden of the domestic steel industry, and especially your efforts to assist the steel industry's retirees and their dependents.

As you know, the domestic steel industry has significant unfunded pension liabilities as well as massive retiree health care responsibilities that total $13 billion and cost the steel industry almost $1 billion annually. These pension and health care liabilities pose a significant barrier to steel industry consolidation and rationalization that could improve the financial condition of the industry and reduce the adverse impact of unfair trade foreign imports.

We do not believe there is an equal number of Democratic Members in the Senate to join together oil development in the Arctic Plain and the future of the great steel industry of the United States.

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As you know, the domestic steel industry has significant unfunded pension liabilities as well as massive retiree health care responsibilities that total $13 billion and cost the steel industry almost $1 billion annually. These pension and health care liabilities pose a significant barrier to steel industry consolidation and rationalization that could improve the financial condition of the industry and reduce the adverse impact of unfair trade foreign imports.

We do not believe there is an equal number of Democratic Members in the Senate to join together oil development in the Arctic Plain and the future of the great steel industry of the United States.
year. It talks about the people who live on the slope, on the North Slope. It says:

Like detectives, the two Inupiat Eskimos gathered all the information they could about the Alaska Wilderness League, a relatively small environmental community far away in Washington, D.C.

From Bloomberg News, the St. Paul Pioneer Press and other sources, Tara Sweeney and Fenton Rexford heard they had a group that was passionate, self-assured and actively working to halt oil drilling in the Arctic National Wildlife Refuge with a blend of environmentalism as street theater and letters to the editor—and lobbying politicians.

But when they examined the league’s federal tax return, they discovered a group that portrayed itself in a different manner: as a tax-exempt charity focusing on science and education.

“The Alaska Wilderness league sponsored two educational trips to the Arctic refuge. . . . Its tax form says. ‘The Alaska Wilderness League supported the ‘Last Great Wild- derness’s slide show, seen by thousands of people to educate them’ about the refuge. Rexford, a leader of the Eskimo Village of Kaktovik, a permanent human settlement on the refuge—was astonished.

‘What they do and what they tell the IRS they do are two different things,’ said Rexford. Last month, he made his views known to the IRS itself, filing a complaint in which he and other village leaders allege the League is violating tax law—‘devoting substantially all of its resources’ to lobbying.

In filing the complaint, Rexford did more than challenge the Alaska Wilderness League and its work at a vital support system for environmental groups: their 501(c)(3) tax status. [We are going to go after that too, Mr. President.] That status saves nonprofits millions in corporate and other taxes, makes them eligible for foundation funding and allows contributors to deduct donations from their own income taxes.

Rexford and Sweeney say they got the idea from IRS audits of the Heritage Foundation and other conservative nonprofits during the Clinton administration. In June, they 进取 the interest as the Frontiers of Freedom Institute, a pro-business think tank, filed an IRS complaint against Rain Forest Action Network, a tax-exempt group that says it does not do any lobbying.

The League’s executive director responded angrily to the Inupiat attack.

‘The Kaktovik Inupiat Corporation either has been misinformed by its friends in the oil industry about the law or it has deliberately distorted the facts in a cynical attempt to intimidate America’s conservation groups,’ said director Cindy Shogran.

‘We have a right to represent the interest of our members . . . so long as our legisla tive advocacy activities stay within specified IRS limits,’ Shogran said. ‘We fully comply with all IRS laws.’

But Rexford—who hunts whales, seals and caribou for subsistence—said it is Shogran who is misinformed. He said the Inupiat corporation ‘has not solicited information from the oil industry, nor will we. It is apparent that the Kaktovik Inupiat Corporation either has extensive ties with oil companies through their own tribal business: the Arctic Slope Regional Corporation.

‘The national debate has placed us as caricatures—us, as the tools of the oil industry, and them—the Gwich’in as chanters of the environment,’ said Richard Glenn, vice president, lands, for the Arctic Slope Regional Corporation. ‘It’s unfortunate. And it’s not accurate.’

I believe these articles ought to be written by those people who are visited by the Gwich’in. It says:

But in Alaska, most Alaska natives actually support drilling. In 1955, the Alaska Federation of Natives, which represents 49 of the village corporations and the state’s largest native organization, passed a resolution in favor of taping the refuge’s energy resources.

It says simply: ‘Environmental groups are using the Gwich’in to advance their own agenda. That’s as simple as I can put it.’

Tetpron said, in John Tetpron, the federation’s director of communications. I hope Senators will read some of these things that have been written about these people who are bringing these stories about what is going on in the Arctic to the State. It is a very difficult problem.

I particularly call the attention of the Senate to the article on April 24 of last year because it points out that litigation central, these lawsuits, are only costing the defendants a lot of money, they are costing the Federal Government a lot of money and they are taking a lot of people who should be working on the environment into courtroom after courtroom after courtroom to America against these lawsuits that are brought. For what? In order to get the attorney’s fees paid by the winning side in the environmental litigation. In some instances, they do not have them.

These environmental groups are currently raising $9.5 million a day, $3.5 billion a year, and you can see where it is going by our charts. It is not going to improve the conservation, it is going to pay salaries—it is going to pay very large salaries—and it is going to make mailings to raise more money.

I commend the entire series of Sacramento Bee articles to Senators for further reading from April 22, 2001 through April 5, 2001. Further investigative articles were printed on November 11, 2001, December 9 and December 18, 2001. They are excellent articles and they expose what is really happening in the environmental movement in America.

I don’t know how to say it other than to say I am appalled that so many people in the Senate rely on them as presenting facts. They do not present facts. They present them as simple as I can put it, the fiction of the people who are bringing these suits. How many people want to go up there in the wintertime?

I told the Senate yesterday that when I took my great friend, the late Postmaster General, up there one time, we pulled up to the postal substation and the thermometer showed minus 99. There was a wind chill factor. I didn’t have the courage to tell him it wouldn’t go below 100. That was as far down as it would go. It was digital. The wind chill and the temperature had a factor greater than minus 100 degrees.

How many people want to go up there and go around up there? The old people
live there. The Eskimos live there year-round in that climate. We have learned how to exist and how to care for ourselves in our environment. I have not really been in that too long myself, frankly. I am not that acclimated.

I think the real problem is that no one here understands that we don’t drill in the Arctic in the summertime. It is not a summertime operation. You can’t get vehicles across the tundra. We can’t do it. We would have to use leave scars. We don’t leave scars. They did in times gone by, but everybody learned from the mistakes of the past. We wait until it is frozen. We take water in, spray water, create an ice road, gravel the top of that, and put more water on top of that to make a compact ice road. We use it until the springtime when it starts to break up, and they don’t bring things across that road anymore. As a matter of fact, most in the State don’t use gravel. They only use gravel in areas where they have to have some traction going up the hills. There are not many hills, by the way.

I want to go back again to this problem of steel. I want to first take the occasion to praise the great labor leaders of this country who took time to join us yesterday in a press conference across from the doors of the Senate.

We had Terry O’Sullivan of the Laborers; Mr. Sullivan of the Building Trade Department; Marty Steele of the Pipefitters; Frank Handly of the Operating Engineers; Joe Hunt of the Steelworkers; Mike Sacco, President of the Iron Workers; Terry Turner of the Seafarers; Joe Hunt of the Pipefitters; Frank Handly of the Operating Engineers; and Senator Tsongas, President of the National Teamsters Union. We had Terry O’Sullivan of the Laborers; Mr. Sullivan of the Building Trade Department; Marty Steele of the Pipefitters; Frank Handly of the Operating Engineers; Joe Hunt of the Steelworkers; Mike Sacco, President of the Iron Workers; Terry Turner of the Seafarers; Joe Hunt of the Pipefitters; Frank Handly of the Operating Engineers; and Senator Tsongas, President of the National Teamsters Union.

They came to speak to the members of their unions through the press to urge them to work to help us in this issue and to ask them to support the drilling in the Arctic Plain. They know it means jobs.

I just heard the Senator from Massachusetts say that at most it is only 1 percent of the world’s reserves—only 1 percent. These are the same people who not 6 months ago were saying ANWR could only produce oil that would sustain the United States for 6 months. The projection they have on this is the projected reserve we have in the 1 billion barrels that have already been produced from the 13 billion barrels, and we believe there is another 15 years there—about a third more. We will have produced 20 billion barrels when the estimate was reported that the world’s reserves were 1 billion barrels. So much for reserves.

The real issue is jobs. That is why these labor leaders were with us—jobs. They know we are talking about jobs. When we send our money to Saddam Hussein to buy oil from Iraq, we don’t involve American jobs. We have to find some way to sell something abroad to bring those dollars back or we have an imbalance of trade. We have had that for a long time. It harms our economy and currency. But we are exporting jobs as we import oil.

That is why they were there. They were there in order to get us to understand that land and jobs deal with the creation of jobs that would come from pursuing the oil and gas potential of that area.

They were great friends of Scoop Jackson. They understood, as he understood, the Arctic from the point of view of jobs. Jackson did not oppose drilling in the Arctic. As a matter of fact, he and Senator Tsongas made it possible for us to be here today arguing to proceed as was intended in 1980.

We have added to this the idea of the pending second-degree amendment—the amendment I offered which the Senator from Minnesota said is a sham amendment. Raising the visibility of the needs of the steelworkers and the people of this State is not a sham amendment. You may not agree with it, but if it is offensive to call it a sham amendment. It is only sham because they won’t support it. If they supported it, it would be very valid, even from their point of view.

The question is, Can we find a way to reverse the trend that prevents the building of the pipeline necessary to bring the already discovered and measured gas from Prudhoe Bay to the Midwest? We know that 50 to 70 trillion cubic feet of gas have not been re-injected. I don’t have the exact figures because it was re-injected into the ground. It was estimated to be 50 to 70 trillion cubic feet of gas produced from the oil since 1968. The gas has been re-injected into the ground. We need a 3,000-mile pipeline.

We are trying to find some way to ask people to address the question of how to maintain a steel industry that can support a pipeline of that size. We can pay for it. If they support it, they can support it. If they supported it, it would be very valid, even from their point of view.

The real problem about this is that, when you look at the basic law, it is July 1, 1862, that led to that. It led to that. Following that, in 1981, the Federal Government issued a table of lands that were available for selection for the State and Native settlements, and re-selected them—directly contrary to the historical policy of the United States to make Federal lands available for sustaining the private enterprise economy.

By what these people are doing now, we are going to be a dependent colony of the United States. We are going to be dependent upon having someone, in a position such as mine, who can add to the budget the moneys that are necessary for survival.

The real problem about this is that, when you look at the basic law, it is July 1, 1862, that led to that. It led to that. Following that, in 1981, the Federal Government issued a table of grants to States. I want to put this in the RECORD because it shows what every single State has received. There is no question that, as the Nation moved West, the policies of the United States were to enhance the development of the private sector, as I have said before.

We end up with a situation, where as of 1983, 3 years after that act was passed, the Federal Government still owned 87.9 percent of Alaska. The part they sold now I would like to put in the RECORD the table that shows the grants to the States, from 1903 to 1981, showing what happened in the other 49
Mr. STEVENS. Mr. President, we are in a situation where one provision of our bill—it is in our amendment and in Senator MURKOWSKI’s underlying amendment—grants the Kaktovik village the right to drill on their land. They have that land that is owned by their Native village. It was part of the 1971 settlement. Their people settled their claims against the United States by accepting conveyance of lands that were due to them. Each village was given the township in which it was located and further lands depending on population.

But for this village only, in the State of Alaska, there is a Federal law in another provision of basic law that says they cannot drill on their land. I believe it says, until the 1002 area is authorized to be drilled by the Federal Government. In the old days we would have said that shows the forked tongue of the Federal Government.

It told them they had a settlement. It told them they got the right to their land. It gave them fee title to the surface. It gave the subsurface to their regional organization. But they cannot use it. Why? Because of the policy with regard to the 1002 area. But even there, it was, again, an imposition on the private structure of our State.

I think the great problem I have here is what is going to happen now to the steel industry. I have raised the issue, and, apparently, I may have done more harm than good, according to some people, at least if you listen to the Democratic Senators; that is what they are saying. I don’t know what good they are doing for them.

I challenge the Democratic Senators to come up with a proposal to find a funding stream to save the rights of the steelworkers and the coal workers and be within the budget and not subject to points of order and the possibility of being passed. With their help, this would pass. With their opposition, it is not going to pass. I know that.

But what happens to the steelworkers? What happens to the future of our gas pipeline if there is no steel industry in the United States? You can’t even plan ahead. You can’t order ahead. I said yesterday, you have to order ahead a piece of that big 52-inch diameter, one-inch-thick pipe, and test it to see if this new concept of a chemically treated pipe will withstand the pressures it has to withstand in order to have gas pumped 3,000 miles to the market.

That is not going to exist. The assets of the steel industry are going to be burdened by the claims of the working people who have retired and who will be put out of work between now and 2004. And it makes no sense. It makes no sense that there are over 600,000 who are out of their health care. And the Democratic leadership is promising a vote on steel industry costs with no source of money. Where is the money? Where are the bucks? Where are the dollars? They have a solution, but no one has mentioned from where the money is going to come. Where can they find a cash stream that will come in from a new source, replacing the money we send out to Saddam Hussein? We would take that money and use a portion of the moneys that come to the Federal Government from that activity in the Alaska Coastal Plain and solve the problem of the steel industry and the steelworkers and let them proceed to reorganize the steel industry of the United States.

Two weeks ago, I am told, 82,000 retirees of LTV Steel lost their health care benefits. Another 100,000 are coming. Bethlehem Steel and U.S. Steel—
chapter 11—could go in chapter 7 bankruptcy. No other steel company, other than Bethlehem Steel, could have rolled the steel to repair the U.S.S. Cole after it was attacked by terrorists. It is in bankruptcy facing extinction. And I am criticizing for trying to find some way that the Congress, the Senate, and the House may advert it, and that might lead them further down that road to extinction.

I am happy to tell the Senator from those States that I will vote for any plan they can come up with which is funded and within the budget and does not raise taxes that will solve the problems of their retirees. I challenge them to come up with that program. They have criticized my suggestion, a legitimate, bona fide attempt to meld two basic issues that should be before this Senate. We used to call that win-win. It is lose-lose now. We lose; the steelworkers, the coal workers lose, too.

They are not voting one way or the other in my State. I have coal workers, but I believe I am the only Senator in my State that is not involved in that. It is not a political issue, as far as I am concerned. I have not told very many people, but I worked in a steel mill once. I spent 8 hours a day lifting pieces of rolled steel; I had a lot of jobs. I have had union cards—I am proud of it.

It offends me greatly that some of these people, some of these people who never did a day’s work in their life—they never dug a ditch; they never lifted steel; they never lifted concrete bags; they really never did any real manual work—don’t know laborers. They appeal to them politically, but they don’t know them.

The laboring people want a check. They want a job. They do not want a bunch of checks from the people who represent them. They want their benefits to be secured. They depend upon their Government to see it is done.

I do not think they are offended at me for suggesting this. I have not had one call from any steelworker or coal worker saying: Hey, guy, what are you doing messing up our future? No way. The people are accusing me of being crass. And opportunists are afraid of their own future, these Senators who won’t face up to representing their people. We are asking them not to do something wrong by trying to help them.

This is the testimony of a Leo Gerard of the U.S. Steelworkers. He opposes this amendment because of his commitments in the past, but he gives the story of what happened to the health care and pension benefits of the great steel industry. It is quite a story. He points out that there are subsidies in other countries for these. We subsidize agriculture. We subsidize so many things through entitlements.

We don’t face up to the problem of what we do about retirees who lose their benefits because of the failure of the economic system. I don’t think it is wrong to think about how to use new revenues that come to the Federal Government by virtue of legitimate Federal action and seeking development on Federal lands, how we can use those revenues to meet this crisis as outlined by Mr. Gerard.

I will not include this testimony because he agrees with me. He doesn’t agree with me, but he does point out the plight of these people he represents, their retirees, and how—who can I say this gracefully—are approaching my age. They are at the point where they are going to need help by the Federal Government one way or the other.

Mr. President, I ask unanimous consent to print the testimony of Mr. Gerard in the RECORD at the conclusion of my remarks.

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

(See Exhibit 1.)

Mr. STEVENS. I say to you in closing—I won’t be talking on this amendment again. I don’t think—the Senators who represent coal and steel workers do not have a better choice. The environmental movement is more important to them than the unemployed workers and retirees who lose their benefits in their States. That is the fact. They don’t like it, but that is the fact.

I yield the floor.

EXHIBIT 1

TESTIMONY OF LEO W. GERARD, PRESIDENT UNITED STEEL WORKERS OF AMERICA BEFORE THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR & PENSIONS, MARCH 14, 2002

Madam Chair and distinguished members of the Committee, thank you for your invitation to appear before you today to discuss the health and pension crisis facing the nation. I am deeply concerned for the plight of these people who represent the millions of steelworkers and retirees from Mary-land, Pennsylvania, and Minnesota illustrates the depth of concern across the nation by our active members. They have worked hard and given the best years of their lives to this industry. Now, they are simply asking that promises made become promises kept.

At the end of 1999, American steel’s retiree health care benefit obligation totaled an estimated $23 billion. Health care benefits for 600,000 retired steelworkers, surviving spouses, and dependents annually cost domestic steel producers an estimated $685 million. Steel companies that have liquidated or will liquidate an additional 700,000 active steelworkers and their dependents rely upon the domestic steel industry for basic health care benefits. The average steel company has approximately 3 retirees for every active employee—nearly triple the ratio for most other major basic manufacturing companies. Several steel companies have retiree health care costs that are substantially higher than the industry average. Our active members and retirees are concentrated most heavily in Pennsylvania, Ohio, Indiana, Maryland, Illinois, West Virginia, Minnesota, and Michigan, but they live all across the nation.

The USWA has made a public policy choice in favor of employment-based health insurance coverage rather than guaranteed national health insurance. This means that when an employer goes bankrupt or liquidates its operations, absent a social safety net, workers are at risk of losing their health insurance and access to health care services. Regrettably, thousands of steelworkers from Acme, Laclede, Gulf States, CSC, Northwestern Steel and Wire, and various other steel companies are now facing this terrible prospect.

The USWA is very proud of its record in negotiating decent health care coverage for its 250,000 active workers and 1.3 million retired workers. In 1993, our union made history when we negotiated pre-funding of retiree health care in matters considerably worse. The events of 1997 and 1998 were only the latest in what the U.S. Department of Commerce has identified as thirty years of predatory unfair trade practices and government subsidies by many of our trading partners.

Some today suggest that the American steel industry must act as if this had not already happened before. Between 1980 and 1987, the American steel industry underwent a painful restructuring, eliminating 42 million tons of making capacity. Over 270,000 jobs were eliminated. Many workers were forced to take early retirement based on the promise of a pension and health insurance benefit. The average tax base in steel communities in Pennsylvania, Ohio, Indiana, West Virginia, Minnesota, and elsewhere shrank as workers went from earning paychecks to collecting unemployment benefits. Some local communities have never recovered from the last steel crisis.

Yes at the same time that our American steel industry has been contracting and downsizing our foreign competitors have been adding additional steelmaking capacity. Some analysts mistakenly believe that our steel producers had excess raw steel production capacity amounting to over 270 million metric tons. That is more than twice the total amount of steel consumed in the United States. Recent multilateral talks in Paris on reducing global overcapacity have revealed that the United States and our trading partners fully expected U.S. steel industry to continue to downsize even further. The Paris talks are instructive for they illustrate yet again that multilateral negotiations are no substitute for strong enforcement of our own trade laws, including Section 201 and our anti-dumping laws.

This testimony which was introduced today from steelworkers and retirees from Maryland, Pennsylvania, and Minnesota illustrates the depth of concern across the nation by our active members. They have worked hard and given the best years of their lives to this industry. Now, they are simply asking that promises made become promises kept.
the iron ore industry. Benefits provided to steel industry retirees are equivalent and, in some cases, more modest, than benefits provided to retirees from other basic manufacturing industries, such as Alcoa, Boeing, and General Motors.

These plans typically include cost containment provisions, such as deductibles, co-payments, and requirements for coordination with Medicare, and incentives to utilize managed care. Most of our retirees pay monthly premiums from 25 to 40 percent of their retiree health care benefit, plus several hundred dollars a year in deductibles and co-payments. Retiree premiums from major medical coverage vary by employer due to differences in demographics, health care costs, utilization, and design of the plan. The USWA estimates that the average major medical premium during 2001 was approximately $250 per month for a Medicare eligible couple and $150 a month for a Medicare-eligible single.

American steel's international competitors do not bear a similar burden. In one form or another, foreign producers' retiree health care costs are offset by government subsidies.

In Japan, the government provides government-backed insurance programs. Government subsidies cover some administrative costs and fund日本's health care programs for the elderly.

In the United Kingdom, the UK's National Health Service is 85 to 95 percent funded from general taxation with the remainder coming from employer and employee contributions.

In Germany, health care is financed through a combination of payroll taxes, local, state, and federal taxes, co-payments, and out-of-pocket expenses, along with private insurance. Insurance funds with heavy loads of retired members received government subsidies.

In Russia, de facto government subsidies exist. While Russian steel companies theoretically pay for workers' health care, the national and local governments allow companies not to pay their bills—including taxes and even wages. At the end of 1996, Russian steel companies owed an estimated $836 million in taxes. According to the Commerce Department report, the Russian government does not require companies to force large enterprises to pay amounts to a massive subsidy.

The U.S. is the only country in the industrial nation where retirees with health care benefits of retirees are not assumed by government to facilitate consolidation in one form or another. It is now very clear that American steelworker retirees stand to be hit twice by the collapse of the steel industry since a majority of them were forced into retirement during the late 1970s and the 1980s. First, they lost their jobs before they were ready to retire. The average steelworker retiree lost his job in 1980. Second, 1980 was the point at which the Administration moved to terminate health care plans for their workers and retirees.

They cannot afford COBRA premiums even when such benefits are available. They cannot afford commercially-available health insurance coverage. Many cannot meet eligibility requirements (and may not have continuous coverage under HIPAA).

Many have difficulty in finding new jobs that pay similar salaries. Why is action needed for retirees age 65 and over?

Because Medicare has significant gaps in its coverage. Medicare also has significant deductibles and co-payments. There is no coverage for expensive outpatient prescription drugs. Also, health care providers often do not accept Medicare reimbursement rates as full payment, at which point they go after the retiree for full payment.

Medicare Supplemental Insurance ("Medigap") is available, but it is costly and has limited prescription drug coverage. The most comprehensive of the Medigap supplements (Plan J) covers only 50 percent of prescription drug costs and limits drug benefits to $3,000 per year.

The average retiree receives a monthly pension benefit of $600 to $700 per month. Most surviving spouses receive monthly benefits under $200 per month. Finally, Medicare HMOs (or as they are sometimes referred to "Medicare+Choice") are available only in limited areas of the nation.

Some who have looked at this problem, particularly with respect to access to prescription drugs, have said the Bush Administration's proposed "Medicare Prescription Drug Card" might be a possible solution. The proposed card would provide discounts of 10 to 25 percent from retail drug prices.

But low income drug assistance is limited to people below 150 percent of the Federal poverty level. That's an individual with an annual income of $12,000 or a couple with a combined annual income of $15,000. In fact, more than half of Medicare beneficiaries are eligible for low-income drug assistance. The Low-Income Drug Assistance proposal does not describe how premiums would be determined. Even if the level is set too high, few out-of-pocket expenses (i.e., deductibles or co-payments) to be paid by Medicare recipients. Also, states would be required to assume 10 percent of the cost of the Low-Income Drug Assistance proposal at a time when nearly every state is facing budget deficits because of the recession and sharply rising costs for health programs.

The Bush Administration is also considering tax credits as a device for helping the uninsured. Under this proposal, a refundable tax credit (depending on family size) would be made available to individuals without employer-provided health insurance. The problem here is that the tax credits are too small to make health insurance affordable. A "Family USA" study found that a healthy 25-year-old woman pays an average of $4,734 per year for coverage under a standard health plan, compared to the $1,000 tax credit offered.

Until the premiums in health care costs can be contained, the real value of any refundable tax credit will diminish year by year. A recent report from the Centers for Medicare and Medicaid Services, which is an arm of the Department of Health and Human Services, says that health care costs are expected to grow at a rate of 7.3 percent annually between now and 2011. That means that by 2011, Americans will be spending $2.216 per person on health care, or about double what the individual income tax refundable tax credit per person on health care, or about double what the individual income tax refundable tax credit per person currently is.

Mr. GRAHAM. Mr. President, I am not going to be debating the specific amendment on the floor now but, rather, a context in which I believe this amendment and most other aspects of the energy legislation should be considered.

There are three principles I would like to discuss at this hour of the evening. First is, when should we, the Congress of the United States, adopt an energy policy? When can we legislate dispassionately, not in response to an immediate emergency?

Second, an energy policy for when? It makes a considerable difference if we are developing a policy for the next 10 years or if we agree that we should be planning for the next 20 years. I think that the 20 year planning horizon should be the more appropriate timeframe, at least the next 50 years, that we are legislating not for ourselves but for our grandchildren.

And third, an energy policy should include a recognition of other affected issues—economic, environment, and more.

A persistent problem in crafting energy policy is the fact that our willingness to act is greatest in the midst of a crisis, a disruption, or spikes in prices. History has repeatedly shown us that energy crises are the worst time to try to solve our problems. Short-term policy initiatives that deal with things such as market upheavals are often counterproductive. They respond to temporary circumstances. They often counterproductive. They respond to temporary circumstances. They might be political; they might be economic. They could even be climactic.

California blackouts were the initial impetus for the energy legislation we have today. Those blackouts are now hopefully a thing of the past. Yet we now find ourselves trying to respond to the threat from Saddam Hussein, that he will cut off supplies from Iraq.
Even if there were silver bullets that the Congress could use to deal with these short-term energy disruptions, Congress often moves too slowly to shoot those bullets in the right direction to hit the right target. Long-term measures, such as promoting energy efficiency and launching new forms of energy production, don’t have time to affect the market if these conditions are temporary.

It would seem to me that the solution is both logical and obvious. The solution, however, goes against our natural inclinations. The time to address energy issues is between crises, when there is a better chance to do something that will actually work.

If I could refer on this special day, the 54th anniversary of the establishment of the State of Israel, to an event which occurred in that region of the world and is recorded in the Book of Genesis, the interpretation of the Pharaoh’s dream about 7 good years followed by 7 lean years.

What Joseph’s interpretation teaches us is that if we are going to deal with famine, the time to do so is not when the famine has commenced but, rather, the time to do so is during those years of plenty, to set aside for the lean years that will surely be ahead.

The core of a wise energy policy is to avoid a focus on the here and now and set aside for the lean years followed by 7 lean years. The trend, but they will not reverse it. The future, will contribute to that diversity in our energy sources. Renewables will contribute to that diversity. We can reduce the summer peak loads of electricity by insisting on greater efficiency for air-conditioners. The sooner we start, the sooner the results.

It will take years for new, more efficient models to completely absorb the market. The sooner the better. The sooner the better. The sooner the better. The sooner the better. The sooner the better.

Point No. 3: We should strive for diversity in our energy sources. If we try to do this all at once, the economic cost will be high. But if we opt for a steady progress toward greater use of alternative energy sources, we can expand our energy options and do so at a reasonable cost. We also must do this with flexibility. We are a diverse nation of States. Each State, each locale, has conditions that make it different from others. Those differences often impact on the ways in which States can participate in national initiatives, including the efforts to increase the use of alternative energy and thus reduce the reliance on fossil fuel.

Point No. 4: We should strive for diversity in our energy sources. Renewables will contribute to that diversity. Another area that I believe has and, in the future, will contribute to that diversity is commercial nuclear power. It was one day there might say this trend, but they will not reverse it.

Second, we will likely see the need to dramatically reduce greenhouse gases that are the by-product of fossil fuel energy use. There is definitive evidence that greenhouse gases impact our climate and our environment. Because greenhouse gases accumulate in the atmosphere, they contribute to what we know as the greenhouse effect. We can no longer, we must commence action now in order to avoid unrestrainable consequences in the future.

We must prepare by taking steps to ensure that strong, early action will avoid the need for drastic, expensive, and maybe unavailable steps when it is too late.

Third, we must develop and utilize alternative fuels, both as a means of reducing our total fossil fuel consumption and the greenhouse gases which are an outgrowth of the use of fossil fuels. Alternatives are an important component of a diverse national environmental portfolio. They represent a solution to our dependence on fossil fuels and environmental problems associated with them, which are critical in a policy that does not believe we should focus our energy goals on draining America first.

I suggest that there are some opportunities in an enlightened energy policy. There are three points contained in the energy bill upon which I believe we can all agree. I will point to these as the core of an intelligent energy policy.

Point No. 2: We know we need to increase storage in the Strategic Petroleum Reserve in order to provide a greater cushion against disruption in oil supplies. Since the price of oil fell in the mid-1980s, we have missed many opportunities to build petroleum reserves at a time when we can do so relatively inexpensively. One reason may have been the false sense of security that the end of the Persian Gulf war brought in the early 1990s.

During that period, we were able to replace the loss of production from Iraq and Kuwait with only a minor release from the Strategic Petroleum Reserve. Why did this seem to happen so effortlessly? Primarily because we were fortunate to have allies, such as the Saudis, increase their production. The Saudis have been good allies on numerous occasions, but do we really want to have an energy policy for the next 50 years that depends upon the good will of our allies and their own uninterested exhaustion capacity?

One of the positive aspects of the President’s strategy for energy is his announced support for filling the Strategic Petroleum Reserve to its current capacity. This act alone will not solve our problem but it is a good first step and should be implemented. A larger reserve will not eliminate our vulnerabilities, but it will reduce the economic impacts of disruptions and threats from abroad.

Point No. 2: We must use the energy that we have available as efficiently as possible. Energy efficiency cannot be accomplished in one giant step. It takes time for manufacturers to modernize their means of production. It takes longer for equipment stock to turn over so that customers are buying the more efficient product.

What we need is steady progress. This is a marathon, not a 100-yard dash. We cannot do this research and development. Low average energy prices in the United States limit the economic incentives to research and develop fuel-saving technologies. More broadly, the entire marketplace does not fully reflect environmental and long-term strategic concerns.

In order to mitigate these realities, we have used efficiency standards for automobiles and appliances to achieve national goals. These standards have allowed us to make significant strides in reducing energy use. During the 1990s, while we made significant progress in some areas, such as the efficiency of refrigerators, we have moved backward in the area that is the largest consumer of fossil fuels, which is transportation. During this period, numerous technological advances for automobiles were introduced and widely implemented, such as airbags, crumple zones, and all-wheel drive. But none of these technological advancements work excepting the efficiency, increasing the gas mileage of the vehicle.

Now we are on the verge of additional technologies coming to the market, such as the electric hybrid vehicle which is making positive progress and is very promising. Let’s assure the American people that some of these technological advances will go to reducing the amount of money we spend on petroleum. In the appliances market, we can reduce the summer peak loads of electricity by insisting on greater efficiency for air-conditioners. It will take years for new, more efficient models to completely absorb the market. The sooner the better. The sooner the better. The sooner the better. The sooner the better. The sooner the better.
sliding lower. At the same time, that proportion of energy that used to be provided by nuclear is being provided by natural gas. While there are some compelling environmental reasons that natural gas is an attractive energy source, production and distribution to the depletion of an important American natural resource, to use an energy source which is a direct provider of energy, to become an indirect provider of energy by converting natural gas to electric generation. I applaud the provisions of this legislation that will, hopefully, begin to re-energize a safe and secure contribution to the diversity of our electric generation capacity through nuclear.

In the coming years, we will see ups and downs in energy prices. We have been on a roller coaster for the past several months, seeing some of the highest and some of the lowest gasoline prices in recent memory. We will likely see that trend. We are likely to see oil increasingly being used as a weapon in geopolitical disputes. We are likely to see times of calm. During those times, energy seems to be the least of our worries.

But we have before us now an opportunity, an opportunity to create an energy policy for the next generations of Americans, the next generations of citizens of this planet. We are given the opportunity, to develop an energy policy that can help us leave a cleaner, safer, more prosperous world, and a world in which energy is used to serve human purposes, not as a source of intimidation.

Our grandchildren will thank us. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have spoken to the Senator from Alaska. The Senator from Alaska indicated he wishes to speak for some time tonight, and I have indicated to him we have a few matters we need to do to close the business for today.

Mr. REID. Mr. President, I ask unanimous consent that at 9:45 a.m. on Thursday, April 18, following the opening proceedings, the Senate resume consideration of S. 517 and that there be debate until 11:45 a.m. with respect to the cloture motions filed, with the time equally divided and controlled between the two leaders or their designees; further, that the time from 11:25 a.m. to 11:45 a.m. be controlled as follows: 11:25 a.m. under the control of the Republican leader, or his designee; and from 11:35 a.m. to 11:45 a.m. under the control of the majority leader, or his designee; that at 11:45 a.m., without further intervening action except on matters related to vote on the motion to invoke cloture on the Stevens second-degree amendment No. 3133, that the mandatory quorum required under rule XXII be waived; provided further that Members have until 11:45 a.m. to file any second-degree amendments.

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

ORDERS FOR THURSDAY, APRIL 18, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:45 a.m. on Thursday, April 18; that following the prayer and the pledge, the Journal of the proceedings of the Senate of the United States of America be read and 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 energy reform bill.

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

ADDITIONAL STATEMENTS

THE 4TH ANNUAL NATIONAL BREAST CANCER CONFERENCE FOR AFRICAN AMERICAN WOMEN

Mr. LEVIN. Mr. President, during the weekend of April 19, 2002, as we commemorate Cancer Awareness Month, hundreds of women from around the country will gather in my home town, Detroit, MI, to celebrate breast cancer awareness among African American women. This is a very special group of women, in that they are all survivors of the most common type of cancer of women in the United States. I take great pleasure in welcoming them to Detroit and want to thank them for many accomplishments of the sponsoring organizations and the goals of this conference.

The 4th Annual National Breast Cancer Conference, which is sponsored by the Karmanos Cancer Institute, Detroit’s nationally renowned cancer treatment center and breast care center, and Sisters’ Network, Inc. presents an aggressive agenda focusing on the survivorship of African American women who have, and who will encounter the challenge of breast cancer, a disease which has claimed far too many lives of the members of any community, but within the African American community, 28 percent more than other ethnic groups. According to a recent report appearing in the Journal of the National Cancer Institute, researchers said that studies have shown that black women are more likely to be diagnosed with late stage breast cancer and to have a shorter survival time than white women. We should all find these statistics unacceptable. During this conference, with the guidance of medical professionals from around the country, including Detroit’s own Dr. Lisa Newman, Associate Director of the Waltz Comprehensive Breast Center, there will be discussions on how to eradicate all of those barriers women of the African American community face when assaulted by this dreaded disease.

I am proud to acknowledge the work and dedication of Cassandra Woods, my Michigan Chief of Staff, who is the president of the Greater Metropolitan Detroit Chapter of Sisters’ Network, Inc. and a breast cancer survivor and the national president and founder of the Network, Ms. Karen Jackson. These women and the members of the 37 chapters from around the country are committed to increasing local and national attention to the devastation that breast cancer has in the African American community. These women believe that through education, advocacy, research, and support for each other, they can make a marked difference in breast cancer and the rate of survival among their sisters.

I applaud this effort, I support this effort, and I ask my colleagues to join me in wishing the best of outcomes for this conference and with the challenges ahead.

THE UNITED STATES/RUSSIAN PLUTONIUM DISPOSITION AGREEMENT

Mr. DOMENICI. Mr. President, I rise today to bring the Senate’s attention to a matter of tremendous international importance to our efforts to prevent the terrorists’ use of weapons of mass destruction.

I wish to talk about the United States/Russian plutonium disposition agreement, a commitment between our two countries to each permanently dispose of 34 metric tons of plutonium from nuclear weapons. This is enough material to make over 4,000 nuclear weapons.

I was pleased to help develop aspects of that agreement during several interactions with the Russian leadership of Minatom, both here and in Russia. I was in Moscow with our President in 1998 when the first agreement was initiated. I believe this agreement represents one of the most significant accomplishments between the United States and Russia in the last 10 years in our joint efforts to keep the material and technology of weapons of mass destruction out of the hands of those that seek to do us harm.

The agreement basically commits the United States and Russia to turning 34 tons of plutonium into fuel that can be burned in commercial nuclear power plants. In this way, electricity is produced and the used fuel is left in a condition that makes it unusable in the future for nuclear bombs. Facilities will be built in both the United States and Russia to perform this work.

Our Government completed a 4-year process to decide what type of facilities was needed for this disposition mission, and where those facilities should be built. The United States considered four sites, Washington State, Idaho, Texas, and South Carolina, and after a vigorous competition in which the State of South Carolina lobbied very hard to get the mission, the decision was made to locate the disposition facilities in South Carolina.

Now, South Carolina is hesitate.
is being imperiled by the unwillingness of the State of South Carolina to reach an agreement with the Department of Energy on taking shipment of the plutonium identified for disposition and building the required facilities.

I urge the Governor of South Carolina to insist on every assurance that his State will be treated fairly, and will not simply become the permanent storage site for unwanted nuclear material if for some reason the plutonium agreement should fall apart.

The Governor has gotten the Secretary of Energy to provide South Carolina all of the assurances they never got from the Clinton administration, including full funding for the MOX program, a strict construction schedule, and a number of mechanisms, including statutory language and other measures, to ensure that the agreement is enforceable.

However, the Governor is apparently insisting that this matter should be thrown to the courts and resolved through the mechanism of a court-ordered consent decree. Putting the court's fiat in the face of executive branch non-proliferation and foreign policy affairs will slow our ability to meet our goals of reducing Russian nuclear material stockpiles, and will allow others who are opposed to the program's goals have their way instead.

Ultimately, I fear America's national security will be undermined.

Further delay in reaching agreement with South Carolina will undermine the United States-Russian plutonium disposition agreement. We must move forward with the construction of the MOX plant that will be used to dispose of the plutonium at issue in order to honor our commitments to the Russian Federation. That will be very difficult, if not impossible, in the face of litigation from the Governor of the State where the plant will be located.

The Russians will not go along to reduce their plutonium inventory unless we do. A failure in this program means more material may end up on the black market where terrorists could have access to it.

For 50 years now the State of South Carolina, like my home State of New Mexico, has hosted some of the most important laboratories within our nuclear weapons complex. For 50 years, tens of thousands of the sons and daughters of South Carolina proudly toiled in relative anonymity so that the rest of the country, and the world, could enjoy the peace provided by our nuclear shield during the long, dark days of the Cold War.

I am proud of the citizens of South Carolina and their unique service for our county.

Today, the children and grandchildren of the previous generations of South Carolinians have a tremendous opportunity to almost literally, as the prophet Isaiah said, "beat their swords into plowshares and their spears into pruning hooks." They stand on the cusp of a grand new opportunity to lead the world community in converting nuclear weapons to electric power while at the same time keeping the material out of the hands of would-be terrorists.

We must go forward with this important agreement. Thus, I will close today by urging both the Secretary of Energy and the Governor of South Carolina to work together to resolve their differences, move out together, and not threaten this effort by resorting to litigation.

NATIONAL LIBRARY WEEK

- Mr. SARBANES. Mr. President, as a strong supporter of Federal programs to strengthen and protect libraries, I am pleased to recognize April 14–20 as National Library Week. This is the 44th anniversary of this national observance and is evidence of the great importance our Nation places on libraries, books, reading and education.

National Library Week grew out of 1950’s research that showed a trouble-some trend—spending more money on radios and television and less on buying books. The American Library Association and the American Book Publishers joined forces and introduced the first National Library Week in 1958 in an effort to encourage people to read and to use their libraries.

When the free public library came into its own in this country in the 19th century, it was, from the beginning, a unique institution because of its commitment to the principle of a free and open exchange of ideas, much like the Constitution itself. Libraries continue to be an integral part of all that our country embodies: freedom of information, an educated citizenry, and an open and enlightened society.

I firmly believe libraries play an indispensable role in our communities. They promote reading and quench a thirst for knowledge among adults, adolescents, and children. More importantly, they provide the access and resources to allow citizens to obtain timely and reliable information that is so necessary in our fast-paced society.

In this age of rapid technological advancement, libraries are called upon to provide access to all kinds of information, but many other valuable resources as well audio-visual materials, computer services, Internet access terminals, facilities for community lectures and performances, tapes, records, video-cassettes, and works of art for exhibit and loan to the public.

Libraries provide a gateway to a new and exciting world for all the place where a spark is often struck for discovering new possibilities, but many other valuable resources as well audio-visual materials, computer services, Internet access terminals, facilities for community lectures and performances, tapes, records, video-cassettes, and works of art for exhibit and loan to the public.

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health care for our most vulnerable citizens. States are facing more than $40 billion in deficits, unemployment is up, and the number of uninsured are rising.

Today, we offer Americans hope. I am proud that the Senate has worked together in passing the Health Care Safety Amendments of 2001. This bill reauthorizes two critical programs that serve our poorest populations—the health centers program and the National Health Service Corps. It also creates the Healthy Communities Access Program, HCAP. By bringing together public and private providers, HCAP will help improve the coordination of services for communities’ most vulnerable populations.

At a time when our health care system too often treats people as statistics, this Nation’s community health centers and our health professionals working through the National Health Service Corps treat them as patients who need and deserve accessible health care. They know their communities, they understand their concerns, they know their names, and they speak their languages.

For more than 30 years, these programs have provided health care to Americans who have no where else to go for services. In fact, it is difficult to imagine what health care in the United States would be like today without them. Without their extraordinary achievements, millions of the most vulnerable Americans would not receive the health care they need to live healthy and productive lives. Without the health centers and the National Health Service Corps, there would be higher rates of tuberculosis, infant mortality, AIDS, substance abuse, and many other debilitating conditions in our low-income neighborhoods. Without these two programs, the Nation’s emergency rooms would be flooded with even more patients seeking primary care.

Despite their extraordinary accomplishments, far too often these health centers and providers struggle each day just to keep their doors open. That is why this legislation is so important.

Over the years, our community health centers have more than proven their worth. And as a result, last year, health centers received more support than ever before. We set a goal of doubling the rate of use of health centers, and we have succeeded in achieving it.

And we must continue our commitment to the Healthy Communities Access Program, HCAP. HCAP plays a very important role in our health care safety net. For the physician in private practice or the community health center to the hospitals, all will work hand-in-hand to coordinate their efforts to reach the vast number of Americans who fall between the cracks in today’s health care system. We must ensure that we continue to fund this program to help safety net providers develop innovative ways to coordinate the care for the uninsured and underinsured. We should not put this important safety net program at risk of receiving lower levels of funding.

I commend President Bush for making the health centers program and the National Health Service Corps a priority in his 2003 budget, and I hope the Administration’s fiscal year 2003 bipartisan HCAP program. I also commend Senator Frist, Senator Jeffords, and the members of our committee for their hard work on this bill.

For more than 30 years, I have been inspired by those who invest their lives in caring for Americans who have no place to turn for health care. I thank my colleagues today for passing the Safety Net bill which will aid our health centers and doctors in delivering health services in our poorest communities. In doing so, we not only offer the tools for ensuring healthier lives, but we provide hope for millions of struggling families.

TRIBUTE TO COLONEL TIMOTHY A. PETERSON

Mr. SHELBY. Mr. President, I wish to recognize and pay tribute to Colonel Timothy A. Peterson, Chief, Senate Legislative Division, Office of the Chief of Legislative Affairs, and Department of the Army who will retire on June 1, 2002. Colonel Peterson’s career spans over 28 years, during which he has distinguished himself as a soldier, scholar, leader and friend of the United States Senate.

A New York native, Colonel Peterson graduated from the United States Military Academy in 1974 and was commissioned as a lieutenant in the Field Artillery Branch of the Army. During his career he has commanded soldiers from the battery through the installation level. At Schofield Barracks in Hawaii, he commanded the 7th Battalion, 8th Field Artillery Regiment of the 25th Infantry Division and later served as the Installation Commander of the U.S. Army Garrison at Fort Dix, NJ. As a scholar, Tim Peterson has sought opportunities to improve himself throughout his career. In addition to teaching at his alma mater, the United States Military Academy, he has served as an American Political Science Association Congressional Fellow and a Army Senior Fellow, Secretary of Defense Corporate Fellowship, as well as receiving advanced degrees from the University of Puget Sound, University of Washington, the Salve Regina College and the U.S. Naval War College.

Colonel Peterson has served with distinction as the Chief Army Senate liaison. He has superbly represented the Chief of Legislative Liaison, the Army Chief of Staff, and the Secretary of the Army while promoting the interests of the soldiers and civilians of our Army. His professionalism, mature judgment, sage advice and interpersonal skills have earned him the respect and confidence of the Members of Congress and Congressional staffers with whom he has worked on a multitude of issues for our Army, its soldiers and civilians. In almost 3 years on the Hill, Tim Peterson has been a true friend of the United States Senate and the Congress. Serving as the Army’s primary point of contact for all Senators, Congressional Committees and their staffs, he has assisted Congress in understanding Army policies, operations, requirements and priorities. As a result, he and his staff have been extremely effective in providing prompt, coordinated and factual replies to all inquiries and matters involving Army issues. In addition, he has personally provided invaluable assistance to Members and their staffs while planning, coordinating and accompanying Senate delegations worldwide. His substantive knowledge of the key issues, keen legislative insight and ability to effectively advise senior Army leaders have directly contributed to the successful representation of the Army’s interests before Congress.

Throughout his career, Colonel Tim Peterson has demonstrated his profound commitment to our Nation, a deep concern for soldiers and their families, and a commitment to excellence. Colonel Peterson is a consummate professional whose performance in over 28 years of service has personified those traits of courage, competency and integrity that our Nation has come to expect from its professional Army officers.

I ask my colleagues to join me in thanking Colonel Peterson for his honorable service to our Army, its soldiers and the citizens of the United States. We wish him and his family well and all the best in the future.

TRIBUTE TO INTEGRITY LODGE #51

Mr. TORRICELLI. Mr. President, I rise today to recognize the Integrity Lodge #51 Prince Hall Masons, who will be celebrating 100 years of service to the community of Paterson, NJ, this month.

Prince Hall Masons, the founders of this organization, are the oldest African American fraternity in the United States. This celebration will truly highlight the contributions as well as the many accomplishments that this fine organization has made to its community.

Under the direction of Prince Hall Masons, the Integrity Lodge has enjoyed countless success stories. The Integrity Lodge has been recognized for guiding and providing leadership to African Americans. Additionally, the Integrity Lodge has made countless charitable contributions which in turn have positively affected many lives.
Through the efforts of this group of people, the community of Paterson has been enriched. I am confident that there are many lives that this organization has changed and I am sure that they find victories on a daily basis. It is my belief that the Integrity Lodge will continue this fine tradition of community service in the years to come, and will serve with distinction as tireless advocates on behalf of Paterson, NJ.

I congratulate the Integrity Lodge #58 for their 100 years of dedicated service.

KLAMATH FOOD BANK

- Mr. SMITH of Oregon. Mr. President, I rise today to give tribute to some Oregon heroes. Over the past year, I have come to the Senate floor on several occasions to describe the tragic events in the Klamath Basin last year. Today, I wish to salute some of the heroes, who when watching their neighbors in need, responded with great compassion and service to their community.

In April of last year, the farm economy of Klamath Falls was sent into a tailspin when the decision was made to forego water deliveries to farmers in favor of protecting threatened and endangered fishes. Almost overnight, the devastating effects of the water shut-off began to be felt. In one month's time, the number of families seeking assistance from the local food bank jumped by seven hundred.

The response from the surrounding community was incredible. Farmers, car dealerships, coffee shops, gas stations, banks, schools, and countless others came together to lend their support to folks in the Klamath Basin. On June 15 of last year, Joe Gilliam, President of the Oregon Grocers Association, with the help of grocers from around the State, gathered 240,000 pounds of food. This food helped feed the community for nearly two months.

In August, Oregon Senator and farmer Gary George of Pendleton, Oregon decided that he too had to do something. He set out and, with the help of Oregonians In Action, raised $30,000. Also in August, K-Dove Radio, Perry Atkinson and his son Oregon Senator Jason Atkinson, and sixty churches in the Medford area, joined together in collecting 27,000 pounds of food. They delivered it in two twenty-four-foot Ryder trucks.

The examples of kindness go on and on. For as tragic as the situation last year in the Basin was, Oregonians from around the State responded with an equal level of benevolence. With the help of hundreds of community volunteers and under the direction of Niki Sampson, the Klamath Falls-Lake County Food Bank has distributed 300,000 pounds of food and non-food products.

This has been a very emotional year, and as a U.S. Senator and as an Oregonian, I am very proud of how the people in my State have responded. The generosity shown by so many truly reaffirms one's faith in the goodness of people. In my mind, every single person who volunteered his or her time or resources is a hero. Today, I salute the workers, the volunteers, and all those who gave of themselves to help this community in need.

VENEZUELA

- Mr. KENNEDY. Mr. President, I rise regarding recent events in Venezuela and my concern that the response of the administration was inconsistent with our foreign policy goal of promoting democracy abroad.

On April 12, following anti-government protests by civil opposition sectors, supported by parts of the military, President Hugo Chavez was briefly forced to resign power. The civil-military movement named businessman Pedro Carmona as interim president. In a statement which further undermined constitutional order, dissolving the legislature and the Supreme Court. Instead of protesting these clear violations of democratic order, the U.S. found itself virtually alone in the region in seemingly welcoming the change in government in Venezuela.

Latin American presidents, meeting in Costa Rica, quickly condemned the coup as contrary to democratic obligations of members of the Organization of American States. The action had nothing to do with support for President Chavez, whose radical declarations and friendly links to Cuba and Iran had caused discomfort in the region and in Washington.

However, the American government did not acknowledge that a coup had occurred and referred to the action as "a change in the government." After 2 days, the lack of full support inside the Venezuelan military, the extreme nature of the actions of the interim president in voiding Venezuela’s democratic institutions, and the clear opposition of hemispheric leaders resulted in Chavez being reinstated to the presidency.

The Inter-American Democratic Charter, which the United States and the other members of the Organization of American States agreed to last year, commits all member governments to condemn and investigate the overthrow of any democratically elected OAS member governments. The actions of the coup-test the resolve of Western Hemisphere leaders in their support of democracy, and Latin American leaders responded decisively. Unfortunately, the American government failed the test.

Our government must support changes of government through a constitutional process, not military means. America’s failure to condemn the illegal overthrow of a democratically elected leader in Venezuela has seriously undermined our credibility in the Western Hemisphere.

The United States must be a leader in promoting the strengthening of democracy in our hemisphere. We can do this by abiding by the OAS charter and by working within the OAS to maintain close scrutiny of democracies at risk.

The Secretary-General of the OAS, Dr. Cesar Gaviria, arrived in Venezuela this morning to evaluate developments and explore how the OAS can support Venezuela in its efforts to strengthen democracy. As a member of the OAS, our government should strongly and unequivocally support Secretary-General’s position. We must also support the right of the voters of Venezuela to decide their political future. At the same time, President Chavez should fully respect individual freedoms, including freedom of the press, due process, and the rule of law. The OAS should continue to monitor the situation in Venezuela closely, and the U.S. Government should renew its commitment to democracy and democratic standards in the region.

TRIBUTE TO TASK FORCE 2-153, ARKANSAS NATIONAL GUARD

- Mr. HUTCHINSON. Mr. President, it is my distinct honor and privilege to recognize the “Arkansas Gunslingers,” Task Force 2-153, commanded by Lieutenant Colonel Steve Womack, made military history on January 13, 2002 by becoming the first pure Army National Guard unit to represent the United States in performing the Multinational Force and Observer, MFO, mission on the Sinai peninsula in Egypt which was born out of the 1979 Camp David Peace Accords.

Soldiers of the 2nd Battalion, 153rd Infantry headquartered in Searcy, AR, along with other elements of the 39th Infantry Brigade were mobilized October 8, 2001 as part of President Bush’s Homeland Defense initiative and the War on Terrorism. Under the strong leadership of Lieutenant Colonel Womack, Major Franklin Powell and Command Sergeant Major John Hogue, Task Force 2-153 exceeded all post-mobilization, pre-deployment, and post-deployment requirements. This accomplishment is particularly noteworthy given that these citizen-soldiers were given this critical and highly visible assignment just 90 days prior to deployment, at most, half the time to prepare routinely given to Regular Army units. When called upon by their commander in chief, this proud group of Arkansans literally lived up to their motto: “Let’s Go!”

It is with great pride that I have risen today to pay tribute to more than 500 soldiers who make up the Arkansas Gunslingers. They have selflessly put their private lives on hold to answer the call of duty. Their presence on the Sinai Peninsula is a powerful symbol of peace. The people of Arkansas are extremely proud and extremely proud that they have been chosen to represent the United States of America in this important mission.
COMMEMORATING THE 54th ANNIVERSARY OF ISRAEL’S STATEHOOD

Mr. GRAHAM. Mr. President, on this date 54 years ago, the State of Israel was founded. Today, all over the world, friends of Israel are observing this anniversary of Israel’s independence.

The United States, under President Harry S. Truman, was the first country to formally recognize the State of Israel in 1948. We have a legacy of a special relationship based on shared values, among them support for democracy and human rights.

Let us honor the integrity, vitality and sovereignty of Israel in the cornerstones of U.S. policy in the Middle East, as well as a fundamental pre-requisite for winning the global War on Terrorism.

On this day, when Israel and its allies should be celebrating, instead we see daily acts of violence and acts of terrorism that have led to the loss of innocent lives. The ability of the people of Israel and of the region to lead normal lives has been shattered.

The United States is committed to leading the international community in ending the conflict and beginning the slow walk back to negotiations for peace.

I urge President Bush and his Administration to recognize the importance of ongoing U.S. engagement in the Middle East at this crucial time. As the world’s sole remaining superpower and the leader of the efforts to eradicate terrorism from the Earth, our commitment to allies such as Israel cannot and must not falter.

Once a framework for peace is in place, and we pray that day will soon come, there should be no question that the United States recognizes we will be called to play an ongoing role in the region, and we are prepared to accept that role.

Again, we offer our congratulations to the State of Israel on its 54th anniversary. And we assure our Israeli brothers and sisters that we share with them their quest for peace and the dream of turning swords into plowshares so that they can raise their children and grandchildren in a region of harmony.

HONORING INSIGHT COMMUNICATIONS IN LOUISVILLE, KENTUCKY

Mr. BUNNING. Mr. President, today I rise to offer a proper salute to Insight Communications of Louisville, KY. The Cable Television Public Affairs Association recently presented Insight with the coveted Beacon Award in the category of education for introducing their ‘Young Women’s Technology Fellowship’ initiative to the Louisville Community.

The fellowship initiative, which arose from a partnership established between Oxygen Media and Insight Communications, was a two-month after-school program designed to provide advanced technical training and resources to twelve motivated young women who would typically be denied access to this level of technical education. During the curriculum, the young women were instructed to design and implement an online social issue-based project. In the process, the girls were able to learn valuable computer applications as well as technical and journalistic skills while paying appropriate attention to social issues affecting the Louisville/Jefferson County community.

I applaud the efforts of Insight Communications and Oxygen Media. I would also like to thank these two organizations for their enduring commitment to education and service. The Fellowship program was an excellent forum for young women to not only learn invaluable technical and journalistic skills but also provide the community with pertinent information surrounding existing social issues.

NATURAL GAS TRANSMISSION LINES AND ENHANCED COST RECOVERY

Mr. BREAUX. Mr. President, the demand for natural gas is expected to increase tremendously in this country over the next 15 years. By some accounts demand for natural gas will go from approximately 54 trillion cubic feet in 2000 to over 81 trillion cubic feet by 2015, a 54 percent increase. The existing natural gas transmission infrastructure simply cannot accommodate this increased demand.

Natural gas offers an environmentally friendly and secure source of energy, and we must ensure that we have the infrastructure in place to meet this increased demand. Otherwise, we could suffer adverse environmental consequences and undermine potential economic growth, which depends upon safe and secure sources of energy. Natural gas also has the added advantage of reducing our dependence on foreign energy sources, which in today’s environment, is a major advantage.

The Senate Finance Committee took several steps to address this issue. Improving the depreciation period for natural gas distribution lines and clarifying that natural gas gathering lines beginning this year are a step in the right direction. However, I am concerned that the bill we are now considering, as well as the House-passed energy legislation, does not address cost recovery for natural gas transmission lines.

Reliable estimates indicate that we will have to build over 38,000 miles of additional transmission lines, a fifteen percent increase over current capacity, to deliver the increased amount of natural gas that will be required to meet this demand. The next fifteen years may depend on whether the Congress determines that enhanced cost recovery is necessary to generate the additional investment required to meet this enormous demand, that it is necessary to address the entire natural gas delivery system, including both distribution and transmission lines.

There is no doubt that the demands for capital investment in this area are indeed enormous.

I think it would be appropriate for us to review carefully the need for shorter depreciation periods not just for distribution lines but for natural gas transmission lines as well when this matter goes to conference. Any decisions regarding natural gas depreciation must be made with an eye towards their effect on the system as a whole, including transmission lines.

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
had via short-wave radio, then said, "broadcasting. Sarnoff noticed how little elec-
the idea of the Voice of America. He was
may be bad. We will tell you the truth.
the news may be good. The news
"24, 1942, William Harlan Hale opened the Ger-
States created a new international radio
RECORD, as follows:
INTERNATIONAL BROADCASTING
Mr. BIDEN. Mr. President, last
month the former Chairman of the Fed-
Newton Minow, delivered the Morris I.
Lieberman Lecture at Loyola College in
Baltimore.
Mr. Minow's address was entitled
“The Whisper of America.” and is fo-
cused on the need for the United States to
significantly increase the resources it
devotes to international broadcasting
I believe Mr. Minow makes a very
careful case for expanding our ef-
forts. We should order that broadcasts be
available to a wider audience, and to
call it to the attention of my col-
leagues, I ask unanimous consent that
it be printed in the RECORD.
There being no objection, the ma-
terial was ordered to be printed in the
RECORD, as follows:
THE WHISPER OF AMERICA
In World War II, when the survival of free-
dom was still far from certain, the United
States created a new international radio
service, the Voice of America. On February
24, 1942, William Harlan Hale opened the Ger-
man-language program with these words:
“Here speaks a voice from America. Every
day at this hour bring you the news of the
war. The news may be good. The news
may be bad. We will tell you the truth.”
My old boss, William Benton, came up with
the idea of the Voice of America. He was
then Assistant Secretary of State and would
later become Senator from Connecticut. He
was immensely proud of the Voice of
America. On the occasion that the new VOA
didn’t have a song and radio工业企业
9:34 AM

AL JAZEERA
In the past few months, Westerners began
to learn about Al Jazeera as a source of anti-
American tirades by Muslim extremists and as
a pariah news outlet. The new satellite news
service had its beginnings in 1995, when the
BBC withdrew, not wanting to continue its news
exposure to the Gulf Arab countries. The service
came on as the favored news outlet of both Osama bin
Laden and the Taliban. The service had its
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 begins...
Al Jazeera means “the peninsula” in Arabic, and the name is fitting. Just as Qatar is a peninsula, the station’s programming traverses conspicuously into the world of state-sponsored distortion in the Middle East. Several commentators, including many Arabs, have sharply criticized the service for being unprofessional and biased. CNN and Al Jazeera are also accused of launching a communications satellite. I never dreamed that the station would even be told by our enemies.

Well before September 11, Al Jazeera had managed to anger most of the governments in its broadcast range, but with the hindsight of September 11, this cannot be said of Qatar’s al-Jazeera. He asked me why it was so important to launch a communications satellite. I never dreamed that the station would even be told by our enemies.

Well before September 11, Al Jazeera had managed to anger most of the governments in its broadcast range, but with the hindsight of September 11, this cannot be said of Qatar’s al-Jazeera. He asked me why it was so important to launch a communications satellite. I never dreamed that the station would even be told by our enemies.

Well before September 11, Al Jazeera had managed to anger most of the governments in its broadcast range, but with the hindsight of September 11, this cannot be said of Qatar’s al-Jazeera. He asked me why it was so important to launch a communications satellite. I never dreamed that the station would even be told by our enemies.

Well before September 11, Al Jazeera had managed to anger most of the governments in its broadcast range, but with the hindsight of September 11, this cannot be said of Qatar’s al-Jazeera. He asked me why it was so important to launch a communications satellite. I never dreamed that the station would even be told by our enemies.

Well before September 11, Al Jazeera had managed to anger most of the governments in its broadcast range, but with the hindsight of September 11, this cannot be said of Qatar’s al-Jazeera. He asked me why it was so important to launch a communications satellite. I never dreamed that the station would even be told by our enemies.

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Well before September 11, Al Jazeera had managed to anger most of the governments in its broadcast range, but with the hindsight of September 11, this cannot be said of Qatar’s al-Jazeera. He asked me why it was so important to launch a communications satellite. I never dreamed that the station would even be told by our enemies.
The real enemy is not Osama, it is the ignorance that breeds the hatred that fuels its cause. This is what we have to change. I realized what an enormous job that was going to be. I heard a young Pakistani student tell an interviewer that everyone in his school knew that Israel was behind the attacks on the Twin Towers and everyone at his school worked there had stayed home that day.

‘What we have all come to realize now is that a large part of the world not only misunderstands us but is teaching its children to hate us.’

Steve Forbes, who once headed the Broadcasting Board of Governors, put the issue even more simply one day, ‘we can no longer cease its petty, penny-minded approach to our international radio and television media and give them the resources and capable personnel to do the job that has to be done right. . . . What are we waiting for?’

THE PROPOSAL

What are we waiting for? I suggest three simple proposals. First, define a clear strategic vision and message for America. Second, provide the financial resources to get the job done. Third, use the unique talent that the United States possesses—and to communicate that vision to the world.

First, and above all, U.S. international broadcasting should be unapologetically proud to be American and demonstrate to the world that there is no inconsistency in reporting the news accurately while also advocating America’s values. The real issue is whether we will carry the debate on the meaning of freedom to places on the globe, where open debate is unknown and freedom has no meaning. Does anyone seriously believe that the two-track system of providing journalism and undermining tyranny are incompatible? As a people, Americans have always been committed to the proposition that these two things, freedom and democracy, can exist together. As the leader of the free world, it is time for us to do what’s right—to speak of idealism, sacrifice, and the nurturing of values essential to human freedom—and to speak in a bold, clear voice.

Second, if we are to do that, we will need to put our money where our mouths are not. We now spend more than a billion dollars each year for the Department of Defense. Results in the war on terrorism demonstrate that this is money well invested in our national security.

Whatever Don Rumsfeld says he needs should be provided by the Congress with the understanding that we need to reorient our budget. The United States has a $3 billion budget for defense. Each year. Too much. Should we spend 1 percent of what we spend on defense for communication? That would be $33 billion a year. We spend $3 billion on our space program. That would be $3.3 billion, and that seems right to me—one dollar to launch ideas for every $100 we invest to launch bombs. This would be about six times more than we invest now in international communications. We must establish a ratio sufficient to our need to inform and persuade others of the values of freedom and democracy. More importantly, we should seek a ratio sufficient to lessen our need for bombs. We can correct this at the problem level. We need to use all of the communications talent we have at our disposal. This job is not only for journalists. To be effective, the TV and public affairs programming are to our public diplomacy mission, the fact is that we are now in a global information marketplace. An American political voice—what is not necessarily persuasive in a market of shouting, often deceitful and hateful voices, telling the truth in a persuasive, convincing way is not propaganda. Churchill’s and Roosevelt’s words—‘never was so much owed by so many to so few’—the only thing we have to fear is fear itself—‘were as powerful as a thousand guns.’

When Colin Powell chose advertising executive Charlotte Beers as Under Secretary of State for public diplomacy and public affairs, some journalists sniffed. You cannot peddle freedom as you would cars and shampoo, went the refrain. That is undoubtedly so, and Charlotte Beers has to work a lot harder than she herself. But you can’t peddle freedom if no one is listening, and Charlotte Beers is a master at getting people to listen—and to communicate in a way that we understand.

So was another visionary in this business, Bill Benton. Before he served as Assistant Secretary of State, Benton had been a founding partner in the largest and most successful advertising firms, Benton and Bowles. To win the information war, we will need the Bentons and Beers of this country more than ever before. We will need the journalists. We have the smartest, most talented, and most creative people in the world in our communications industries—in radio, television, film, newspapers, magazines, advertising, publishing, public relations, marketing. These men and women want to help our country, and will volunteer eagerly to help get our message across. One of the first people we should enlist is a West Point graduate named Bill Roedy, who is President of MTV Networks International. His enterprise reaches 200 languages in 184 countries. Eight out of ten MTV viewers live outside the United States. He can teach us a lot about how to tell our story.

In 1945, a few years after the VOA first went on the air, the newly founded United Nations had 51 members. Today it has 189. In the last decade alone, more than 20 countries have been added to the globe, many of them former Soviet republics, but not all. Some of these new countries, as with the Balkan example, have been cut bloodily from the fabric of civilization. Some of these countries are nominally democratic, but many—especially in Central Asia—are authoritarian regimes. Some are also deep in ethnic and religious hatreds. Some are new to democracy—only to their neighbors, but to the free world, Afghanistan, we discovered too late, is a concern not only to its region, but to all of us.

In 1945, a time when every American understood better than we have the power of ideas and the power of communicating ideas. The deep breeding grounds of hate, the breeding grounds for hate radio blaring from Zagreb and Belgrade, and hate radio is still common in the region today. The murder of 2 million Hutus and the Butcher of Rwanda are tragic, but they have happened not for the urging of madmen with shortsighted. It ignores the people of China and Cuba, of Vietnam and Burma, of Iraq and Iran and Sudan and North Korea and now Russia. It ignores the fragility of freedom and democracy and the difficulty of building and keeping democratic societies. And it ignores the resilience of evil.”

Fifty-eight years ago, Albert Einstein returned from a day of looking for a group of reporters waiting for him at the airport. The reporters told him that the United States had dropped an atomic bomb on Hiroshima, dropping out the city. Einstein shook his head and said, “Everything in the world has changed except the way we think.”

On September 11 everything changed except the way we think. But we know that ideas last longer than people do, and that two important ideas of the 20th century are now in direct competition: the ideas of mass communication and mass destruction. The great question of our time is whether we will be wise enough to use one to avoid the other.

MESSAGE FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, without amendment:


The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1374. An act to designate the facility of the United States Postal Service located at 94th birthday.

H.R. 4156. An act to amend the Internal Revenue Code of 1986 to clarify that the personal parasomnia exclusion clause is limited to the fair rental value of the property.

H.R. 4167. An act to extend for 8 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted.

At 3:07 p.m., a message from the House of Representatives, delivered by
Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 476. An act to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 476. Amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

H.R. 1374. An act to designate the facility of the United States Postal Service located at 601 Calumet Street in Lake Linden, Michigan, as the “Philip E. Ruppe Post Office Building”; to the Committee on Governmental Affairs.

H.R. 3960. An act to designate the facility of the United States Post Office located at 3719 Highway 4 in Jay, Florida, as the “Joseph V. Westmoreland Post Office Building”; to the Committee on Governmental Affairs.

H.R. 4156. An act to amend the Internal Revenue Code of 1986 to clarify that the portage allowance exclusion is limited to the fair rental value of the property; to the Committee on Finance.

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. DURBIN:
S. 2138. A bill to provide for the reliquidation of certain entries of antifriction bearings; to the Committee on Finance.

By Mr. RINGAMAN:
S. 2139. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HELMS:
S. 2140. A bill to suspend temporarily the duty on 1,2-cyclohexanedione; to the Committee on Finance.

S. 2141. A bill to suspend temporarily the duty on p-chloroaniline; to the Committee on Finance.

S. 2142. A bill to suspend temporarily the duty on primisulfuron; to the Committee on Finance.

S. 2143. A bill to suspend temporarily the duty on flumetralin technical; to the Committee on Finance.

S. 2144. A bill to suspend temporarily the duty on methidathion technical; to the Committee on Finance.

S. 2145. A bill to suspend temporarily the duty on isobornyl acetate; to the Committee on Finance.

S. 2146. A bill to suspend temporarily the duty on 2,4-Xylidine; to the Committee on Finance.

S. 2147. A bill to suspend temporarily the duty on 3-methoxy-thiophenol; to the Committee on Finance.

S. 2148. A bill to suspend temporarily the duty on acetyl chloride; to the Committee on Finance.

S. 2149. A bill to suspend temporarily the duty on esters and sodium esters of parahydroxybenzoic acid; to the Committee on Finance.

S. 2150. A bill to suspend temporarily the duty on 4-methoxyphenacychloride; to the Committee on Finance.

S. 2151. A bill to suspend temporarily the duty on chloroacetic acid; to the Committee on Finance.

S. 2152. A bill to suspend temporarily the duty on acetic acid; to the Committee on Finance.

S. 2153. A bill to suspend temporarily the duty on isobornyl acetate; to the Committee on Finance.

S. 2154. A bill to suspend temporarily the duty on azocystrobin technical; to the Committee on Finance.

S. 2155. A bill to suspend temporarily the duty on paclobutrazole technical; to the Committee on Finance.

S. 2156. A bill to suspend temporarily the duty on 1H-imidazole-2-(1-methylthioyl)-2-[(phenylmethoxy)methyl]-(9CI); to the Committee on Finance.

S. 2157. A bill to suspend temporarily the duty on 1H-imidazole,4-(1-methylethyl)-2-[(phenylmethoxy)methyl]-1H-imidazol-1-yl]-methanethiole (12); to the Committee on Finance.

S. 2158. A bill to suspend temporarily the duty on p-Chloroaniline; to the Committee on Finance.

S. 2159. A bill to suspend temporarily the duty on 4-methoxyphenacychloride; to the Committee on Finance.

S. 2160. A bill to suspend temporarily the duty on Disulfire.bis(3,5-dichloro-phenyl)-9CI); to the Committee on Finance.

S. 2161. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

S. 2162. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

S. 2163. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

S. 2164. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

S. 2165. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

S. 2166. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

S. 2167. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

By Mr. LEAHY:
S. 2168. A bill to suspend temporarily the duty on acetyl chloride; to the Committee on Finance.

By Mr. WYDEN:
S. 2169. A bill to suspend temporarily the duty on acetyl chloride; to the Committee on Finance.

By Mr. DURBIN:
S. 2170. A bill to suspend temporarily the duty on acetyl chloride; to the Committee on Finance.

By Mr. LEAHY:
S. 2171. A bill to suspend temporarily the duty on acetyl chloride; to the Committee on Finance.

By Mr. WYDEN:
S. 2172. A bill to suspend temporarily the duty on acetyl chloride; to the Committee on Finance.

By Ms. FEINSTEIN:
S. 2173. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

By Ms. FEINSTEIN:
S. 2174. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

By Ms. FEINSTEIN:
S. 2175. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

By Ms. FEINSTEIN:
S. 2176. A bill to suspend temporarily the duty on HIV/AIDS drug; to the Committee on Finance.

By Ms. FEINSTEIN:
S. 2177. A bill to suspend temporarily the duty on Glufosinate-Ammonium; to the Committee on Finance.

By Ms. FEINSTEIN:
S. 2178. A bill to suspend temporarily the duty on 4-[4-(1-methylthio)-2-[(phenylmethoxy)methyl]-1H-imidazol-1-yl]-ethanesulfonic acid; to the Committee on Finance.

By Ms. KENNEDY: S. 2179. A bill to authorize the Attorney General to make grants to States, local governments, and Indian tribes to establish permanent tributes to honor men and women who were killed or disabled while serving as law enforcement or public safety officers; to the Committee on the Judiciary.

By Mr. KYL:
S. 2180. A bill to suspend temporarily the duty on Asulox; to the Committee on Finance.

By Mr. McCAIN:
S. 2181. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

By Mr. WYDEN:
S. 2182. A bill to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HUTCHINSON:
S. 2183. A bill to provide emergency agricultural assistance to producers of the 2002 crop; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BREAUX (for himself, Mr. SPECTER, Ms. LANDRIEU, Mr. CLELAND, Mr. JOHNSON, Mr. BAUCUS, Mr. BAYH, Mrs. CLINTON, Mr. DODD, Mr. EDWARDS, Mr. FINGOLD, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. MUR-
Mr. LEVIN, Mr. BINGAMAN, Mr. REED, Mr. HARKIN, Ms. MUKULSKI, Mr. DURBIN, Mr. JEFFORDS, Mr. DAYTON, and Ms. CANTWELL); S. 2194. A bill to provide for the reissuance of a rule relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CLELAND; S. 2185. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for individual account plans with information on how the assets in their accounts are invested and of the need to diversify the investment of the assets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. ROCKEFELLER (by request); S. 2188. A bill to amend title 38, United States Code, to establish a new Assistant Secretary to perform operations, preparedness, security and law enforcement functions, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. ROCKEFELLER (for himself and Mr. AKAKA); S. 2187. A bill to amend title 38, United States Code, to authorize the Secretary of Veterans Affairs to furnish health care during a major disaster or medical emergency, as established by an amendment made by the National Occupational Safety and Health Act of 1970; to the Committee on Veterans’ Affairs.

By Mr. BREAUX (for himself and Mr. BURNS); S. 2189. A bill to require the Consumer Product Safety Commission to amend its flammability standards for children’s sleepwear under the Flammable Fabrics Act; to the Committee on Commerce, Science, and Transportation.

By Mr. ROCKEFELLER (for himself, Mr. WOLLSTONE, Mr. DURBIN, Ms. MUKULSKI, Mr. SARRANES, Mr. DAYTON, and Mrs. CLINTON); S. 2192. A bill to amend the Trade Act of 1974 to remedy certain effects of injurious steel imports by protecting benefits of steel workers and to require to be taken action by the Consumer Product Safety Commission to amend its flammability standards for children’s sleepwear under the Flammable Fabrics Act; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself, Ms. SNOWE, Mrs. FEINSTEIN, and Mr. CHAFEE); S. 2190. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide for an increase in the Federal minimum wage; to the Committee on Finance.

By Mr. HELMS; S. 2191. A bill to suspend temporarily the duty on petroleum sulfonic acids, sodium salts; to the Committee on Finance.

By Mr. HELMS; S. 2192. A bill to suspend temporarily the duty on certain TAED chemicals; to the Committee on Finance.

By Mr. HELMS; S. 2193. A bill to suspend temporarily the duty on Vanguard 75 WDG; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRASSLEY (for himself and Mr. WYDEN); S. Res. 244. A resolution eliminating secret Senate holds; to the Committee on Rules and Administration.

By Mr. DURBIN (for himself, Mr. BROWNBACK, and Mr. FEINGOLD); S. Res. 245. A resolution designating the week of May 5 through May 11, 2002, as “National Occupational Safety and Health Week”; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 108 At the request of Mr. Smith of New Hampshire, his name was added as a cosponsor of S. 108, a bill to amend the Internal Revenue Code to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 830 At the request of Mr. Chafee, the name of the Senator from Wisconsin (Mr. Feingold) was added as a cosponsor of S. 830, a bill to amend the Internal Revenue Code of 1986 to exceed the application of the excise tax imposed on bows and arrows.

S. 1722 At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1722, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. 1748 At the request of Mr. GRAMM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1748, a bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes.

S. 1751 At the request of Mr. GRAMM, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1751, a bill to promote the stabilization of the economy by encouraging financial institutions to continue to support economic development, including development in urban areas, through the provision of affordable insurance coverage against acts of terrorism, and for other purposes.

S. 1769 At the request of Mr. BOXER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1769, a bill to authorize the Secretary of the Army to carry out a project for flood protection and ecosystem restoration for Sacramento, California, and for other purposes.

S. 1787 At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1787, a bill to promote rural safety and improve rural law enforcement.

S. 1793 At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1793, a bill to establish a National Housing Trust Fund in the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1258 At the request of Mr. ORRIN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1258, a bill to establish a National Housing Trust Fund in the United States to provide for the development of decent, safe, and affordable housing for low-income families, and for other purposes.

S. 1259 At the request of Mr. DORGAN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1259, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes.

S. 1638 At the request of Mr. BOND, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1638, a bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes.

S. 2039 At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. 2051 At the request of Mr. REID, the names of the Senator from Nebraska
AMENDMENT NO. 3229

At the request of Mr. BREAUX, the name of the Senator from Nevada (Mr. ENSIGN) was added as a co-sponsor of amendment No. 3129 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

AMENDMENT NO. 3103

At the request of Mr. BACUS, the name of the Senator from Georgia (Mr. MILLER) was added as a co-sponsor of S. 2075, a bill to facilitate the availability of electromagnetic spectrum for the deployment of wireless based services in rural areas, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2139. A bill to amend the Public Health Service Act to provide grants to promote positive health behaviors in women; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today entitled the “Public Health Workers Act of 2002” would improve access to health education and outreach services to women in medically underserved areas in the United States-New Mexico border region. Lack of access to adequate health care and health education is a significant problem along the United States-New Mexico border. While the access problem is in part due to a lack of insurance, it is also attributable to non-financial barriers to access. These barriers include a shortage of physicians and other health professionals, and hospitals; inadequate transportation; a shortage of bilingual health information and health providers; and culturally insensitive systems of care.

This legislation would help to address the issue of access by providing $6 million in grants to State, local, and tribal organizations, including community health centers and public health departments, for the purpose of hiring community health workers to provide health education, outreach, and referrals to women and families who otherwise would have little or no contact with health care services.

Recognizing the historical significance of the 1901th anniversary of Korean immigration to the United States.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Georgia (Mr. MILLER) was added as a co-sponsor of S. Res. 185, a resolution recognizing the historical significance of the 1901th anniversary of Korean immigration to the United States.

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. MILLER) was added as a co-sponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Columbia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 3037

At the request of Mr. TORRICELLI, the name of the Senator from California (Mrs. BOXER) was added as a co-sponsor of amendment No. 3037 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

AMENDMENT NO. 3193

At the request of Mr. KENNEDY, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Virginia (Mr. ALLEN), the Senator from Utah (Mr. BENNETT), the Senator from Nevada (Mr. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from New York (Mr. SCHUMER), and the Senator from Virginia (Mr. WARNER) were added as cosponsors of amendment No. 3193 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SEC. 2. FINDINGS

This Act may be cited as the “Community Health Workers Act of 2002.”
obese. Over 60 percent of American Indian women are classified as obese.

(6) American Indian women have the highest mortality rates related to alcohol and drug use in the United States.

(7) High poverty rates coupled with barriers to health preventive services and medical care contribute to racial and ethnic disparities in health outcomes, including premature death, life expectancy, risk factors associated with major diseases, and the extent and severity of illnesses.

(8) There is increasing evidence that early life experiences are associated with adult chronic disease and that prevention and intervention services provided within the community setting may assess the impact of chronic outcomes, while strengthening families and communities.

(9) Community health workers, who are primarily women, can be a critical component in conducting health promotion and disease prevention efforts in medically underserved populations.

(10) Recognizing the difficult barriers confronting medically underserved communities (poverty, geographic isolation, language and cultural differences, lack of transportation, low levels of access to services), community health workers are in a unique position to reduce preventable morbidity and mortality, improve the quality of life, and increase the proportion of available preventive health services for community members.

(11) Research has shown that community health workers have been effective in significantly increasing screening and medical follow-up visits among residents with limited access or underutilization of health care services.

(12) States on the United States-Mexico border have high percentages of impoverished and ethnic minority populations; border State 60 percent of the total Hispanic population and 23 percent of the total population below 200 percent poverty in the United States.

SEC. 3. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

Part P of title III of the Public Health Service Act (42 U.S.C. 286g et seq.) is amended by adding at the end the following:

"SEC. 3980. GRANTS TO PROMOTE POSITIVE HEALTH BEHAVIORS IN WOMEN.

(a) GRANTS AUTHORIZED.—The Secretary, in collaboration with the Director of the Centers for Disease Control and Prevention and other Federal officials determined appropriate by the Secretary, is authorized to award grants to States, or to States and local or tribal units, to promote positive health behaviors for women in target populations, especially racial and ethnic minority women in medically underserved communities.

(b) USE OF FUNDS.—Grants awarded pursuant to subsection (a) may be used to support community health workers.

(1) to educate, guide, and provide outreach in a community setting regarding health problems prevalent among women and especially among racial and ethnic minority women; and

(2) to educate, guide, and provide experimental learning opportunities that target behavioral risk factors including—

(A) poor nutrition;

(B) physical inactivity;

(C) being overweight or obese;

(D) tobacco use;

(E) alcohol and substance use;

(F) injury and violence;

(G) risky sexual behavior; and

(H) mental health problems;

(I) to reduce and adapt strategies to promote positive health behaviors within the family;

(4) to educate and provide outreach regarding enrollment in health insurance including the State Children’s Health Insurance Program under title XXI of the Social Security Act, or under title XVIII of such Act and medicaid under title XIX of such Act; and

(5) to promote community wellness and awareness.

(6) to educate and refer target populations to appropriate health care agencies and community-based programs and organizations in order to increase access to quality health care services, including preventive health services.

(c) APPLICATION.—

(1) In general.—Each State or local or tribal unit (including federally recognized tribes and Alaska native villages) that desires to receive a grant under subsection (a) shall submit an application to the Secretary, at such time, in such manner, and accompanied by such additional information as the Secretary may require.

(2) CONTENTS.—Each application submitted pursuant to paragraph (1) shall—

(A) describe the activities for which assistance under this section is sought;

(B) contain an assurance that with respect to each community health worker program receiving funds under the grant awarded, such program provides training and supervision to enable such worker to provide authorized program services;

(C) contain an assurance that the applicant will evaluate the effectiveness of community health worker programs receiving funds under the grant;

(D) contain an assurance that each community health worker program receiving funds under the grant will provide services in the cultural context most appropriate for the individuals served by the program;

(E) contain a plan to document and disseminate project description and results to other States and organizations as identified by the Secretary; and

(F) describe plans to enhance the capacity of individuals to utilize health services and health-related social services under Federal, State, and local programs by—

(i) assisting individuals in establishing eligibility under the programs and in receiving the services or other benefits of the programs; and

(ii) providing other services as the Secretary determines to be appropriate, that may include transportation and translation services.

(d) PRIORITY.—In awarding grants under subsection (a), the Secretary shall give priority to those applicants—

(1) who propose to target geographic areas—

(A) with a high percentage of residents who are eligible for health insurance but are uninsured or underinsured;

(B) with a high percentage of families for whom English is not their primary language; and

(C) that encompass the United States-Mexico border region;

(2) with experience in providing health or health-related social services under Federal, State, and local programs by—

(A) by serving as a liaison between communities and health care agencies;

(B) by providing guidance and social assistance to community residents;

(C) by enhancing community residents’ ability to effectively communicate with health care providers;

(D) by providing culturally and linguistically appropriate health or nutrition education;

(E) by advocating for individual and community health or nutrition needs; and

(F) by providing referral and followup services.

2 COMMUNITY SETTING.—The term ‘community setting’ means a home or a community organization located in the neighborhood in which a participant resides.

3 MEDICALLY UNDERSERVED COMMUNITY.—The term ‘medically underserved community’ means a community identified by the Secretary as—

(A) that has a substantial number of individuals who are members of a medically underserved population, as defined by section 330(g)(3); and

(B) a significant portion of which is a health professional shortage area as designated under section 332.

4 SUPPORT.—The term ‘support’ means the provision of training, supervision, and materials needed to effectively deliver the services described in subsection (b), reimbursement for services, and other benefits.

5 TARGET POPULATION.—The term ‘target population’ means women of reproductive age, regardless of their current childbearing status.

6 AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to
Mr. KYL. Mr. President, I rise today to introduce legislation that would provide for a five-year temporary suspension of the duty on imports of Nylon MX6D, through December 31, 2007.

Nylon MX6D is polyamide, classified under Chapter 39 of the Harmonized Tariff Schedule of the United States, subheading 3908.10.10, HTSUS. It is a tough, transparent resin that is used by several companies throughout the U.S. to make packaging for food and other products.

Temporary duty suspensions, when properly utilized, are an effective means to confer “win-win” benefits on consumers and the economy. Suspending the duty on an imported good encourages increased supply and availability of that good, and such increases benefit U.S. consumers. So long as we first ensure that no domestic businesses will be harmed, and that the impact on Federal revenue is negligible, such temporary duty suspensions clearly make for smart trade policy.

The temporary duty-suspension bill is typically judged based on whether or not it is “non-controversial.” Such a bill is generally considered non-controversial only if there are no domestic producers who would be harmed by increased imports, and the revenue impact would be de minimis, that is, roughly $500,000 per year or less. Based on these criteria, this bill should not be controversial. It is my understanding that there are no domestic producers of Nylon MX6D, and that the duties paid on imports of the resin have historically been at or under $500,000.

In addition to the usual benefits of this kind of legislation, it is my understanding that the importer of Nylon MX6D, Mitsubishi Gas Chemical-America, has plans to establish a domestic production facility in the United States, and hopes to have it on-line before the end of the suspension period.

Permanently suspending the duty on the compound would help ease the company’s transition to domestic production. The planned facility, in turn, would create new U.S. manufacturing jobs and contribute to our overall economic vitality. The facility would purchase domestically one of the two principal raw materials used to make the resin, and the revenue that local, state, and federal governments would collect from a permanently established, domestic production facility are likely to far outweigh the amount that will be collected through the duties imposed under current law.

This is a good bill with no substantial costs involved. I urge my colleagues to support it.

By Mr. McCAIN:

S. 2181. A bill to review, reform, and terminate unnecessary and inequitable Federal subsidies; to the Committee on Governmental Affairs.

Mr. McCAIN. Mr. President, today, I am re-introducing legislation to establish a process to evaluate Federal subsidies and tax advantages received by corporations to ensure they are in the national interest, not the special interest. This bill, “The Corporate Subsidy Reform Commission Act of 2002,” is identical to a bill I introduced in previous years. Because we face diminishing resources, we must prioritize our level of Federal spending. Therefore, corporate welfare simply must be eliminated.

Temporary duty suspensions clearly make for smart trade policy. The duty on the compound would help ease the company’s transition to domestic production. The planned facility, in turn, would create new U.S. manufacturing jobs and contribute to our overall economic vitality. The facility would purchase domestically one of the two principal raw materials used to make the resin, and the revenue that local, state, and federal governments would collect from a permanently established, domestic production facility are likely to far outweigh the amount that will be collected through the duties imposed under current law.

This is a good bill with no substantial costs involved. I urge my colleagues to support it.

By Mr. WYDEN:

S. 2182. A bill to authorize funding for computer and network security research and development and research fellowship programs, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, American businesses today live in an increasingly networked world. The system of interlinked computer networks known as the Internet, which not so long ago was a platform used only by a relatively narrow group of academic researchers, is today a core medium of communications and commerce for many millions of Americans. According to the Commerce Department, more than half of all Americans were using the Internet by last September, and the numbers are only growing.

The spread of the Internet presents great new opportunities for the American society and economy. But there is a downside to an interconnected,
networked world: security risks. The Internet connects people not just to friends, potential customers, and sources of information, but also to would-be hackers, viruses, and cybercriminals.

Last July, after I became Chairman of the Commerce Committee’s Subcommittee on Science, Technology, and Space, I chose cybersecurity as the topic for my first hearing. The message from that hearing was clear: cybersecurity risks are mounting. The complexity of computer networks and the breadth of functions handled online are growing faster than the country’s computer security capabilities. New technologies, for example, “always on” Internet connections and wireless networking technologies, often make the problem worse, not better.

The events of September 11 make this matter even more urgent. The fact is, America needs to be prepared for the terrorist attacks that future terrorists will try to strike not our buildings, streets, or airplanes, but our critical computer networks.

Government can’t provide a silver bullet solution to this problem. Ultimately, progress with respect to cybersecurity is going to require the energy and ingenuity of the entire technology sector.

But one thing government can and should do is to support basic cybersecurity research, so that the country’s pool of cybersecurity knowledge and expertise keeps pace with the new and constantly evolving risks. This is where government involvement is sorely needed.

That is why I am pleased to introduce today the Cyber Security Research and Development Act. Thanks to the leadership of Congressman JENNY BONHAEFT, this legislation has already passed the House by an overwhelming bipartisan vote. I hope the Senate will be able to follow suit soon.

This legislation, which has the widespread support of the Nation’s scientists, engineers, and policymakers, significantly increase the amount of cybersecurity research in this country by creating important new research programs at the National Science Foundation, NSF, and National Institute of Standards and Technology, NIST. The NSF program would provide funding for innovative research, multidisciplinary academic centers devoted to cybersecurity, and new courses and fellowships to train the cybersecurity experts of the future. The NIST program likewise would support cutting-edge cybersecurity research, with a special emphasis on promoting cooperative efforts between government, industry, and academia.

I believe the stakes are high. In addition to the damage that cyberattacks could cause directly, the mere threat of security breaches can cripple the ongoing development of e-commerce. If the Internet is to reach its full potential, security must be improved.

I therefore urge my colleagues to join me in making cybersecurity research and development a top priority, and to work with me in moving this bill forward.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Revolutionary advancements in computing and communications technology have interconnected government, commercial, scientific, and educational infrastructures—including critical infrastructures for electric power, natural gas and petroleum production and distribution, telecommunications, transportation, water supply, banking and finance, and emergency and government services—in a vast, interdependent physical and electronic network.

(2) Exponential increases in interconnectivity have fostered with enhanced communication, economic growth, and the delivery of services critical to the public welfare, but have also increased the consequences of any prolonged failure.

(3) A Department of Defense Joint Task Force concluded after a 1997 United States information warfare exercise that the results “clearly demonstrated our lack of preparedness for a coordinated cyber and physical attack on our critical military and civilian infrastructure.”

(4) Computer security technology and systems implementation lags—

(A) sufficient long-term research funding;

(B) adequate coordination across Federal and State government agencies and among government, academia, and industry; and

(C) sufficient numbers of outstanding researchers in the field.

(5) Accordingly, Federal investment in computer and network security research and development must be significantly increased to—

(A) improve vulnerability assessment and technological and systems solutions;

(B) expand and improve the pool of information security professionals, including researchers, in the United States workforce; and

(C) better coordinate information sharing and collaboration among industry, government, and academic research projects.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term ‘‘Director’’ means the Director of the National Science Foundation; and

(2) the term ‘‘institution of higher education’’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

SEC. 4. NATIONAL SCIENCE FOUNDATION RESEARCH CENTERS.

(a) COMPUTER AND NETWORK SECURITY RESEARCH GRANTS.

(1) IN GENERAL.—The Director shall award grants for basic research on innovative approaches to computer and network security by non-profit entities, and for-profit enterprises, and the role the government and Federal laboratories or for-profit entities.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this section on a merit-reviewed competitive basis.

(b) COMPUTER AND NETWORK SECURITY RESEARCH CENTERS.

(1) IN GENERAL.—The Director shall award multiyear grants, subject to the availability of appropriations, to institutions of higher education (or consortia thereof) to establish and operate Centers for Computer and Network Security Research. Institutions of higher education (or consortia thereof) receiving such grants may use such grants to establish one or more government laboratories or for-profit institutions.

(2) MERIT REVIEW; COMPETITION.—Grants shall be awarded under this section on a merit-reviewed competitive basis.

(3) PURPOSE.—The purpose of the Centers shall be to generate innovative approaches to computer and network security research by conducting cutting-edge, multidisciplinary research in computer and network security, including the research areas described in subsection (a)."
(6) ANNUAL MEETING.—The Director shall convene an annual meeting of the Centers in order to foster collaboration and communication between Center participants.

(7) MERIT REVIEW.—There are authorized to be appropriated for the National Science Foundation to carry out this subsection—

(A) $12,000,000 for fiscal year 2003;
(B) $24,000,000 for fiscal year 2004;
(C) $36,000,000 for fiscal year 2005;
(D) $38,000,000 for fiscal year 2006; and
(E) $38,000,000 for fiscal year 2007.

SEC. 5. NATIONAL SCIENCE FOUNDATION COMPUTER AND NETWORK SECURITY BUILDING GRANTS.—

(a) COMPUTER AND NETWORK SECURITY CAPACITY BUILDING GRANTS.—

(1) IN GENERAL.—The Director shall establish a program to award grants to institutions of higher education (or consortium thereof) to establish or improve undergraduate and master’s degree programs in computer and network security, to increase the number of students who pursue undergraduate or master’s degrees in fields related to computer and network security, and to provide internships for students with experience in government or industry related to their computer and network security studies.

(2) MERIT REVIEW.—Grants shall be awarded under this subsection on a merit-reviewed competitive basis.

(b) USE OF FUNDS.—Grants awarded under this subsection may be used for activities that enhance the ability of an institution of higher education (or consortium thereof) to provide high-quality undergraduate and master’s degree programs in computer and network security and to recruit and retain increased numbers of students to such programs. Such activities may include—

(A) revising curriculum to better prepare undergraduate and master’s degree students for careers in computer and network security;
(B) establishing degree and certificate programs in computer and network security;
(C) creating opportunities for undergraduate students to participate in computer and network security research projects;
(D) acquiring equipment necessary for student instruction in computer and network security, including reproduction of testbed networks for student use;
(E) providing opportunities for faculty to work with local or Federal Government agencies, other industry, or other academic institutions to develop new expertise or to formulate new research directions in computer and network security;
(F) establishing collaborations with other academic institutions or departments that seek to establish, expand, or enhance programs in computer and network security;
(G) establishing collaborations with other educational institutions in computer and network security at government agencies or in private industry;
(H) establishing or enhancing bridge programs in computer and network security between community colleges and universities; and
(I) any other activities the Director determines will accomplish the goals of this subsection.

(c) SELECTION PROCESS.—

(A) APPLICATION.—An institution of higher education that seeks to receive a grant under this subsection (a) seeking an award under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director shall require.

(B) MERIT REVIEW.—Grants shall be awarded under this subsection on a merit-reviewed competitive basis.

(C) USE OF FUNDS.—The Director shall consult with other Federal agencies or departments that are considered appropriate in the administration of the National Science Foundation to carry out this subsection—

(1) grants under the Scientific and Advanced Technology Act of 1992 that are purposes of section 3(a) and (b) of that Act, except that the activities supported pursuant to this subsection shall be limited to improving education in fields related to computer and network security;
(2) the National Science Foundation Graduate Research Fellowships Program under section 10 of the National Science Foundation Act of 1950 (2 U.S.C. 1862(a)); and
(3) other costs associated with the administration of the program.

(d) FELLOWSHIP AMOUNT.—Fellowships provided under paragraph (3)(A) shall be in the amount of $25,000 per year, or the level of the National Science Foundation Graduate Research Fellowships, whichever is greater, for up to 3 years.

(e) SELECTION PROCESS.—An institution of higher education seeking funding under this subsection shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, at a minimum, a description of—

(A) the institutional program and research opportunities in computer and network security available to graduate students at the applicant’s institution; and
(B) the nature and quality of the intern program established through collaborations with government laboratories and for-profit institutions; and
(C) the likelihood that the program will recruit increased numbers of students to pursue and earn doctorate degrees in computer and network security;
(D) the amount of $25,000 per year, or the level of the National Science Foundation Graduate Research Fellowships Program under section 10 of the National Science Foundation Act of 1950 (2 U.S.C. 1862(a)); and
(E) the integration of internship opportunities into graduate students’ research; and
(F) the relevance of the proposed program to current and future computer and network security needs.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the National Science Foundation to carry out this subsection—

(A) $10,000,000 for fiscal year 2003;
(B) $20,000,000 for fiscal year 2004;
(C) $20,000,000 for fiscal year 2006; and
(D) $20,000,000 for fiscal year 2007.

(g) CONSULTATION.—In carrying out sections 4 and 5, the Director shall consult with other Federal agencies or departments that are considered appropriate in the administration of the National Science Foundation to carry out this subsection—

(1) by striking “and” at the end of paragraph (7); and
(2) by striking the period at the end of paragraph (7) and inserting “; and”.
The National Institute of Standards and Technology Act is amended—
(1) by redesignating subsection 22 to the end of the Act and redesignating it as section 32; (2) by inserting after section 21 the following new section:

"SEC. 22. (a) ESTABLISHMENT.—The Director shall establish a program of assistance to institutions of higher education that enter into partnerships with for-profit entities to support research to improve the security of computer systems. The partnerships may also include government laboratories. The program shall—

(1) include multidisciplinary, long-term, high-risk research;
(2) include research directed toward addressing threats through the technologies of the Computer Security Research and Privacy Advisory Board under section 20(2); and
(3) promote the development of a robust research community working at the leading edge of knowledge in subject areas relevant to the security of computer systems by providing graduate student stipends, post-doctoral fellowships, and senior researchers.

(b) FELLOWSHIPS.—(1) The Director is authorized to establish a program to award post-doctoral research fellowships to individuals who are citizens, nationals, or lawfully admitted permanent resident aliens of the United States and who are working toward doctorates or the Ph.D. degree at institutions, including the Institute, engaged in research activities related to the security of computer systems, including the research areas described in section 4(a)(1) of the Cyber Security Research and Development Act.

(2) The Director is authorized to establish a program to award senior research fellowships to individuals seeking research positions at institutions, including the Institute, engaged in research activities related to the security of computer systems, including the research areas described in section 4(a)(1) of the Cyber Security Research and Development Act.

(3) To be eligible for an award under this subsection, an individual shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

(4) Under this subsection, the Director shall establish a program to award post-doctoral research fellowships at the level of the Institute's Post Doctoral Research Fellowship Program and senior research fellowships at the level of support of a faculty member in a sabbatical position.

(c) AWARDS; APPLICATIONS.—The Director is authorized to award grants or cooperative agreements to institutions of higher education to carry out the program established under subsection (a). To be eligible for an award under this section, an institution of higher education shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require. The application shall include, among other things—

(1) the number of graduate students anticipated to participate in the research project and the level of support to be provided to each;
(2) the number of post-doctoral research positions included under the research project and the level of support to be provided to each;
(3) the number of individuals, if any, intending to change research fields and pursue research in the field of computer systems to be included under the research project and the level of support to be provided to each; and
(4) how the for-profit entities and any other partners will participate in developing and carrying out the research and education agenda of the partnership.

(d) Program Evaluation.—(1) The program established under subsection (a) shall be managed by individuals who shall have both expertise in research related to the security of computer systems and knowledge of the vulnerabilities of existing computer systems. The Director shall designate such individuals as program managers.

(2) Program managers designated under paragraph (1) may be new or existing employees of the Institute or individuals on sabbatical leave at institutions engaged in research under the Inter-governmental Personnel Act of 1970.

(3) Program managers designated under paragraph (1) shall—

(A) establishing and publicizing the broad research goals for the program;

(B) soliciting applications for specific research projects that fit the goals developed under subparagraph (A);

(C) selecting research projects for support under the program from among applications submitted to the Institute, following consideration of—

(i) the novelty and scientific and technical merit of the proposed projects;

(ii) the desirability of the individual or individuals submitting the applications to successfully carry out the proposed research;

(iii) the impact the proposed projects will have on increasing the number of computer security researchers;

(iv) the nature of the participation by for-profit entities and the extent to which the proposed projects address the concerns of industry; and

(v) other criteria determined by the Director for inclusion in applications under subsection (c); and

(D) monitoring the progress of research projects conducted under the program;

(e) REVIEW OF PROGRAM.—(1) The Director shall periodically review the portfolio of research awards monitored by each program manager designated in accordance with subsection (d).

(2) In conducting such reviews, the Director shall seek the advice of the Computer Security Research and Privacy Advisory Board, established under section 21, on the appropriateness of the research goals and on the quality and utility of research projects managed by the program managers in accordance with subsection (d).

(2) The Director shall also contract with the National Research Council for a comprehensive review of the program established under subsection (a) for each of the fiscal years 2008 through 2012 and for each year thereafter.

(3) The terms of the contracts shall provide for the appointment of a program manager in accordance with subsection (d).

(f) Definitions.—For purposes of this section—

(1) the term ‘computer system’ has the meaning given that term in section 20(d)(1); and

(2) the term ‘institutions of higher education’ has the meaning given that term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)."
Title I—Market Loss Assistance

Sec. 101. Market Loss Assistance.

(a) In General.—The Secretary shall use $466,000,000 of funds of the Commodity Credit Corporation to make payments to producers that planted a 2002 crop of oilseeds (as defined in section 102 of the Agricultural Market Transition Act). The amount of a payment made to producers on a farm under section 102 shall be equal to the product obtained by multiplying—

(1) a payment rate determined by the Secretary;

(2) the acreage determined under subsection (c); and

(3) the yield determined under subsection (d).

(b) Acreage.—

(1) In General.—Except as provided in paragraph (2), the acreage on the farm for an oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 1999, 2000, or 2001 crop year, whichever is greatest, as determined by the Secretary.

(2) New Producers.—In the case of producers on a farm that planted acreage to a type of oilseed during the 2002 crop year but not the 1999, 2000, or 2001 crop year, the acreage of the producers for the type of oilseed under subsection (b)(2) shall be equal to the number of acres planted to the type of oilseed by the producers on the farm during the 2002 crop year, as determined by the Secretary.

(c) Yields.—Except as provided in paragraph (3), in the case of soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average national yield per harvested acre for each of the 1997 through 2001 crop years, excluding the crop year with the greatest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1999, 2000, or 2001 crop year, as determined by the Secretary.

(3) New Producers.—In the case of producers on a farm that planted acreage to a type of oilseed during the 2002 crop year but not the 1999, 2000, or 2001 crop year, the yield of the producers on the farm for the 2002 crop year, as determined by the Secretary.

Sec. 102. Oilseeds.

(a) In General.—The Secretary shall use $466,000,000 of funds of the Commodity Credit Corporation to make payments to producers that planted a 2002 crop of oilseeds (as defined in section 102 of the Agricultural Market Transition Act).

(b) Computation.—A payment to producers on a farm under this section for an oilseed shall be equal to the product obtained by multiplying—

(1) a payment rate determined by the Secretary;

(2) the acreage determined under subsection (c); and

(3) the yield determined under subsection (d).

(c) Acreage.—

(1) In General.—Except as provided in paragraph (2), the acreage on the farm for an oilseed under subsection (b)(2) shall be equal to the number of acres planted to the oilseed by the producers on the farm during the 1999, 2000, or 2001 crop year, whichever is greatest, as determined by the Secretary.

(2) New Producers.—In the case of producers on a farm that planted acreage to a type of oilseed during the 2002 crop year but not the 1999, 2000, or 2001 crop year, the acreage of the producers for the type of oilseed under subsection (b)(2) shall be equal to the number of acres planted to the type of oilseed by the producers on the farm during the 2002 crop year, as determined by the Secretary.

(d) Yields.—Except as provided in paragraph (3), in the case of soybeans, the yield of the producers on a farm under subsection (b)(3) shall be equal to the greater of—

(A) the average national yield per harvested acre for each of the 1997 through 2001 crop years, excluding the crop year with the greatest yield per harvested acre and the crop year with the lowest yield per harvested acre; or

(B) the actual yield of the producers on the farm for the 1999, 2000, or 2001 crop year, as determined by the Secretary.

Title II—Administration

Sec. 201. Obligation period.
SEC. 107. SPECIALTY CROPS.
(a) DEFINITION OF SPECIALTY CROP.—In this section, the term "specialty crop" means any agricultural commodity, other than wheat, corn, soybeans, oats, rice, peanuts, or tobacco.
(b) GRANTS.—The Secretary shall use $150,000,000 of the Commodity Credit Corporation to make a grant to each State in an amount that represents the proportion that—

(1) the value of specialty crop production in the State, bears to

(2) the value of specialty crop production in all States.

(c) USE.—As a condition of the receipt of the grant under this section, a State shall agree to use the grant to support specialty crops.
(d) PURCHASES FOR SCHOOL NUTRITION PROGRAMS.—The Secretary shall use not less than $55,000,000 of the funds made available under subsection (a) to purchase agricultural commodities of the type distributed under section 8(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) for distribution to schools and service institutions in accordance with section 6(a) of that Act.

SEC. 108. LOAN DEFICIENCY PAYMENTS.
Section 135 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7263) is amended—

(1) in subsection (a)(2), by striking "the 2000 crop year" and inserting "each of the 2000 through 2002 crop years"; and

(2) in subsections (e) and (f) and inserting the following:

"(e) BENEFICIAL INTEREST.—

(1) IN GENERAL.—A producer shall be eligible for a loan deficiency payment under this section only if the producer has a beneficial interest in the loan commodity, as determined by the Secretary.

(2) APPLICATION.—The Secretary shall make a payment under this section to the producers on a farm with respect to a quantity of a loan commodity as of the earlier of—

(A) the date on which the producers on the farm marketed or otherwise lost beneficial interest in the loan commodity, as determined by the Secretary; or

(B) the date the producers on the farm request the payment.

SEC. 109. PULSE CROPS.
(a) IN GENERAL.—Subtitle C of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) is amended—

(1) by inserting "1999, 2000, or 2001 crop year, whichever is applicable to the corn" in section 111(2)(A), and striking that section;

(2) by striking subsection (c); and

(3) by inserting the following:

"(d) PULSE CROPS.—

(a) IN GENERAL.—The Secretary shall use not less than $150,000,000 of the Commodity Credit Corporation to provide assistance in the form of a market loss assistance payment to the owners and producers on a farm that grow a pulse crop for the crop year for the purpose of paragraph (1), the number of acres planted to a pulse crop by the owners and producers on the farm during the 2000, 2001, or 2001 crop year, whichever is greatest.

(b) PAYMENT AMOUNT.—The amount of a payment made to the producers on a farm under this section shall equal the amount of the payment multiplied by—

(1) the loan deficiency payment rate determined under section 135(c) in effect, as of the date of the agreement, for the county in which the farm is located; and

(2) the payment quantity obtained by—

(A) the quantity of the grazed acreage on the farm with respect to which the producers on the farm elect to forgo harvesting of wheat, grain sorghum, barley, or oats; and

(B) the payment yield for that contract commodity on the farm.

(c) TIMING, MANNER, AND AVAILABILITY OF PAYMENTS.—(1) IN GENERAL.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 135.

(2) AVAILABILITY.—If the Secretary establishes an availability period for the payment authorized by this section that is consistent with the availability period for wheat, oat, and barley for the crop year established by the Secretary for marketing assistance loans authorized by this subtitle.

"(d) PROHIBITION ON CROP INSURANCE OR NONINSURED CROP ASSISTANCE.—The producers on a farm shall not be eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 with respect to a crop of wheat, grain sorghum, barley, or oats planted on acreage that the producers on the farm elect, in the agreement required by subsection (b), to forgo harvesting of any other harvesting of the crop.

SEC. 110. MILK.
Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended by striking "May 31, 2002" each place it appears and inserting "December 31, 2002."
By Mr. BREAX (for himself, Mr. SPECKER, Mrs. LINCOLN, Ms. LANDRIEU, Mr. CLELAND, Mr. JOHNSON, Mr. BAUCUS, Mr. BAYH, Mrs. CLINTON, Mr. DODD, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KERRY, Mr. BINGAMAN, Mr. MURRAY, Ms. STABENOW, Mr. WELLSTONE, Mr. LEVIN, Mr. BINGAMAN, Mr. REED, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JEFFORDS, Mr. DAYTON, and Ms. CANTWELL)

S. 2184. A bill to provide for the reissuance of a rule relating to ergonomics; to the Committee on Health, Education, Labor, and Pensions.

Mr. SPECKER. Mr. President, I have sought recognition today to join my colleague Senator BREAUX in introducing legislation which would require the Secretary of Labor to issue a new ergonomics standard within two years of the bill’s enactment. The measure is similar to legislation I cosponsored last year, S. 598, but includes additional provisions to ensure that a truly protective standard is issued.

Following the overturning of the Clinton Administration’s proposed ergonomics regulation by Congress in 2001, I expected the Department of Labor to issue a new rule to protect our Nation’s workers. Rather than implement a new standard, however, the Department released an ergonomics plan on April 5, 2002, that calls for voluntary industry guidelines, enforcement measures, and workplace outreach. I have concern that such an approach adequately addresses the safety of our Nation’s workforce.

I voted in favor of the Joint Resolutions of Disapproval of the proposed ergonomics standard because I had concerns over its potential cost and complexity. Last year, as Chairman of the Labor, Health and Human Services and Education Appropriations Subcommittee, I held two hearings on this contentious matter where I heard from witnesses on both sides of the debate. They testified that the potential costs of the rule ranged from $4.5 billion to as much as $1 trillion. There was also considerable disagreement over whether the regulation needed to be as complex as it was. I came away from these hearings with the conclusion that there was neither a motived approach to workplace safety. But I was also concerned as to whether the entire matter ought to be substantially simpler.

I firmly believe that the best way to protect our Nation’s workers from work-related musculoskeletal disorders and workplace hazards is for the Department of Labor to issue a new ergonomics standard, but one that is substantially simpler than the rule overturned last year. I had hoped that the Department would take action on its own to implement an existing workers’ compensation law which requires the employer experience with effective practices.

It is clear that they have no intention of acting on their own. Time is running out for the millions of workers at risk of repetitive stress injuries. Congress must now act decisively.

The bill we introduce today is a balanced approach to fashioning a repetitive stress injury standard that will benefit all workers. In particular it requires the Department of Labor to issue, within two years of enactment, a standard for addressing work-related repetitive stress injuries and workplace ergonomic hazards. The bill requires the new standard to describe in clear terms what actions the employer must take, and when an employer is in compliance with the standard. Under the bill’s terms the new standard must emphasize prevention and cover workers at risk only where measures exist that are both economically and technologically feasible. The standard must be based on the best available evidence and employer experience with effective practices. Finally, the bill clarifies that the new rule cannot expand the application of existing workers’ compensation laws, it requires the Department of Labor to issue information and training materials, and provides the Department with authority and flexibility to issue an appropriate standard.

In sum, this bill represents a balanced and comprehensive approach to dealing with the most serious workplace safety issue we face. I urge my colleagues to join me in supporting this measure. Action on the issue of repetitive stress injury is long overdue.

By Mr. CLELAND:

S. 2185. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for individual retirement account plans with information on how the assets in their accounts are invested and of the need to diversify the investment of the assets; to the Committee on Health, Education, Labor, and Pensions.

Mr. CLELAND. Mr. President, today I am introducing a bill designed to promote investor education. The collapse of Enron has left Congress searching for answers as to how such a disaster could have happened and how it can be prevented from happening in the future. I serve on both the Commerce and Governmental Affairs Committees which are investigating Enron and a central concept I have taken away from these investigations is the importance of ensuring that investors have adequate and current information regarding their retirement plans. Employees need to be armed with knowledge in order to protect themselves and their hard earned retirement savings.

In order to protect investors, a standardized investor education program must be developed. The bill we introduce today is designed to correct a problem that is affecting millions of workers at risk of repetitive stress injuries. OSHA itself reports that only 16 percent of employers in general industry have put in place ergonomic programs to reduce hazards. Each year 1.8 million workers suffer repetitive stress injuries and recent Bureau of Labor Statistics reports show that injury numbers and rates are increasing, particularly in high risk industries and occupations.

We have been as patient as possible with this Administration, but it is clear that they have no intention of addressing this problem in a serious manner. Time is running out for the millions of workers at risk of repetitive stress injury. Congress must act now. And we must act decisively.

The bill we introduce today is a balanced approach to fashioning a repetitive stress injury standard that will benefit all workers. In particular it requires the Department of Labor to issue, within two years of enactment, a standard for addressing work-related repetitive stress injuries and workplace ergonomic hazards. The bill requires the new standard to describe in clear terms what actions the employer must take, and when an employer is in compliance with the standard. Under the bill’s terms the new standard must emphasize prevention and cover workers at risk only where measures exist that are both economically and technologically feasible. The standard must be based on the best available evidence and employer experience with effective practices. Finally, the bill clarifies that the new rule cannot expand the application of existing workers’ compensation laws, it requires the Department of Labor to issue information and training materials, and provides the Department with authority and flexibility to issue an appropriate standard.

In sum, this bill represents a balanced and comprehensive approach to dealing with the most serious workplace safety issue we face. I urge my colleagues to join me in supporting this measure. Action on the issue of repetitive stress injury is long overdue.
current law, employers are only required to provide annual reports with a statement of benefits accrued under the plan. Enron certainly illustrates what a difference a year makes. Employees should have timely access to information about their 401(k) plan, enabling them to make choices in their investments. My bill would require that employees receive quarterly reports with a specific listing of: 1. the fair market value of the assets of each investment option; 2. the percentage of plan investment in each asset; and 3. the percentage of investments in employer securities and how much of that investment came from employee contributions.

My bill would also require that quarterly reports contain a “warning label” informing employees of the potential danger of investing too heavily in employer stock. I believe that employees should have the ability to choose how to invest and diversify their own 401(k) plan. However, we can arm employees with the information and tools to protect themselves and their money from such behavior. However, we can arm employees with the information and tools to protect themselves and their retirement savings. I ask unanimous consent that the text of the bill and Secretary Principle’s transmittal letter that accompanied the draft legislation be printed in the RECORD.

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

S. 2186

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

SECTION 1. INDIVIDUAL ACCOUNT PLANS REQUIRED TO GIVE PARTICIPANTS ADEQUATE INFORMATION TO ASSIST THEM IN DIVERSIFYING PENSION ASSETS.

(a) In General.—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively, and

(2) by inserting after subsection (b) the following new subsection:

“(c)(1) The plan administrator of an applicable individual account plan shall, within a reasonable period of time following the close of each calendar quarter, provide to each participant or beneficiary a statement with respect to his or her individual account which includes—

(A) the fair market value as of the close of such quarter of the assets in the account in each investment option;

(B) the percentage as of such calendar quarter of assets which each investment option is of the total assets in the account;

(C) the percentage of investment in employer securities which came from employer contributions other than elective deferrals (and earnings thereon) and which came from employee contributions and elective deferrals (and earnings thereon), and

(D) such other information as the Secretary may prescribe.

(2)(A) Each statement shall also include a separate statement which is prominently displayed and which reads as follows: ‘‘Under commonly accepted principles of good investment advice, a retirement account should be invested in a broadly diversified portfolio of stocks and bonds. It is unwise for employees to hold significant concentrations of employer stock in an account that is meant for retirement savings.’’

(B) The plan administrator of an applicable individual account plan shall provide the plan participant or beneficiary a warning label that VA is expected to play in protecting its primary mission, caring for the Nation’s veterans, the Secretary has proposed creating an Office of Operations, Security, and Preparedness to help coordinate preparedness strategies within VA and with other Federal, State, and local agencies. I ask unanimous consent that the text of the bill and Secretary Principle’s transmittal letter that accompanied the draft legislation be printed in the RECORD.

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

S. 2186

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

SECTION 1. SHORT TITLE.

Short Title.—This Act may be cited as the “Department of Veterans Affairs Reorganization Act of 2002.”

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act a reference is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. INCREASE THE NUMBER OF AUTHORIZED ASSISTANT SECRETARIES; REVISION OF FUNCTIONS.

Section 331 of title 5, United States Code, is amended by changing “Assistant Secretaries, Department of Veterans Affairs” to “Assistant Secretaries, Department of Veterans Affairs”.

SEC. 4. CONFORMING AMENDMENT TO TITLE 5, UNITED STATES CODE.

Section 313(b) of title 5, United States Code, is amended by changing “Assistant Secretaries, Department of Veterans Affairs” to “Assistant Secretaries, Department of Veterans Affairs”.

The Secretary of Veterans Affairs, Washington, April 12, 2002.

Hon. Richard B. Cheney, President of the Senate, Washington, DC.

Dear Mr. President: There is transmitted herein a draft bill “To amend title 38, United States Code, to increase the number of certain Officers to perform operations, preparedness, security and law enforcement functions, and for other purposes.” We request that it be referred to the appropriate committee for prompt consideration and enactment.

The United States has entered into an extended war against terrorism in which the front lines include the homeland as well as the battlefield. The tragic events of September 11, 2001, served as a reminder that terrorists are willing and able to attack our civilian population, our centers for military command and control, and our economic system. The anthrax attacks that surfaced during October underscored our nation’s vulnerability to asymmetric attacks.

National Defense and Homeland Security initiatives are becoming more important as the United States will continue. Terrorists may use any lethal means against domestic targets, including chemical, biological, radiological, and kinetic devices. Moreover, we can assume that terrorists and other entities supporting terrorists may use chemical or
biological weapons against U.S. military members engaged in combat operations. VA must anticipate military casualties in numbers or of a type that could tax the Department to the breaking point by medical standards. Additionally, the United States can expect terrorists to attempt to degrade our national infrastructure by any means available to them, economic and criminal. Congress has assigned to the Department of Veterans Affairs statutory functions for responding to attacks and other emergencies and disasters, that are especially challenging, particularly when compared with those of some other executive branch agencies. The functions of the Assistant Secretary for Preparedness and Operations (OSP), as tasked under the Federal Response Plan by the Federal Emergency Management Agency under the Stafford Act, and the role of providing care to members of the community during emergencies on a humanitarian basis.

We can properly perform these responsibilities, however, only in a way that ensures the effectiveness of the primary mission of VA: the care of veterans.

The Department of Veterans Affairs (VA or the Department) emerged after the events of the past few months with a heightened commitment to our statutory roles as a key support agency for disaster response and mitigation of terrorism. These roles include our response to the attacks of nuclear, chemical, or biological weapons of mass destruction (WMD), as well as its traditional Federal Response Plan roles. Since September 11, VA has joined with other Federal agencies in greatly expanded inter-agency work. The necessary time commitment will expand further as the Homeland Security Oversight and Environmental Protection Agency (FEMA), Department of Health and Human Services (HHS), and Department of Defense (DoD) programs become fully operational and expand, and VA is asked to provide additional support.

In response, VA is reorganizing certain of its elements in order to best meet its responsibilities to protect veterans, employees, and visitors to its facilities, to assure the continuity of veterans’ services, while at the same time providing enhanced emergency preparedness. These responsibilities, which in recent months have become even more imperative, belong to VA as a whole. They thus transcend the administrative offices to help prepare the Department as a whole meets these broad responsibilities, VA needs a separate, and a separately accountable, coordinating and policymaking entity. This reorganization creates a new Office of Operations, Security & Preparedness (OSP) to carry out Operations, Preparedness, Security and Law Enforcement functions. VA’s experiences during the last several months of increased emergency management activities demonstrates the requirements and time activities for an Assistant Secretary. In order to provide appropriate leadership and accountability, the reorganization places OSP under a new Assistant Secretary, Executive Branch requirements, as well as the strategic and day-to-day requirements of OSP are significant and require a full-time Assistant Secretary to provide the necessary level of executive representation and leadership and to meet time demands.

To support the establishment of this new organizational structure, a draft bill would amend section 308 of title 38, United States Code, to increase the number of Assistant Secretaries from six to seven and would add Operations, Preparedness and Law Enforcement functions to the duties of the Assistant Secretary.

The proposed OSP will enable the Department and its three administrations—Veterans Health Administration (VHA), Veterans Benefits Administration (VBA), and National Cemetery Administration (NCA) to operate more cohesively in this new, uncertain environment, and will help assure continuity of operations in the event of an emergency or disaster.

(a) Ensure that operational readiness and emergency preparedness activities enhance VA’s ability to continue its ongoing services (Continuity of Operations);

(b) Coordinate and execute emergency preparedness and crisis response activities both VA-wide and with other Federal, State, local and relief agencies.

(c) Develop and maintain an effective working relationship with the newly established US Office of Homeland Security and reinforce existing relationships with the Department of Defense (DOD), Federal Emergency Management Agency, Department of Health and Human Services, Centers for Disease Control and Prevention, Department of Justice, and other agencies actively involved in continuity of government, counter-terrorism and homeland security activities.

(d) Ensure enforcement of the law and oversee the protection of employees and veterans using VA facilities while ensuring the physical security structure.

(e) Evaluate preparedness programs and develop Department-wide training programs that enhance VA’s readiness and exercises.

The creation of this new organization will shift responsibility for emergency preparedness, continuity of operations, continuity of government, law enforcement, physical security, and personnel programs from the Office of the Assistant Secretary for Human Resources and Administration (HRSA) to OSP. The Office of Security & Law Enforcement would be transferred from HRSA to OSP. In addition, all or part of the following functions and offices will transfer from VHA’s Emergency Management Strategic Healthcare Group (EMSHG) to OSP: DOD contingency support, National Disaster Medical System, and Federal Response Plan.

The reorganization establishing OSP would create a standing, around-the-clock readiness operations capability to monitor potential and ongoing situations of concern to the nation, as well as to the Department. It would create a more focused and focused approach to coordinating and executing the Department’s missions to respond as a key support agency in continuity of operations and to provide continuity support to DOD in time of war.

This proposed organization would have the capability to meet both ongoing and projected operations center requirements, while providing sufficient personnel to address Departmental planning and policy development needs, and to conduct ongoing training and evaluation at the Departmental level. In addition, OSP would help the Department address growing Congressional responsibilities, much of which is required to support the Homeland Security Council.

The Office of Management and Budget has advised that in an effort to provide the necessary level of executive representation and leadership to meet time demands.

To support the establishment of this new organizational structure, a draft bill would amend section 308 of title 38, United States Code, to increase the number of Assistant Secretaries from six to seven and would add Operations, Preparedness and Law Enforcement functions to the duties of the Assistant Secretary.
servicemembers in New York and at the Pentagon. The legislation that we introduce today would confer no new responsibilities or missions upon VA, but would recognize VA's already enormous contributions to public safety and emergency preparedness. As Congress continues to prepare for the threat of terrorism, it becomes increasingly important to focus not only on the public health community, but those capable of providing medical care during mass casualty events.

As the largest health care system in the nation, VA medical centers can and will offer invaluable services during a public health care emergency, whether that emergency is terrorism or a natural disaster. When VA health care providers are called upon to care for disaster victims, they serve not only as part of the Federal response to emergencies, but as part of the communities in which they live. This legislation would extend the Congressional mandate calling upon VA to provide care for active duty military personnel during a disaster to recognize VA's contribution to general public safety during crises. I urge my colleagues in the Senate and House to join me in supporting this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2187
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 “Department of Veterans Affairs Emergency Medical Care Act of 2002.”

SEC. 2. AUTHORITY TO FURNISH HEALTH CARE DURING MAJOR DISASTERS AND MEDICAL EMERGENCIES.

(a) In General.—Subchapter II of chapter 17 of title 38, United States Code, is amended by inserting after section 1711 the following new section:

§ 1711A. Care and services during major disasters and medical emergencies.

(a) During and immediately following a disaster or emergency referred to in subsection (b), the Secretary may furnish hospital care, nursing home care, and medical services to individuals responding to, involved in, or otherwise affected by such disaster or emergency, as the case may be.

(b) A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

(1) A major disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) A disaster or emergency in which the National Disaster Medical System is activated.

(c) The Secretary may furnish care and services under this section to veterans with service-connected disabilities; and

(2) The Secretary may furnish care and services under this section to veterans with service-connected disabilities; and

(3) The Secretary may furnish care and services under this section to veterans with service-connected disabilities; and

(4) The Secretary may furnish care and services under this section to veterans with service-connected disabilities; and

(5) The Secretary may furnish care and services under this section to veterans with service-connected disabilities; and

(6) The Secretary may furnish care and services under this section to veterans with service-connected disabilities; and

(7) The Secretary may furnish care and services under this section to veterans with service-connected disabilities; and

(b) Exception from Requirement for Charges for Emergency Care.—Section 1711(b) of that title is amended by striking “(ii)” and inserting “(ii)”.

(c) Members of the Armed Forces.—Subsection (a) of section 1711A of that title is amended to read as follows:

(aa) During and immediately following a war, or a period of national emergency declared by the President or Congress that involves the use of the Armed Forces in armed conflict, the Secretary may furnish hospital care, nursing home care, and medical services to members of the Armed Forces on active duty.

(bb) A disaster or emergency referred to in paragraph (B), the Secretary may furnish hospital care and medical services to members of the Armed Forces on active duty, as the case may be.

(c) A disaster or emergency referred to in this subsection is any disaster or emergency as follows:

(1) A disaster or emergency declared by the President under the Robert B. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

(2) A disaster or emergency in which the National Disaster Medical System is activated.

(d) The Secretary may give a higher priority to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons to the furnishing of care and services under this section than to the furnishing of care and services to any other group of persons.
Product Safety Commission on children's sleepwear safety regulations.

In 1996, the CPSC made two principle changes to the sleepwear safety regulations. First, the Commission determined that because children age 0–9 months were not mobile, they were not at risk from fire. Consequently, the revised regulations totally exempted sleepwear for young infants from any safety regulations. Second, the CPSC decided that so-called "tight-fitting" sleepwear must have to meet fire safety requirements on the mistaken assumption that tight-fitting garments do not burn.

As a result of the Commission's action, I heard from the Shriners Hospital in Shreveport, Louisiana. The Shriners Hospitals for children operate four burn centers in the United States and treat over 20 percent of all serious pediatric burns in the country. The Shriners Hospitals conducted a study comparing the incidence of sleepwear-related burns during the period 1995–1996, before the regulations were changed, to the period 1998–1999 after the changes had been put in place. The results of the Shriners study are sobering: From 1995–1996, Shriners treated 14 infants for sleepwear-related burns. For the period 1998–1999, the number of children suffering from these sleepwear-related burns increased to 36, a 157 percent increase.

The Shriners Hospitals also examined pediatric burn injuries where it was impossible to determine the exact type of clothing involved or where the child was not technically wearing sleepwear but may have been using this clothing to sleep in. Over the relevant time period, the number of children suffering clothing-related burns increased from 70 to 147, a 110 percent increase! Similarly, the number of pediatric burn injuries where it was impossible to determine anything about the clothing being worn because the clothing had been totally burned away increased from 218 to 311, a 43 percent increase! All told, the number of burned children treated at Shriners Hospitals increased from 302 in 1995–1996 to 494 in 1998–1999, a 64 percent increase.

The data regarding infants age 0–9 months is also revealing. In 1995–1996, Shriners treated 14 children for sleepwear-related burns. For the period 1998–1999, the number of children suffering from these sleepwear-related burns increased to 36, a 157 percent increase.

Notwithstanding any other provision of law, not later than 180 days after the date of enactment of this Act, the Commission shall promulgate regulations with respect to the flammability of children's sleepwear consistent with the provisions of this Act.

(c) EFFECTIVE DATE.—Sleepwear manufactured or imported on or before the effective date of any regulation promulgated pursuant to the Flammable Fabrics Act (15 U.S.C. 1191 et seq.; parts 1615 and 1616 of title 16, Code of Federal Regulations) shall, with respect to children's sleepwear, continue to be treated as if it were manufactured or imported on or before the date of enactment of this Act.
the world markets. If we are to have a competitive, viable industry, we must not shirk our responsibility. In the case of steel in America, that means three things: tariffs under Section 201, as is provided for under our trade laws; legacy costs; and the need for competitive consolidation of the steel industry.

Earlier this year, the President imposed limited and temporary steel tariffs under Section 201. Today, I introduce the Steel Industry Consolidation and Retiree Benefits Protection Act of 2002, the Steel Legacy bill. This bill provides strong incentives for consolidation in the United States steel industry by supporting companies’ retiree health and pension costs. This bill addresses the desperately needed medical care to retirees whose companies have been forced out of business by imports. This bill is critical to the preservation of the American steel industry, and it ishuman to those individuals who have paid a very high price for our nation’s free trade policies.

The American steel industry has been facing an unprecedented crisis since the Asian financial crisis disrupted global steel trade and diverted much of the world’s excess steel capacity to the U.S. market. Thirty-three U.S. steel companies, representing over 40 percent of domestic steelmaking capacity, have gone into bankruptcy since 1999, including such venerable names as Bethlehem Steel and LTV. Wheeling Pittsburgh Steel in my state is in the process of reorganizing. Many more steel companies have been placed in liquidation. Almost 50,000 steelmaking jobs have been lost in this country since the steel crisis began in 1998—losses that come on top of hundreds of thousands of steel job losses in the two preceding decades. The crisis in the steel industry is not that demand for steel has suddenly collapsed or that the competitiveness of the American steel industry has suddenly collapsed, but because foreign steel producers have enjoyed decades of government subsidies and protection. Those foreign subsidies have created massive global steel overcapacity, and that foreign protection has ensured that most of the world’s overcapacity has been directed at the U.S. market, which has been the most open major market in the world.

The crisis our steel industry currently faces could well mean the end of steelmaking in the United States. This would have consequences for steel companies and steel workers, for the steel communities that depend on them, and for our nation’s industrial base and our national defense. In recognition that this could not be allowed to happen, the President last month that he would impose temporary Section 201 tariff measures on some steel imports. These measures will help give the U.S. steel industry some breathing room to recover. I commend the President for recognizing the importance of maintaining a domestic steel manufacturing base and for taking these steps.

Still, I think it’s essential to realize that the Section 201 measures are limited in their scope and duration: first, the tariffs range from 8 percent to 30 percent, far less than the level recommended by two of the ITC Commissioners and many others in the steel industry who argued for. And these tariffs are lowered dramatically each year, and stop after only three years. The tariffs do not apply to all steel products. Because of the foreign steel companies that will be eligible to engage in circumvention measures to get around the tariffs, as they have with antidumping measures.

Under the 201 relief, tariffs were imposed on some grades of steel, others were exempted altogether, numerous exemptions for specific steel products have been issued, and for the critical category of slab, a tariff rate quota has been imposed that is unlikely to have any positive effect whatsoever. The tariffs are not meant to address the board to all foreign steel producers; the relief exempts all steel from developing countries and from NAFTA members, who represent a significant portion, over a third, of overall U.S. steel imports.

We knew from the beginning of the 201 process that even in the best of circumstances, it was clear that Section 201 tariffs were going to provide only part of the solution to help the domestic steel industry from the crisis. But the Section 201 remedy imposed, with its exclusions and exemptions and declining tariffs, makes the need for additional measures even more compelling.

Section 201 will slow the tide of imports. But it will not resolve the other critical issues that will determine whether America’s integrated steelmaking capacity survives. America’s integrated steelmakers face massive legacy health and pension burdens, stemming from the dramatic reduction in the American steel industry’s active workforce over the past two decades, which in turn results from successive Administrations’ inability to negotiate an agreement for foreign governments to stop subsidizing their steelmakers.

These legacy costs both hurt American steel’s international competitiveness and serve as a liability that has prevented the consolidation of the fragmented steel industry. Steel Industry consolidation is another issue that must be addressed with foreign steelmakers merging to create a new level of top tier steelmakers, American steelmakers risk being permanently consigned to a secondary role, with sub-scale facilities and insufficient revenues to fund the necessary investment in research and technology. Finally, we must take measures to mitigate the human cost of this steel crisis, particularly the cost to retirees who worked in the steel industry for health and pension benefits for themselves and their families, but now risk seeing all that taken away because the company that pays those benefits is threatened by unfair foreign trade practices.

The bill I am introducing today, the Steel Industry Retiree Benefits Protection Act of 2002, addresses the toughest of these problems. It guarantees the current U.S. Steel retirees ongoing coverage for the limited life insurance benefit for steel industry retirees whose employer is acquired by another steelmaker or whose employer is forced to shut down because no other steelmaker will acquire it. This will ensure that in steel communities throughout the nation, no retirees will lose their critical health benefits simply because of a crisis in the global steel industry.

As the American steel industry is to survive, the mechanisms of the bill are fairly simple. A Federal trust fund will be established that will assume the retirees’ health care and life insurance costs for steel, iron ore, and coke producers, and those who transport steel mill products for the steelmaking operations, that are acquired by another company; that are in bankruptcy and attempted unsuccessfully to be acquired by another company, and thus have been closed, or are in imminent danger of closing, or have been unable to be acquired for at least two years; that are in bankruptcy and sell a significant steelmaking operation to another company; or, finally, in order to ensure that the assumption of legacy costs does not distort competition within the domestic steel industry, if a significant portion of the entire industry’s legacy costs have been assumed by the Federal trust fund, all steel industry retirees and beneficiaries would be eligible to be covered by the program. Money for the program’s fund to pay for these legacy costs will come from the following: steel tariff revenues; an acquired steelmaker’s retiree health care trust fund assets; payments for 10 years by the qualified steel company of $5 per ton of steelmaking capacity, subject to the bill’s provisions; retiree premiums; and, and appropriate funds if necessary.

In order to simplify the management of the Federal program, relief costs and benefits assumed by the Fund will be limited to Federal Blue Cross/Blue Shield health benefits, a fair and reasonable standard of health coverage. Life insurance will be limited to a one-time payment of $5,000 dollars. The program will be administered by the Secretary of Commerce and by Trustees who are designated by both management and labor.

This bill is supported by both the integrated steelmakers and the steelworkers, and what it will take to save the American steel industry. They know that legacy costs have been the major barrier to consolidation
of the American steel market and that it is critical that we resolve that problem if we are to preserve retiree health benefits and an integrated domestic steel industry. I am introducing this legislation with my partner as Co-Chairs of the Steel Caucus, Senator SPECTER. We have a history of working together on issues that are vital to the core industries in our states and the workers who have helped fuel and build this nation. I am pleased to join Senators WYDEN, DURBIN, MIKULSKI, SARBANES, and DAYTON, and the distinguished Senate Majority Leader, who have long been champions of retirees and workers health care issues, join me today as co-sponsors. We have also worked in close consultation with our colleagues on the House side, especially members of the House Steel Caucus, who share our concern that these critical legacy cost issues be addressed.

But, make no mistake, this steel legacy problem will not happen without the active involvement of the President. This bill is fair, it is pro-competition, and there is a broad consensus that legacy cost legislation like this is absolutely necessary if we are to preserve the integrated steelmaking in the United States, as well as the communities and businesses that depend on those facilities. But realistically, a program like this is only going to be enacted with the strong support and active involvement of the President.

The President’s announcement of his decision on Section 201 tariffs last month was an encouraging sign that the President was committed to the preservation of the American steel industry, and his recognition that, if equipped with the right tools and competiting in a fair market, the domestic steel industry can regain its former role as the world’s leader. I sincerely hope so. But I know that without President Bush’s leadership and a steel mill pension legacy cost bill, the Section 201 tariffs he announced last month will not be enough, and we will witness the erosion of a vital national asset, the American steel industry.

I appeal to the President to maintain his personal interest in the well-being of our steel industry. It is vital to our nation’s economy and our defense capability. I encourage the President to lead on this issue because surely, in these difficult and unprecedented times, we will not be able to get a bill through this Congress. I hope the Administration will work with us here in the Senate to pass a legacy cost bill that will ensure fairness for America’s retired steelworkers and a competitive future for America’s integrated steel industry. We need legacy cost legislation that will ensure that the bill I am submitting today, if we are to preserve the U.S. steel industry. I urge my colleagues to join me in supporting this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 2185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, SECTION 1. SHORT TITLE; CONGRESSIONAL FINDINGS AND PURPOSE.

(a) SHORT TITLE.—This Act may be cited as the “Steel Industry Retiree Benefits Protection Act of 2002.”

(b) CONGRESSIONAL FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds the following:

(A) The United States Department of Commerce has documented that American steelworkers and their employers have been forced over the last 30 years to compete in a global steel market in which foreign governments have engaged in market distorting practices that to this day sustain enormous overcapacity in world steel supplies.

(B) The United States International Trade Commission, in its recent investigation of steel imports to the United States under section 201 of the Trade Act of 1974, has concluded that surges of imported steel since the Asian crisis of 1997 have caused serious injury to American producers of most steel products.

(C) Since 1997, 32 American steel companies have been forced to seek bankruptcy protection, over 45,000 steelworkers have lost their jobs, and companies have suffered a complete cutoff of vital medical and life insurance benefits.

(D) Many steel industry retirees were forced into retirement as a result of the restructuring of the 1980’s and 1990’s, and then, as a second blow, recently lost their retiree medical and life insurance coverage.

(E) Recent steel import surges have pushed steel prices to such record lows that surviving American steelmakers face imminent financial collapse, and these firms employ over 185,000 workers in family-supporting jobs and provide crucial medical coverage to hundreds of thousands of retirees and beneficiaries.

(F) As American steel companies continue to weaken or fail, a very different trend is underway in other countries where governments should a substantial portion of retiree medical costs and foreign steelmakers are now merging into companies of unprecedented size and market influence.

(G) If the American steel industry is to survive and must transit itself from a group of relatively small producers into a consolidated market force.

(H) For many American steel companies, the ability to consolidate is undermined by the burden of retiree health and life insurance obligations.

(2) PURPOSE.—It is the purpose of this Act to ensure that

(A) retired steelworkers receive medical and life insurance coverage, and

(B) the American steel industry can continue to provide livable incomes to tens of thousands of American workers, their families, and communities through the receipt of assistance in consolidating its position in world steel markets.

SEC. 2. ESTABLISHMENT OF STEEL INDUSTRY RETIREE BENEFITS PROTECTION PROGRAM.

The Trade Act of 1974 is amended by adding at the end the following new title:

"TITLE IX—PROTECTION FOR STEEL INDUSTRY RETIREMENT BENEFITS"

"Subtitle A—Definitions"

"Subtitle B—Steel Industry Retiree Benefits Protection Program"

"Subtitle C. Steel Industry Legacy Relief Trust Fund."
‘(1) RELATED PERSON.—The term ‘related person’ means, with respect to any person, a person who (A) is a member of the same controlled group as such person within the meaning of section 52(a) of the Internal Revenue Code of 1986 as such person, or (B) is under common control (within the meaning of section 52(b) of such Code) with such person.

‘(2) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

‘(3) Trust Fund.—The term ‘Trust Fund’ means the Steel Industry Legacy Relief Trust Fund established under subtitle C.

‘Subsection B—Steel Industry Retiree Benefits Protection Program

‘I. Establishment.

‘II. Relief and assumption of liability, eligibility, and certification.

‘III. Program benefits.

‘PART I—ESTABLISHMENT

‘Sec. 902. Establishment.

‘Sec. 902. ESTABLISHMENT.

‘There is established a Steel Industry Retiree Benefits Protection program to be administered by the Secretary and the Board of Trustees of the Trust Fund in accordance with this title for the purpose of providing medical and death benefits to eligible retirees and eligible beneficiaries certified as participants in the program under this title.

‘PART II—RELIEF AND ASSUMPTION OF LIABILITY, ELIGIBILITY, AND CERTIFICATION

‘Sec. 912. Qualifying events.

‘Sec. 912. Qualifying events.

‘(a) IN GENERAL.—If a qualifying event occurs, the Secretary shall certify as participants in the program those persons who meet the eligibility requirements for purposes of this title.

‘(b) A MOUNT OF LIABILITY.

‘The amount required to be paid under subparagraph (A) for any year shall be equal to $5 per ton of products described in section 901(b)(1)(A) attributable to the steelmaking assets which are the subject of the qualifying event and shipped to a person who is a related person at the date of the qualifying event.

‘(c) CONTRIBUTION REQUIREMENTS.—

‘(1) CONTRIBUTIONS BASED ON OWNERSHIP OF STEELMAKING ASSETS.—

‘(A) IN GENERAL.—If there is a qualifying event certified under section 912 with respect to a qualified steel company—

‘(i) the qualified steel company shall assume the obligation to pay, and

‘(ii) if the qualified steel company transferred on or after January 1, 2000, any of its steelmaking assets, the qualified steel company and any acquiring company acquired such assets as part of (or after) a qualifying event shall assume the obligation to pay, to the Trust Fund for each of the years in the 10-year period beginning on the date of the qualifying event, the ratable share of the amount determined under subparagraph (B) with respect to the steelmaking assets owned by such company or person.

‘(B) AMOUNT OF LIABILITY.—

‘(i) IN GENERAL.—The amount required to be paid under subparagraph (A) for any year shall be equal to $5 per ton of products described in section 901(b)(1)(A) attributable to the steelmaking assets which are the subject of the qualifying event and shipped to a person who is a related person at the date of the qualifying event.

‘(ii) REDUCTIONS IN LIABILITY.—The amount of any liability under clause (i) for any year shall be reduced by any portion of such amount applied to a liability for any preceding year. If 2 or more persons own steelmaking capacity or assets, the liability under this clause shall be allocated ratably on the basis of their respective ownership interests.

‘(iii) TERMINATION OF LIABILITY.—If there is a qualifying event certified under section 912 with respect to the steelmaking assets of a related person of any person liable for any payment required to be made under this subsection, including the payment of such liability shall be refunded to the person making such refund (and any portion of such liability charged in any bankruptcy proceeding).

‘(4) QUALIFIED CLOSING.

‘For purposes of this title, the term ‘qualified closing’ means—

‘(1) IN GENERAL.—The term ‘qualified closing’ means the permanent cessation on or after January 1, 2000, and before January 1, 2004, by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, of all or substantially all of its steelmaking assets and the steelmaking assets of the steel company that transferred the steelmaking assets as part of (or after) a qualifying event (other than payments determined under this paragraph) to be made under this subsection to the Trust Fund with interest).

‘(ii) no liability shall arise under this paragraph with respect to the qualifying event occurring by a related person after January 1, 2000, and before January 1, 2004.

‘(3) JOINT AND SEVERAL LIABILITY.—Any related person of any person liable for any payment required to be made under this subsection, including the payment of such liability, shall be jointly and severally liable for the payment.

‘(4) TIME AND MANNER OF PAYMENT.—The Secretary shall establish the time and manner of any payment required to be made under this subsection, including the payment of interest.

‘Sec. 913. RELIEF AND ASSUMPTION OF LIABILITY, ELIGIBILITY, AND CERTIFICATION

‘(a) IN GENERAL.—For purposes of this title, the term ‘relief and assumption of liability’ means any—

‘(1) qualified acquisition,

‘(2) qualified closing,

‘(3) qualified election, and

‘(4) qualified bankruptcy transfer.

‘(b) QUALIFIED ACQUISITION.—For purposes of this title, the term ‘qualified acquisition’ means an arms-length transaction or series of related transactions—

‘(i) under which a person (whether or not a qualified steel company) acquires by purchase, merger, stock acquisition, or other means, all or substantially all of the steelmaking assets held by a qualified steel company as of January 1, 2000, and

‘(ii) which occur on and after January 1, 2000, and before the date which is 2 years after the date of the enactment of this title.

‘Such term shall not include any acquisition by a related person.

‘(c) QUALIFIED CLOSING.—For purposes of this title—

‘(1) IN GENERAL.—The term ‘qualified closing’ means the permanent cessation on or after January 1, 2000, and before January 1, 2004, by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, of all or substantially all of its steelmaking assets and the steelmaking assets of the steel company that transferred the steelmaking assets as part of (or after) a qualifying event (other than payments determined under this paragraph) to be made under this subsection to the Trust Fund with interest).

‘(2) COMPANIES IN IMMINENT DANGER OF CLOSURE.—A qualified closing of a qualified steel
company operating under the protection of chapter 11 or 7 of title 11, United States Code, shall be treated as having occurred if the company—

(A) elects to receive the acquisition effort requirements of paragraph (3), and

(B) establishes to the satisfaction of the Secretary that

(i) it is in imminent danger of becoming a closed company, or

(ii) in the case of a company operating under protection of chapter 11 of title 11, United States Code, it is unable to reorganize without the relief provided under this title, and

(C) elects, in such manner as the Secretary determines, any time after the date of the enactment of this title and before the date which is 2 years after the date of the enactment of this title, to avail itself of the relief provided under this title.

(3) ACQUISITION EFFORT REQUIREMENTS.—

(A) IN GENERAL.—The requirements of this paragraph are met by a qualified steel company if—

(i) the company files with the Secretary within 10 days of the date of the enactment of this title a Notice of intent to be acquired, and

(ii) a description of the actions the company will undertake to have its steelmaking assets acquired in a qualified acquisition, and

(ii) the company at all times after the filing under clause (i) and the date which is 2 years after the date of the enactment of this title or, if earlier, the date on which the requirement of paragraph (2)(B) is satisfied makes a continuing, good faith effort to have its steelmaking assets acquired in a qualified acquisition.

(B) GOOD FAITH EFFORT.—A continuing, good faith effort subparagraph (A)(ii) shall include—

(a) the active marketing of a company’s steelmaking assets through the retention of an investment banker, the preparation and distribution of offering materials to prospective purchasers, allowing due diligence and investigatory activities by prospective purchasers, the active and good faith consideration of all expressions of interest by prospective purchasers, and any other affirmative action designed to result in a qualified acquisition of a company’s steelmaking assets.

(b) a demonstration to the Secretary by the company that no bona fide and fair offer which would have resulted in a qualified acquisition of the company’s steelmaking assets has been unreasonably refused.

(c) QUALIFIED ELECTION.—For purposes of this title—

(1) IN GENERAL.—The term ‘qualified election’ means an election by a qualified steel company operating under the protection of chapter 11 or 7 of title 11, United States Code, meeting the acquisition effort requirements of paragraph (3) to transfer its obligations for steel retiree benefits to the retiree benefit program. Such an election shall be made not earlier than the date which is 2 years after the date of the enactment of this title, and in such manner as the Secretary may prescribe.

(2) INDUSTRY-WIDE ELECTION.—Notwithstanding paragraph (1), a qualified election shall be treated as having occurred with respect to a qualified steel company (whether or not operating under the protection of chapter 11 or 7 of title 11, United States Code) if—

(A) the Secretary determines that at least 200,000 eligible retirees and beneficiaries have been certified under section 913 for participation in the retiree benefits program, and

(B) the qualified steel company elects to avail itself of the relief provided under this title on or after the date of the determination under subparagraph (A), and

(e) QUALIFIED BANKRUPTCY TRANSFER.—For purposes of this title, the term ‘qualified bankruptcy transfer’ means any transaction or series of transactions—

(1) by a qualified steel company, operating under the protection of chapter 11 or 7 of title 11, United States Code, transfers by any means (including but not limited to a plan of reorganization) its control over at least 30 percent of the production capacity of its steelmaking assets to 1 or more persons who are not related persons of such company.

(2) which are not part of a qualified acquisition or qualified closing of a qualified steel company, and

which occur on and after January 1, 2000, and before January 1, 2004.

(f) CERTIFICATION.—

(1) IN GENERAL.—The Secretary shall certify a qualifying event with respect to a qualified steel company if the Secretary determines that the requirements of this title are met with respect to such event and that the steel company is unable to reorganize under protection of chapter 11 of title 11, United States Code, meeting the acquisition effort requirements of section 911 will be met.

(2) TIME FOR DECISION.—The Secretary shall make any determination under this subsection as soon as possible after a request is filed (and in the case of a request for certification as a qualified acquisition filed at least 60 days before the proposed date of the acquisition, before such proposed date).

(3) ELIGIBILITY TO FILE REQUEST.—A request for certification under this subsection may be made by the qualified steel company or any labor organization on behalf of retirees of such company.

SEC. 913. ELIGIBILITY AND CERTIFICATION.

(a) RETIREES.—

(1) IN GENERAL.—Any individual who is a retiree of a qualified steel company with respect to which the Secretary has certified under section 912 that a qualifying event has occurred shall be treated as an eligible retiree for purposes of this title if—

(A) the individual was receiving steel retiree benefits under an employee benefit plan described in section 912(b) as of the date of the qualifying event, or

(B) the individual was eligible to receive such benefits on such date but was not receiving such benefits because the plan ceased to provide such benefits.

(2) CERTAIN INDIVIDUALS INCLUDED.—An individual shall be treated as an eligible retiree under this subsection if—

(A) was an employee of the qualified steel company before a qualified acquisition, or

(B) became an employee of the acquiring company before a qualified acquisition, and

(C) voluntarily retires within 3 years after the acquisition.

(b) BENEFICIARIES.—An individual shall be treated as a beneficiary entitled to benefits under this title if—

(A) the individual is the spouse, surviving spouse, or dependent of an individual described in paragraph (1), where such individual died within such period,

(b) is the individual described in paragraph (1), where such individual died within such period, or

(c) is the individual described in paragraph (1), where such individual died more than 10 years before the date of the qualifying event.

(c) CERTIFICATION OF ELIGIBLE RETIREES AND BENEFICIARIES.—

(1) IN GENERAL.—The Board of Trustees of the Trust Fund shall certify an individual as an eligible retiree or eligible beneficiary if the individual meets the requirements of this section.

(2) ELIGIBILITY TO FILE REQUEST.—A request for certification under this subsection may be made to the Secretary by any individual to be certified under this subsection, the qualified steel company, an acquiring company, a labor organization acting on behalf of retirees of such company, or a committee appointed under section 1114 of title 11, United States Code.

(3) TRANSFERS TO TRUST FUND.—A qualified steel company, an acquiring company, and any successor in interest shall on and after the date of the enactment of this title maintain and make available to the Secretary and the Board of Trustees of the Trust Fund, all records, documents, and materials (including computer programs) necessary to make the certification under this section.

PART III—PROGRAM BENEFITS

Sec. 921. Program benefits.

SEC. 921. PROGRAM BENEFITS.

(a) GENERAL RULE.—Each eligible retiree and eligible beneficiary who is certified for participation in the retiree benefits program shall be entitled to—

(1) receive health care benefits coverage described in subsection (b), and

(2) in the case of an eligible retiree, payment of $5,000 death benefits coverage to the beneficiary of the retiree upon the retiree’s death.

(b) HEALTH CARE BENEFITS COVERAGE.—

(1) IN GENERAL.—The Board of Trustees of the Trust Fund shall establish health care benefits coverage under which eligible retirees and beneficiaries may receive the health care services and benefits that are substantially the same as the benefits offered as of January 1, 2002, under the Blue Cross/Blue Shield Standard Plan provided under the Federal Employees Health Benefit Program under chapter 89 of title 5, United States Code, to Federal employees and annuitants. In providing the coverage under the Trust Fund Program, the secondary payer provisions and the provisions relating to benefits provided when an individual is eligible for benefits under the Medicare program under title XVIII of the Social Security Act that are applicable under such plan shall apply in the same manner as such provisions apply to Federal employees and annuitants under such plan.

(2) CONTRACTING AUTHORITY.—The Board of Trustees of the Trust Fund shall have the authority to enter into such contracts as are necessary to carry out the provisions of this subsection, including contracts necessary to ensure adequate geographic coverage and control. The Board of Trustees may use the authority under this subsection to establish preferred provider organizations or other alternative delivery systems.

(c) PREMIUMS, DEDUCTIBLES, AND COST SHARING.—The Board of Trustees of the Trust Fund shall establish premiums, deductibles, and cost sharing for eligible retirees and beneficiaries provided health care benefits coverage under paragraph (1) which are substantially the same as those required under the Blue Cross/Blue Shield Standard Plan described in paragraph (1).

Subtitle C—Steel Industry Legacy Relief Trust Fund

SEC. 931. STEEL INDUSTRY LEGACY RELIEF TRUST FUND.

(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the Steel Industry Legacy Relief Trust Fund, consisting of contributions received in the Treasury from asset transfers and contributions under section 911,
"(c) amounts credited to the Trust Fund under section 9602(b) of the Internal Revenue Code of 1986, and

"(d) the premiums paid by retirees under the program.

"(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Trust Fund each fiscal year an amount equal to the excess (if any) of such payments to the Trust Fund each fiscal year an amount equal to the premiums paid by retirees under the program, and

"(3) REPORT.—The Board of Trustees report to Congress each fiscal year on the financial condition of the Trust Fund and the retiree benefits program, including—

"(A) expenditures from the Trust Fund for the fiscal year, over

"(B) the assets of the Trust Fund for the fiscal year, under this title, and

"(C) expenditures.—Amounts in the Trust Fund shall be available only for purposes of making expenditures.

"(i) to meet the obligations of the United States with respect to liability for steel retiree benefits transferred to the United States under this title, and

"(ii) incurred by the Secretary and the Board of Trustees in the administration of this title.

"(d) BOARD OF TRUSTEES.—

"(1) In General.—The Trust Fund and the retiree benefits program shall be administered by a Board of Trustees, consisting of—

"(A) 2 individuals designated by agreement of the 2 companies which, as of the date of the enactment of this title—

"(B) 2 individuals designated by the United Steelworkers of America in consultation with the Independent Steelworkers Union, and

"(C) 3 individuals designated by individuals designated under subparagraphs (A) and (B)."
pension reform bill since Enron’s downfall ruined the lives of thousands of workers and their families. I am introducing this bill with Senator OLYMPIA SNOWE of Maine, who has worked closely with me to develop a much-needed proposal that will greatly help our nation’s workers achieve greater pension security and receive better investment information and advice. Our bill is called the “Worker Investment and Retirement Education Act of 2002,” or the WIRE Act. Senator SNOWE and I are pleased that Senator FEINSTEIN and CHAFEE have joined with us as original cosponsors.

As you know, Enron’s bankruptcy, which caused thousands to lose their retirement savings, since their pensions were invested heavily in Enron stock, has prompted many members of Congress in both parties to introduce pension-related legislation. President Bush has also suggested several reforms. Many of these proposals share some elements, while others contain measures that are objectionable to one side or the other. Senator SNOWE and I share the view that worker retirement protection is much too important to become another partisan issue. We hope to avoid clouding our judgment and prevent us from passing much-needed legislation. We can, and should, pass critical pension reform this year that helps American workers save secure about their retirements, and at the same time, the playing field has been tilted against workers for far too long, and it is unfortunate that it takes a travesty like Enron to make those of us in Congress act in their interests.

Of course, the pension issue is one that falls in the jurisdiction of two Senate committees. I strongly support Senator KENNEDY’s bill, which recently passed out of the HELP committee here in the Senate. Soon, however, the Senate Finance Committee will also consider pension reform. Given that the history of that Committee is one in which the best bills are often bipartisan, I wanted to work with Senator SNOWE to develop a pro-worker bill for the Finance Committee that can be combined with Senator KENNEDY’s bill later on.

The House of Representatives has also followed such a two-committee approach, although I have some significant reservations about the direction that passed last week does not do enough for workers. I hope to work within the Finance Committee and with Senator KENNEDY to develop a better bill here in the Senate, so we can pass legislation this year that the President will sign. Our goal should be to pass a bill that receives a two-thirds vote in both chambers not because we think President Bush will veto it, but because we want to signal to the country that partisan politics can be pushed aside when the American people want change and worker hardworking Americans are at stake.

Despite all of the news in recent months about corporate greed and excess, recent polls show that nearly two-thirds of the public believes that the most important issue with Enron’s collapse is the loss of jobs and savings. With 38 million people controlling nearly $1.7 trillion in 401(k) plan assets, and with millions of plan participants tied up in company stock, much of which cannot be sold until workers reach a certain age, it is clear that the playing field needs to be tilted back towards workers. Our bill does just that, because it is a comprehensive approach, including all types of so-called “defined contribution” plans, as opposed to just some plans, it does so without opening any major new loopholes that would allow workers to be further exploited.

The first thing workers need out of a pension reform bill is better information, because for millions of Americans, their retirement savings is their only true asset other than their homes. Under our bill, all covered workers should be entitled to personalized information on the basics of investing, as well as personalized information from their employers to help them know if they are adequately preparing for their retirement years. This additional information will help workers of millions of workers who currently have no knowledge about the basics of investing, or if they are saving enough to live comfortably in retirement.

Next, since current law prevents most workers from being informed of any sound guidance about financial planning, our bill includes the text of S. 1677, the Bingaman-Collins investment advice bill. Under this bill, millions more workers will benefit from professional, independent investment advice paid for by their employers. Workers will be able to select appropriate investments and better plan for their retirements without the creation of new conflicts of interest.

Like other bills, our bill addresses the issue of blackout periods, those times when plan participants are prevented from making changes to their asset allocations. Senator SNOWE and I believe that companies should provide adequate notice before any blackout period, our bill requires 30 days’ notice, and inform workers of its expected length. In addition, blackouts should generally be limited to 30 days for plans that are heavily invested in company stock. Under our plan, any plan with more than 25 percent of its assets in company stock, should be forced to end blackout periods as quickly as possible in order to minimize market risk for the workers.

Moreover, during blackout periods, management should be prohibited from selling large blocks of stock on the open market. We command President Bush for suggesting this additional protection for rank-and-file employees, and we will work with him to help it become law.

But most important, workers want and deserve a greater say in where their money is invested. Diversification is a key principle of any balanced investment strategy. Workers should be empowered with the ability to direct where their retirement savings are invested.

While the shift to more broad-based stock ownership is generally a positive trend in our society, employees should no longer be forced to buy company stock with their own contributions. In addition, if workers choose to buy company stock with their own funds, they should be able to diversify these contributions whenever they wish. It’s their money, after all, and they should never be forced to relinquish control of it.

For employer contributions to retirement plans, workers should be allowed to begin diversifying these contributions once they are vested in the plan. Our bill accomplishes that goal while avoiding new loopholes by applying different diversification rules based on the type of contribution, worker pay-as-you-go, employer matching, employer nonmatching contribution or employer nonmatching contribution, rather than the type of plan. We want to make sure that the situation with Enron never happens again, and the protections in our bill will accomplish that.

In our view, Congress should also provide special diversification rights for older workers, because the closer you are to retirement, the more you have to lose should stock prices fall. Therefore, under our bill, once a worker turns 55, he or she would be permitted to completely diversify their retirement assets, with no restrictions. This will be the case regardless of tenure with the firm, and regardless of the type of plan. Companies must notify workers of this right to diversify when the worker has reached 55 years of age, thereby giving older workers the additional layer of protection they deserve after a lifetime of work and saving.

I want to say a word about ESOPs. Employee stock ownership plans are important in that they give rank-and-file employees an ownership stake in their firms, which is largely a good thing. We should continue to encourage public and private firms to include their workers in their success. Many public companies are converting parts of their 401(k)s to ESOPs to take advantage of a feature in the tax code that allows them to deduct dividends paid on the shares in the plan. However, these conversions to so-called KSOPs have downsides, in that these plans are generally more restrictive than 401(k)s when employee diversification right are concerned.

As a result, Congress must include both KSOPs and ESOPs in any new diversification rules, to the extent that the plans are at public companies. If we fail to include them, or include one but...
not the other, we would open a new loophole while limiting workers rights. But again, since broader employee ownership is a generally positive development, we need to help workers without killing publicly-traded ESOPs. Our bill does so. Plus, another unique feature of the Kerry-Snowe bill is that for all workers under age 55 who choose to diversify some of their KSOP or ESOP shares, the firm will still be allowed to deduct for tax purposes the dividends that would have been paid on those shares, for the year of the sale and the following two years. This provision will smooth the transition to a more worker-friendly system.

Finally, the government should create an Office of Pension Participant Advocacy, similar to the Taxpayer Advocate Service, where both unionized and non-unionized workers can turn to voice their concerns about pension policy. The Pension Participant Advocate would issue an annual report to Congress recommending changes to the pension laws. This idea is one that appears in several bills before Congress, and it is long overdue. All of these proposals will protect our workers, and more importantly, they will do so without prompting reductions in benefits. Businesses could still contribute stock to retirement plans. Workers will be empowered to diversify their assets, but they would not face new anti-diversification rules that would limit their own choices, such as a hard cap on the amount of a single stock they could own. Our bipartisan approach will ensure that workers are better off in the long run, and that’s the outcome we all want. •

Ms. SNOWE. Mr. President, I rise today to join Senator KERRY in introducing the Worker Investment and Retirement Education, or WIRE, Act of 2002. The WIRE Act seeks to empower workers by giving them control over all of the assets in their retirement accounts that, in addition, having the ability to take command of assets, they have the information they need to make sound and informed choices.

While the need for pension reform was highlighted by the recent collapse and bankruptcy of Enron, a review of pension regulations is critical for all of the approximately 48 million workers nationwide who participate in a defined contribution retirement plan.

And, as Congress sets out to review existing pension laws, we must recognize that there has been a significant shift in Americans’ retirement savings vehicles over the past several years. In fact, use of what we think of as the typical “pension”, or defined benefit plan, has fallen from one-third of all plans to one-tenth in 20 years. And, the actual number of defined benefit plans has fallen each year since 1986, although they still account for almost 45 percent of all employer-sponsored retirement plan participants, that figure was much higher, at 74 percent, just 20 years ago.

This shift away from defined benefit plans has resulted in the explosion of participation in defined contribution plans, giving individuals the opportunity to make investment decisions according to their own needs and plans for the future. However, with this ability comes added responsibility and, depending on the investment choice, greater risk. And it is this risk that was so clearly personified by the experience of Enron employees.

On Enron’s 40,000 employees, almost 21,000 were participants in the Enron Savings Plan, the 401(k) plan. These loyal employees heavily invested in Enron, only to be hit by the one-two punch of losing their jobs and losing their life savings, with the retirement savings losses amounting to over $1 billion. It is their experience that has led us to write the legislation we are introducing today.

While it is critical that the Congress ensure that such a massive loss of retirement savings never reoccurs, it is also vital that we consider reforms that would not discourage employers from contributing to their employees’ retirement plans. As we set out to draft the WIRE Act we sought first and foremost to do no harm to the private pension system. The WIRE Act, in seeking to increase employees’ investment information and ensure that employees have the knowledge necessary to make sound investment decisions, requires that individual workers receive annual statements regarding the assets in their accounts. In addition, our legislation directs the Departments of Labor and the Treasury to produce annually a document for all employees giving them basic guidelines for retirement investing. This assures that employees receive fundamental investment information from an independent authority.

The WIRE Act also incorporates the language of the Independent Investment Advice Act of 2001, clarifying the fiduciary rules for plan sponsors who offer access to investment advice by providing companies with a safe harbor from liability if they provide qualified, independent investment advice for their workers. Just as it is critical that we provide access to the information necessary to make informed decisions, it is essential that we increase employees’ diversification rights without inhibiting an employee’s ability to invest in their company.

And, certainly a review of the investment decisions of employees across the country tells us that the decision of Enron employees to invest their retirement heavily in Enron stock is not an isolated event. In fact, the employees of many of America’s leading companies, our top brand names, have chosen similarly to invest more than half of their retirement plan assets in company stock, Procter and Gamble, 94.7 percent, Sherwin-Williams, 91.6 percent, Pfizer, 88.5 percent, McDonald’s, 74.3 percent, the list goes on and on.

And so where does that leave us? How does Congress balance an individual’s right to make their own investment decisions, with trying to make sure that no other class of employees suffer as significant a loss as that experienced by Enron employees?

The WIRE Act proposes that the answer to these questions lies in the ability of employees to access and diversify company stock. Therefore, we create specialized diversification rights that are dependent upon the manner in which the stock was added to the employee’s account.

For instance, for voluntary purchases of company stock by employees, workers should be able to diversify those shares at any time, after all, it is their own money. For employer-matching contributions made in the form of company stock when that stock is diversified, half of those shares can be diversified after three years of service, and one hundred percent can be diversified after five years of service.

Importantly, as our intent is to first do no harm to the current employer-sponsored pension system, the WIRE Act attempts to mitigate any potential loss of tax incentives enjoyed by employers for making contributions in the form of company stock when that stock is diversified. We do this by allowing employers the ability to deduct the dividends that would have been paid on employee held company stock for the remainder of that calendar year and for two additional years. This provision, which is unique to the WIRE Act, would ensure that the diversification rights given to employees do not have the unfortunate effect of reducing employer contributions to pension plans—which would be harmful to both the employees and the employers.

The bill we introduce today aims to do nothing to limit personal choice, which is the cornerstone of American beliefs, but instead empower investors with the knowledge and ability to make some of the most fundamental financial decisions a person can make. However, as we begin to consider how best to empower and educate employees, it is just as essential that we do not create any disincentives for employees to stop participating in their employees’ retirement security. Employers play a critical role in the retirement planning of their employees and it is critical that we encourage this role to continue.

Retirement is part of the American dream, and to that end we must do whatever we can to ensure that this dream is achievable for everyone. I look forward to working with the other members of the Finance Committee, and the Senate, to consider addressing the need for pension reform. •
CONGRESSIONAL RECORD — SENATE
April 17, 2002

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 244—ELIMINATING SECRET SENATE HOLDS

Mr. GRASSLEY (for himself and Mr. WYDEN) submitted the following resolution: which was referred to the Committee on Rules and Administration: S. Res. 244

Resolved, SECTION 1. ELIMINATING SECRET SENATE HOLDS

Rule VII of the Standing Rules of the Senate is amended by adding at the end the following:

"7. A Senator who provides notice to party leadership of his or her intention to object to proceeding to a motion or matter shall disclose the notice of objection (or hold) in the Congressional Record in a section reserved for such notices not later than 2 session days after the date of the notice."

Mr. GRASSLEY. Mr. President, today I am submitting, along with my colleague Senator WYDEN, a Senate resolution to amend the Senate rules to eliminate secret holds.

I know Senators are familiar with the practice of placing holds on matters to come before the Senate. Holds derive from the rules and traditions of the Senate.

In order for the Senate to run smoothly, objections to unanimous consent agreements must be avoided.

Essentially, a hold is a notice by a Senator to his or her party leader of an intention to object to bringing a bill or nomination to the floor for consideration.

This effectively prevents the Senate leadership from attempting to bring the matter before the Senate.

A Senator might place a hold on a piece of legislation or a nomination because of legitimate concerns about that legislation or nomination.

However, there is no legitimate reason why a Senator placing a hold on a matter should remain anonymous. I believe in the principle of open government.

Lack of transparency in the public policy process leads to cynicism and distrust of public officials.

I would maintain that the use of secret holds damages public confidence in the institution of the Senate.

It has been my policy, and the policy of Senator WYDEN as well, to disclose in the Congressional Record any hold that I place on any matter in the Senate along with my reasons for doing so.

As a practical matter, other Members of the Senate need to be made aware of an individual Senator's concerns.

How else can those concerns be addressed?

As a matter of principle, the American people need to be made aware of any action that prevents a matter from being considered by their elected Senators.

Senator WYDEN and I have worked twice to get a similar ban on secret holds included in legislation passed by the Senate.

But, both times it was removed in conference.

Then, at the beginning of the 106th Congress, Senate Leaders LOTT and DASCHLE circulated a letter informing Senators of a new policy regarding the use of holds.

The Lott/Daschle letter stated,\ldots all members wishing to place a hold on any legislation or executive calendar business shall notify the sponsor of the legislation and the Committee of jurisdiction of their concerns.

This agreement was billed as marking the end of secret holds in the Senate and I took the agreement at face value.

Unfortunately, this policy has not been followed consistently.

Secret holds have continued to appear in the Senate.

For example, last November, it became apparent that an anonymous hold had been placed on a bill, S. 729, sponsored by Senator WELLSTONE.

This bill had been reported by the Committee on Veterans' Affairs.

However, neither Senator WELLSTONE nor Senator Rock Creek, as chairman of the Committee on Veterans' Affairs, were ever informed as to which Senator or Senators had placed the hold.

The time has come to end this distasteful practice for good.

This resolution that Senator WYDEN and I are submitting would do just that.

It would add a section to the Senate rules requiring that Senators make public any hold placed on a matter within two session days of notifying his or her party leadership.

This change will lead to more open dialogue and more constructive debate in the Senate.

Ending secret holds will make the workings of the Senate more transparent.

It will reduce secrecy and public cynicism along with it.

This reform will improve the institutional integrity of the Senate and I would urge my colleagues to support the Grassley-Wyden resolution.

SENATE RESOLUTION 245—DEScripting the WEk of MAY 5 through MAY 11, 2002, as "naTIONal OCCUPATIONAL SAFETY AND HEALTH WEEK"

Mr. DURBUN (for himself, Mr. BROWNBACK, and Mr. FEINGOLD) submitted the following resolution: which was referred to the Committee on the Judiciary:

S. Res. 245

Whereas every year, more than 6,000 people die from job-related injuries and millions more suffer occupational injuries or illnesses;

Whereas every day, millions of people go to and return home from work safely, due, in part, to the efforts of many unsung heroes, the occupational safety, health, and environmental professionals who work day in and day out identifying hazards and implementing safety advances in all industries and at all workplaces, thereby reducing workplace fatalities and injuries;

Whereas these safety professionals work to prevent accidents, injuries, and occupational diseases, create safer work and leisure environments, and develop safer products;

Whereas these are the more than 30,000 members of the 90-year-old nonprofit American Society of Safety Engineers, based in Des Plaines, Illinois, are safety professionals committed to saving people, property, and the environment globally;

Whereas the American Society of Safety Engineers, in partnership with the Canadian Society of Safety Engineers, has designated May 5 through May 11, 2002, as North American Occupational Safety and Health Week (referred to in this resolution as "NAOSH week");

Whereas the purposes of NAOSH week are to increase understanding of the benefits of investing in occupational safety and health, to raise the awareness of the role and contribution of safety, health, and environmental professionals, and to reduce workplace injuries and illnesses by increasing awareness and implementation of safety and health programs;

Whereas during NAOSH week the focus will be on hazardous materials and the policies that keep them out of our homes, workplaces, and public areas; emergency response information, the skills and training necessary to handle and transport hazardous materials, relevant labor standards, personal protective equipment, and hazardous materials in the home;

Whereas over 800,000 hazardous materials are shipped every day in the United States, and over 3,100,000 tons are shipped annually; and

Whereas the continued threat of terrorism and the potential use of hazardous materials makes their proper handling and disposal vital for Americans to have information on these materials: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of May 5 through May 11, 2002, as "National Occupational Safety and Health Week";

(2) commends safety professionals for their ongoing commitment to protecting people, property, and the environment;

(3) encourages all industries, organizations, community leaders, employers, and employees to support educational activities aimed at increasing awareness of the importance of preventing illness, injury, and death in the workplace; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe "National Occupational Safety and Health Week" with appropriate ceremonies and activities;

Mr. WYDEN. Mr. President, One of the Senate's most popular procedures cannot be found anywhere in the United States Constitution or in the Senate Rules. It is one of the most powerful weapons that any Senator can wield in this body. And it is even more potent when it is invisible. The procedure is popularly known as the "hold." The "hold" in the Senate is a lot like the seventh inning stretch in baseball: there is no official rule or regulation that talks about it, but it has been observed for so long that it has become a tradition.

The resolution that Senator GRASSLEY and I submit today does not in any way limit the privilege of any Senator to place a "hold" on a measure or matter. Our resolution targets the stealth hold, it is the anonymous hold, it is the odious hold and it is the instrument of our democratic system: that the exercise of power always should be accompanied by public accountability.
Our resolution would bring the anonymous hold out of the shadows of the Senate.

Senator Grassley and I have championed this idea in a bipartisan manner for six years now. In 1997 and again in 1998, measures Senator Grassley and I introduced unanimously in favor of our amendments to require that a notice of intent to object be published in the Congressional Record within 48 hours. The amendments, however, never survived conference.

So we took our case directly to the leadership, and to their credit, Tom Daschle and Trent Lott agreed it was time to make a change. They recognized the significant need for more openness in the way the United States Senate conducts its business so Tom Daschle and Trent Lott sent a joint letter in February 1999 to all Senators setting forth a policy requiring “all Senators wishing to place a hold on any legislation or executive calendar business in the Senate to notify the sponsor of the legislation and the committee of jurisdiction of their concerns.” The letter said that “written notification should be provided to the respective Leader stating their intentions regarding the hold.” I would like to emphasize that this holds been placed on items by a member of a personal or committee staff will not be honored unless accompanied by a written notification from the objecting Senator by the end of the following business day.

At first, this action by the Leaders seemed to make a real difference. Many Senators were more open about their holds, and staff could no longer slap a hold on a bill with a quick phone call. But after six to eight months, the Senate began to slip backwards toward the old ways. Abuses of the “holds” policy began to proliferate, staff-initiated holds by-phone began anew, and it wasn’t too long before legislative gridlock returned and the Senate seemed to have forgotten what Senators Daschle and Lott had tried to do.

My own assessment of the situation now, which is not based on any scientific evidence, GAO investigation or CRS study, is that a significant number of our colleagues in the Senate have gotten the message sent by the Leaders, and have refrained from the use of secret holds. They inform sponsors about their objections, and do not allow their staff to place a hold without their approval. My sense is that the legislative gridlock generated by secret holds may be attributed to a relatively small number of abusers. The resolution we are submitting today will not be disruptive for a solid number of Senators, but it will up the ante on those who may be “chronic abusers” of the Leaders’ policy on holds.

Our bipartisan resolution would amend the Standing Rules of the Senate to require that a Senator who notifies his or her leadership of an intent to object shall disclose that objection in the Congressional Record not later than two session days after the date of the notice. The resolution would assure that the awesome power possessed by an individual Senator to stop legislation or a nomination should be accompanied by public accountability.

The requirement for public notice of a hold two days after the intent has been conveyed would allow leadership may prove to be an inconvenience but not a hardship. No Senator will ever be thrown in jail for failing to give public notice of a hold. Senators routinely place statements in the Congressional Record recognizing the achievements of a local Boys and Girls Club, or congratulating a local sports team on a State championship. Surely the intent of a Senator to block the progress of legislation or a nomination should be considered of equal importance.

I have adhered to a policy of publicly announcing my intent to object to a measure or matter. This practice has not been a burden or inconvenience. On the contrary, my experience with the public disclosure of holds is that my objections are dealt with in an expeditious manner, thereby enabling the Senate to proceed with its business.

Although the Senate is still several months away from the high season of secret holds, a number of important pieces of legislation have already become bogged down in the swamp of secret holds this year. The day is not far off when any given Senator may be forced to place holds on numerous pieces of legislation or nominees just to try to “smoke out” the anonymous objector. The practice of anonymous multiple or rolling holds is more akin to legislative guerilla warfare than to the way the Senate should conduct its business.

It is time to drain the swamp of secret holds. The resolution we submit today will be referred to the Senate Committee on Rules. It is my hope that the Committee will take this resolution seriously, hold public hearings on it and give it a thorough vetting. This is one of the most awesome powers held by anyone in American government. It has been used countless times to stall and strangle legislation. It is time to bring accountability to the procedure and to the American people.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3135, Mr. CARPER (for himself, Ms. Collins, Mr. Levin, and Ms. Landrieu) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3137, Mr. CAMPBELL submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3138, Mrs. BOXER (for herself and Mrs. Feinstein) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3139, Mrs. BOXER (for herself and Mrs. Feinstein) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3140, Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3141, Mr. DORGAN (for himself, Ms. Collins, Mr. Bingaman, and Mr. Bayh) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3135. Mr. CARPER (for himself, Ms. Collins, Mr. Levin, and Ms. Landrieu) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (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, and for other purposes; which was ordered to lie on the table.

SA 3137. Mr. CAMPBELL submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (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, and for other purposes; which was ordered to lie on the table.

SA 3138. Mrs. BOXER (for herself and Mrs. Feinstein) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (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, and for other purposes; which was ordered to lie on the table.

SA 3140. Mr. NELSON, of Nebraska submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (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, and for other purposes; which was ordered to lie on the table.

SA 3141. Mr. DORGAN (for himself, Ms. Collins, Mr. Bingaman, and Mr. Bayh) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (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, and for other purposes; which was ordered to lie on the table.

Amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

Amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

Amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

Amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

Amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.
to sell electric energy or capacity to a facility under this Act (including the right to recover costs of purchasing electric energy or capacity).

SA 3136. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 3103 submitted by Mr. KENNEDY (for himself and those Senators from Oregon) and intended to be proposed to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfers and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 2. BROADBAND INTERNET ACCESS TAX CREDIT.

(a) In General.—Subpart E of part IV of chapter 1 of subtitle A of title 26 (relating to income from property) is amended by inserting after section 2915 the following:

"SEC. 2917. BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.

"(a) GENERAL RULE.—For purposes of this section—

"(1) the next generation broadband credit.

"(b) CURRENT GENERATION BROADBAND CREDIT.—For purposes of this section—

"(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of—

"(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

"(ii) the number of potential nonqualified subscribers within the area consisting only of residential subscribers not described in clause (i), which the equipment is capable of serving with next generation broadband services, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

"(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment providing next generation broadband services, the qualified expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of—

"(i) the number of qualified subscribers within the rural areas and underserved areas, plus

"(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

"(c) DEFINITIONS.—For purposes of this section—

"(1) ANTENNA.—The term ‘antenna’ means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

"(2) CABLE OPERATOR.—The term ‘cable operator’ has the meaning given such term by section 622(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

"(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term ‘commercial mobile service carrier’ means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

"(4) CURRENT GENERATION BROADBAND SERVICE.—The term ‘current generation broadband services’ means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber throughout the area which the subscriber is located in, and the term ‘current generation broadband service’ means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber if

"(A) a subscriber has been passed by the next generation broadband services, or

"(B) the subscriber is served by a common carrier.

"(5) MULTIPLEXING OR DEMULTIPLEXING.—The term ‘multiplexing’ means the transmission of 2 or more signals over a single channel, and the term ‘demultiplexing’ means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

"(6) NEXT GENERATION BROADBAND SERVICE.—The term ‘next generation broadband service’ means the transmission of signals at a rate of at least 128,000 bits per second to the subscriber throughout the area which the subscriber is located in, and the term ‘next generation broadband service’ means the transmission of signals at a rate of at least 128,000 bits per second to the subscriber if

"(A) the subscriber is served by a common carrier.

"(B) the subscriber is served by a common carrier.

"(6) MULTIPLEXING OR DEMULTIPLEXING.—The term ‘multiplexing’ means the transmission of 2 or more signals over a single channel, and the term ‘demultiplexing’ means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

"(7) NONRESIDENTIAL SUBSCRIBER.—The term ‘nonresidential subscriber’ means a person who is utilizing such services, and is located in a commercial building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier, or

"(B) any other wireless carrier, providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

"(7) OPEN VIDEO SYSTEM OPERATOR.—The term ‘open video system operator’ means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

"(8) OTHER WIRELESS CARRIER.—The term ‘other wireless carrier’ means any person (other than a telecommunications carrier, a commercial mobile service carrier, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband services to subscribers through the wireless transmission of energy through radio or light waves.

"(9) PACKET SWITCHING.—The term ‘packet switching’ means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

"(10) PROVIDER.—The term ‘provider’ means, with respect to any qualified equipment, the following:

"(A) a cable operator,

"(B) a commercial mobile service carrier,

"(C) an open video system operator,

"(D) a telecommunications carrier,

"(E) a satellite carrier,

"(F) any other wireless carrier, providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

"(11) QUALIFIED EQUIPMENT.—The term ‘qualified equipment’ means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

"(12) PROVIDER.—The term ‘provider’ means, with respect to any qualified equipment, the following:

"(A) a subscriber whose application has been passed by the provider’s equipment and which is connected to such equipment for a standard connection fee.

"(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such subscriber without making more than an insignificant investment with respect to such subscriber,

"(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services.

"(D) such services have been purchased by one or more such subscribers, and

"(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

"(13) QUALIFIED EQUIPMENT.—The term ‘qualified equipment’ means any person authorized to provide current generation broadband services or next generation broadband services—

"(1) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through an area equal to or greater than the area served by such provider, and such no credit is allowed under subsection (a)(1).

"(B) only certain investment taken into account.—Except as provided in subparagraph (c) or (d), investment shall be taken into account under subparagraph (A) only to the extent it—

"(i) extends from the last point of switching the outside line to the mobile telephone switching office to a transmission/receive antenna (including such an antenna) or to a transmitter, or to a point outside of a building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier, or

"(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such an antenna) or to a transmitter, or to a point outside of a building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier, or

"(iii) extends from the customer side of the headend to the outside of the unit, building,
dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or
(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the premises of such subscriber which is part of the same physical building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

"(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, means equipment to account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

"(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only if the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptations, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

"(E) QUALIFIED EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified expenditure' means any amount—

"(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and


"(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of a satellite (including such antenna) which is located in a rural area or underserved area, or

"(1) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

"(ii) a residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

"(B) with respect to the provision of next generation broadband services—

"(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

"(ii) a residential subscriber.

"(F) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means an individual who purchases broadband services which are delivered to such individual's dwelling.

"(G) RURAL AREA.—The term 'rural area' means any census tract which—

"(A) is not within 10 miles of any incorporated or census designated place containing more than 50,000 persons, and

"(B) is not within a county or county equivalent which has an overall population density of more than 500 persons per square mile of land.

"(H) RURAL SUBSCRIBER.—The term 'rural subscriber' means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

"(I) SATellite CARRIER.—The term 'satellite carrier' means any person, including any satellite, which is located in a rural area or underserved area, or

"(J) CERTAIN SATELLITE SERVICES.—There may be satellite services provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a).

"(K) SUBSCRIBER.—The term 'subscriber' means a person who purchases current generation broadband services or next generation broadband services.

"(L) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' means an amount with respect to the provision of telecommunications services to a member, and

"(M) does not include a commercial mobile service carrier.

"(N) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

"(O) UNINCORPORATED BUSINESS.—The term 'underserved area' means any census tract which is located in—

"(1) an approved rural or enterprise community designated under section 1391,

"(O) the District of Columbia Enterprise Zone established under section 1400,

"(R) a rural community designated under section 1400E, or

"(D) a low-income community designated under section 45D.

"(P) UNINCORPORATED SUBSCRIBER.—The term 'underserved subscriber' means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

"(Q) DESIGNATION OF CENSUS TRACTS.—The Secretary shall, no later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (17), (20), and (24) of subsection (e). In making such designation, the Secretary shall consult with such other departments and agencies as the Secretary determines appropriate.

"(R) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit), as amended by this Act, is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting "." and by adding at the end the following:

"(5) the broadband credit.''

"(S) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 48B(c)(2)(B) (relating to list of exempt organizations) is amended by striking 'or' at the end of clause (iii), by striking the period at the end of clause (iv) and inserting '"; and ', and by adding at the end the following:

"(iv) extends from the sale of property subject to a lease described in section 48B(c)(2)(B), but only to the extent such income does not in any year exceed amount which may be claimed as the credit for qualified expenditures which would be determined under section 48B for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.''

"(T) AMENDMENT.—The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48B the following:

"Sec. 48B. Broadband credit.

"(U) REGULATORY MATTERS.—

"(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48B of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

"(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the broadband credit under section 48B of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities to expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services.

Accordingly, the Secretary of the Treasury shall prescribe such regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48B of such Code to provide broadband services, and in such regulations determine the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48B of such Code.

Until the Secretary prescribes such regulations, taxpayers may base such determinations on any reasonable method that is consistent with the purposes of such Code.

"(V) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after December 31, 2002, and before January 1, 2004.

"SA 3137. Mr. CAMPBELL submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance digital mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:
On page 92, between lines 17 and 18, insert the following:

Subtitle A—Energy Programs

On page 94, line 5, insert "and nonrenewable" after "renewable". On page 109, line 5, strike "renewable" and insert "tribal".

On page 109, line 12, insert "and nonrenewable" after "renewable". On page 109, line 15, insert "and nonrenewable" after "renewable".

On page 115, between lines 3 and 4, insert the following:

Subtitle B—Energy Development

SEC. 412. INDIAN ENERGY DEVELOPMENT DEMONSTRATION PROJECT

(a) Purpose.—The purpose of this section is to authorize the Secretary of the Interior to establish an Indian energy development demonstration project to—

(1) promote Indian energy self-sufficiency of the United States by encouraging the development of energy resources on Indian land;

(2) enable and encourage Indian tribes to take advantage of energy opportunities by expediting the procedures for entering into energy development agreements with respect to Indian land;

(3) meet the energy needs of members of Indian tribes by encouraging the development of energy resources on Indian land; and

(4) protect the environmental and economic rights of Indian tribes and communities located adjacent to Indian land.

(b) Definitions.—In this section:

(1) DEMONSTRATION PROJECT.—The term "demonstration project" means the development project carried out by the Secretary under subsection (c)(1).

(2) DEVELOPMENT PLAN.—The term "development plan" means a comprehensive Indian energy development plan described in subsection (d)(1).

(3) ENERGY RESOURCE.—The term "energy resource" means a renewable or nonrenewable source of energy.

(c) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a project to promote and support the development of energy sources on Indian land.

(2) SELECTION OF PARTICIPATING TRIBES.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, in accordance with such application and review procedures as the Secretary determines, the Secretary shall select up to 10 Indian tribes to participate in the demonstration project.

(B) ADDITIONAL TRIBES.—In addition to the Indian tribes selected under subparagraph (A), the Secretary shall select up to 5 Indian tribes to participate in the demonstration project in each of fiscal years 1995 and 1996.

(d) DEVELOPMENT PLANS.

(1) General provision.—The Secretary shall carry out this section in consultation with the Indian tribes to be selected for participation in the demonstration project and other interested persons.

(2) Approval.—The Secretary shall approve a development plan for an Indian tribe if the Secretary determines that the plan—

(A) identifies energy development opportunities and projects on Indian land; and

(B) is consistent with the purposes of this subtitle.

(e) FEDERAL LIABILITY.—The Secretary shall not be liable for any action taken, or any failure to act, by any Indian tribe or person in accordance with a development plan, unless the Secretary, in approving the plan, has violated the trust responsibility to that Indian tribe.

(f) REPORT TO CONGRESS.—Not later than 30 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate, a report that—

(1) describes the implementation and effectiveness of the demonstration project; and

(2) includes any review of the Secretary relating to administrative, statutory, or other changes that are considered by the Secretary to be necessary to achieve the purposes specified in subsection (a).
(a) **FEDERAL WATER AND POWER PROJECTS INVENTORY.**—

(1) **IN GENERAL.—**Not later than 180 days after the date of enactment of this Act, the Secretary shall complete, publish in the Federal Register, and submit in accordance with paragraph (2) a report on, an inventory of all federally-owned water projects and power projects that are—

(A) under the jurisdiction of the Secretary; and

(B) located on Indian land.

(2) **REPORT.**—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

(A) describes the results of the inventory completed under paragraph (1);

(B) identifies potentially transferable water projects and power projects contained in the inventory completed under paragraph (1); and

(C) includes options recommended by the Secretary for the eventual ownership, management, operation, and maintenance of those projects by Indian tribes (including ownership, operation, and maintenance in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.)).

**FEDERAL TRANSFERS.**—

(1) **IN GENERAL.—**After publication of the inventory under subsection (a)(1), and on the request of an Indian tribe, the Secretary shall transfer the ownership of any water project or power project to the Indian tribe if—

(A) the project is—

(i) owned by the United States; and

(ii) located under the administrative jurisdiction of the Secretary; and

(B) the tribe agrees to hold the United States harmless for any liability relating to ownership, management, operation, and maintenance of the project by the Indian tribe; and

(C) the Secretary determines that the transfer—

(i) is in the best interests of the United States and the Indian tribe; and

(ii) would not be detrimental to local communities.

(2) **NO CHANGE IN PURPOSE OR OPERATION.—**No transfer of a water project or power project under paragraph (1) shall authorize any change in the purpose or operation of the project.

**SEC. 415. REVIEW OF PROVISIONS RELATING TO ENERGY ON INDIAN LAND.**

(a) **FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT REVIEW.**—

(1) **IN GENERAL.—**Not later than 1 year after the date of enactment of this Act, the Secretary shall complete, and submit to Congress in accordance with paragraph (2) a report on, a review of the royalty system for oil and gas development on Indian land—

(A) under the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.); and

(B) in accordance with leases of Indian land that involve the development of oil or gas resources on that land.

(2) **REPORT.**—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the findings made by the Secretary as a result of the review under paragraph (1);

(B) an analysis of—

(i) the barriers to the development of energy sources on Indian land; and

(ii) the best means of removing those barriers; and

(C) recommendations of the Secretary with respect to measures to—

(i) increase energy production on Indian land; and

(ii) maximize revenues to Indian tribes and members of Indian tribes from that energy production; and

(iii) ensure the timely payment of revenues from that energy production.

(3) **RECOMMENDATIONS.**—The Secretary shall implement the recommendations described in paragraph (2)(C) for which the Secretary has implementation authority.

(4) **IMPACTS ON INDIAN LAND.**—Notwithstanding the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1701 et seq.), an Indian tribe shall be eligible for assistance to mitigate the effects of exploration, extraction, and removal of oil or gas on Indian land to the same extent as a State is eligible for assistance for exploration, extraction, or removal of oil and gas on State land.

(b) **INDIAN MINERAL DEVELOPMENT ACT REVIEW.**—

(1) **IN GENERAL.—**Not later than 1 year after the date of enactment of this Act, the Secretary shall complete, and submit to Congress in accordance with paragraph (2) a report on, a review of all activities that have been conducted on Indian land under the Indian Mineral Development Act of 1982 (25 U.S.C. 321 et seq.).

(2) **REPORT.**—The Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) the findings made by the Secretary as a result of the review under paragraph (1);

(B) an analysis of—

(i) the barriers to the development of energy sources on Indian land; and

(ii) the best means of removing those barriers; and

(C) recommendations of the Secretary with respect to measures to—

(i) increase energy production on Indian land; and

(ii) maximize the opportunities to develop those energy sources.

(3) **RECOMMENDATIONS.**—The Secretary shall implement the recommendations described in paragraph (2)(C) for which the Secretary has implementation authority.

**SEC. 416. ENERGY EFFICIENCY AND CONSERVATION IN INDIAN HOUSING.**

(a) **FINDING.**—Congress finds that the Secretary of Housing and Urban Development should promote energy conservation in housing located on Indian land that is assisted with Federal resources through—

(1) the use of energy-efficient technologies and innovations (including the procurement of energy-efficient refrigerators and other appliances); and

(2) the encouragement of shared savings contracts; and

(3) other similar technologies and innovations considered appropriate by the Secretary of Housing and Urban Development.

(b) **ENERGY EFFICIENCY IN ASSISTED HOUSING.**—Section 202(2) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) is amended by inserting “improvement to achieve greater energy efficiency,” after “planning.”

(c) **ASSISTANCE TO NONPROFIT AND COMMUNITY ORGANIZATIONS.**—The Secretary of Housing and Urban Development, in cooperation with Indian tribes or tribally-designated housing entities of Indian tribes, may provide, to eligible (as determined by the Secretary of Housing and Urban Development) nonprofit and community organizations, technical assistance to initiate and expand the use of energy-saving technologies in—

(1) new home construction;

(2) housing rehabilitation; and

(3) housing in existence as of the date of enactment of this Act.

**CONGRESSIONAL RECORD—SENATE**

SS2855

April 17, 2002

Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGMAN) to the bill (S. 517) to authorize funding the Department of Energy to ensure the its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 191, strike lines 8 through 11 and insert the following:

“(4) **CELLULOSIC BIOMASS ETHANOL.**—

“(A) **IN GENERAL.**—For the purpose of paragraph (2), "cellulosic biomass ethanol" means—

(1) except as provided in clause (ii), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 1.5 gallons of renewable fuel; and

(2) 1 gallon of cellulosic biomass ethanol shall be considered the equivalent of 2 gallons of renewable fuel if the cellulosic biomass ethanol is derived from agricultural residues.

“(B) **CELLULOSIC BIOMASS ETHANOL CONVERSION ASSISTANCE.**—

“(I) **IN GENERAL.**—The Secretary of Energy may make grants to merchant producers of cellulosic biomass ethanol to assist such producers in building eligible facilities for the production of cellulosic biomass ethanol.

“(ii) **ELIGIBLE FACILITIES.**—A facility shall be eligible to receive a grant under this paragraph if the facility is—

(I) located in the United States; and

(II) uses cellulosic biomass ethanol feedstocks derived from agricultural residues.
‘‘(iii) AUTHORIZATION OF APPROPRIATIONS.—
There is authorized to be appropriated to carry out this paragraph such sums as may be necessary for fiscal years 2003, 2004, and 2005.’’

SA 3139. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BING- 
MAN) to the bill (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, and for other purposes; which was ordered to lie on the table; as follows:
‘‘(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended—
(1) inserting ‘‘(a)’’ before the first sentence; and
(2) adding at the end the following:
‘‘(b) Whenever the Secretary of the Interior or the Secretary of Commerce prescribes a fishway under this section, the license applicant or the licensee may propose an alternative to such prescription to construct, maintain, or operate a fishway.
‘‘(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the appropriate department determines, based on substantial evidence provided by the licensee, that the alternative—
‘‘(A) will be no less protective of the fishery than the fishway initially prescribed by the Secretary; and
‘‘(B) with either—
‘‘(i) cost less to implement, or
‘‘(ii) result in improved operation of the project works for electricity production as compared to the fishway initially prescribed by the Secretary.

SA 3140. Mr. NELSON of Nebraska submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BING- 
MAN) to the bill (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, and for other purposes; which was ordered to lie on the table; as follows:
‘‘(a) ALTERNATIVE MANDATORY CONDITIONS.—
Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the following:
‘‘(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative prescription it accepts under this subsection a written statement explaining the basis for such prescription, and reason for not accepting any alternative condition under this subsection, including the effects of the condition accepted and alternatives not accepted on energy supply, distribution, cost, and use, air quality, flood control, navigation, and drinking, irrigation, and recreation water supply, based on substantial evidence provided by the appropriate department, based on substantial evidence provided by the applicant or the licensee.

SA 3141. Mr. DORGAN (for himself, Ms. CANTWELL, and Mr. BAYH) submitted an amendment intended to be proposed to amendment SA 2917 by Mr. DASCHLE (for himself and Mr. BING- 
MAN) to the bill (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, and for other purposes; which was ordered to lie on the table; as follows:
‘‘(B) with either—
‘‘(ii) result in improved operation of the project works for electricity production as compared to the fishway initially prescribed by the Secretary.

SEC. 824. FUEL CELL VEHICLE PROGRAM.

The program shall also include timetables for development of technologies to provide 50 million gasoline equivalent gallons of hydro- gen for sale in fueling stations in the United States by 2010 and at least 2.5 billion gasoline equivalent gallons by 2020 and annually thereafter. The Secretary shall annually in- form the Congress of progress toward the goals of the program, including the vehicle sales of Energy budget.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I seek the unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, April 17, 2002, at 2:30 p.m., to hold an open hearing on the nomination of John L. Helgerson to be Inspector General of the Central Intelligence Agency.

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

SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Administrative Oversight and the Courts be authorized to meet during the session of the Senate on Wednesday, April 17, 2002, at 2:30 p.m., to hold a hearing on ‘‘Should the Office of Homeland Security Have More Power? A Case Study in Information Sharing’’ on Wednesday, April 17, 2002, at 9:30 a.m., in Dirksen 220.

Witness List

Panel I: Mr. Vance Hitch, Chief Information Officer, Department of Justice, Washington, DC; Mr. Eugene O’Leary, Acting Assistant Director for the Information Resource Division, Federal Bureau of Investigation, Washington, DC; and Mr. Scott Hastings, Deputy Associate Commissioner for Information Resources, Immigration and Naturalization Service, Washington, DC.

Panel II: Mr. Leon Panetta, Director, Panetta Institute, Monterey Bay, California; Mr. George J. Terwilliger III, Partner, White & Case, Washington, DC; Mr. Philip Anderson, Senior Fellow, International Security Program, Center for Strategic and International Studies, Washington, DC; and Mr. Paul C. Light, Vice President and Director, Governmental Studies, Brookings Institute, Washington, DC.

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

SUBCOMMITTEE ON CONSTITUTION, FEDERALISM AND PROPERTY RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on
the Judiciary Subcommittee on the Constitution, Federalism & Property Rights be authorized to meet to conduct a hearing on “Applying the War Powers Resolution to the War on Terrorism,” on Wednesday, April 17, 2002, at 2 p.m. in SD-226.

Panel: Mr. John Yoo, Deputy Assistant Attorney General, Office of Legal Counsel, U.S. Department of Justice, Washington, DC; Mr. Louis Fisher, Senior Specialist in Separation of Powers, Congressional Research Service, Library of Congress, Washington, DC; Mr. Alton Frye, Presidential Senior Fellow and Director, Program on Congress and Foreign Policy, Council on Foreign Relations, Washington, DC; Mr. Michael Glennon, Professor of Law and Scholar in Residence, The Woodrow Wilson International Center for Scholars, Washington, DC; Mr. Douglas Kmiec, Dean of the Columbus School of Law, The Catholic University of America, Washington, DC; Mr. Jane Stromseth, Fellow and Director, Program on National Security & Law, George Washington University Law Center, Washington, DC; and Ms. Ruth Wedwood, Edward B. Burling Professor of International Law and Diplomacy, Yale Law School and The Paul H. Nitze School of Advanced International Studies, Washington, DC.

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

PRIVILEGES OF THE FLOOR

Mr. WELLSSTONE. I ask unanimous consent an intern in my office, Tanya Balsky, be allowed privileges on the floor for the day.

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

Mrs. MURRAY. I ask unanimous consent that Christopher Jackson, a fellow in my office, be granted the privilege of the floor for the day.

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

ORDER FOR ADJOURNMENT

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 following the statement of the Senator from Alaska, which is for debate only, as we have discussed.

Mr. MURKOWSKI. Mr. President, reserving the right to object, I have been notified there may be another Republican who will speak.

Mr. REID. I am going to include that.

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 following the statements of the Senator from Alaska, Mr. MURKOWSKI, and the Senator from Texas, Mr. GRAMM, and that their statements be for debate only.

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

Mr. REID. Mr. President, let me take a minute and say I appreciate very much the courtesy of the Senator from Alaska. He has been here for days. With his courtesy, I can go home a couple hours before he can, and I appreciate that very much.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

NATIONAL LABORATORIES PARTNERSHIP DEVELOPMENT ACT OF 2001—Continued

Mr. MURKOWSKI. I thank my good friend, the majority whip from Nevada. I am sure at some point in time the situation will be reversed, and we will be on a Nevada issue of some torturous nature, Yucca Mountain or some such issue, and he will be here through the evening time.

I recognize the hour is late, and I also recognize the issue before us is the crux of the energy debate. It is the so-called lightning rod known as ANWR. It has been here today and will be here today and participate with a number of Senators, almost all of whom have never been to my State and visited ANWR. They certainly had some strong opinions about it. One has to question where those opinions may have come from.

I am sure they meant well and their own convictions as they stated them were reflective of information they had.

I am going to spend a little time tonight on information and education. Make no mistake about it. Mr. President, you and I both know we are speaking to an empty Chamber. On the other hand, I appreciate the courtesy of your attention and that of the staff who is still with us.

We have a different audience out there, and we do not know who they are, but I think it is fair to say that from the debate here, a lot of Members of this body are not too well informed on the factual issues in my State of Alaska. Senator STEVENS and I have attempted to change that by a characterization that we think is representative of the facts associated with resource development in our State.

I hope as we address whatever audience may be out there, that they, too, recognize certain realities of those of us who have been elected by our constituents to represent their interests. It is in that vein that I speak to you tonight, Mr. President.

I guess this is defined in the sense of a slippery slope when Republicans lost control of this body. We had a vote on ANWR in 1995. It passed in the omnibus bill. President Clinton vetoed it. At that time, control of the Senate was in Republican hands, 55 to 45. Now it is 50 to 49 in favor of the Democrats. This is a clear reality, and I am sure it will be reflected in the cloture votes tomorrow.

One could say that the salvation of ANWR is much directed by the Republican Party. That certainly has been the case in the past, and it appears to be the case today. We will see where it is tomorrow.

The last time we had an ANWR vote, it was a simple majority. We were not faced with a cloture vote. We were not faced with having to overcome 60 votes. Equity is equity and rules are rules, and I understand that. But the manner in which this occurred is particularly troubling to me because I needed to be at the beginning of this year the chairman of the Energy and Natural Resources Committee. One of my goals, of course, was to present before that committee that I chaired the ANWR amendment, debate it, and vote it out.

Then we had a little change of structure in the Senate in June and, as a consequence, the Republicans lost control of the Senate. I still had hopes because some of my Democratic friends had actually visited ANWR and they were convinced it could be opened up safely. As a consequence of the chronology of that, I had assumed we would take up the energy bill in the committee of jurisdiction, debate it, come up with amendment and present it on the floor of the Senate.

Had that been done, we would not have been required to have a 60-vote point of order on a cloture vote, and we all know that, but that was not the case. We have come about this through a recognition of the exposure that the Republicans had lost control of the Senate and the recognition of the availability of the rules that the Democratic leadership found a way to guard that.

What they did is they simply took the energy bill away from the committee of jurisdiction and proceeded to introduce it on the floor of the Senate, as is the prerogative of the majority leader.

Whether it is crooked or not, whether you feel bad or not, it is within the rules of this body and, as a consequence, it was done.

That presented the dilemma that Senator STEVENS and I faced in proceeding. It was a little more complex than that because it put a burden on other Members, as well, because the other Members clearly, as we got into the intricacies of the energy bill, were faced with an educational process of electricity, alternative energy sources, some relatively complex issues that ordinarly would be addressed in the vein of the committee process, and go to the floor with specific recommendations and block bases of support.

In any event, to get to the bottom line, we are faced with the reality that we now need 60 votes because it was structured that way. There was no other way to avoid it because we simply could not get a simple majority vote for the reason we had to add the ANWR amendment in, and in so doing, we were under the exposure of cloture.

Had it been in the bill, we would have been faced with the much more favorable alternative of a simple majority. So that is where we are today.

I think it is important to reflect a little bit on where the amendments are relative to what is before us. As I think...
everyone is quite familiar with by now, we have a second degree, and the sec-
ond degree is very specific in its rec-
ognition of what it does. It specifically
states that any proceeds from the de-
velopment of ANWR, which would re-
sult from the auction of the second-
ary bids, would go to the steel industry.
I think this rationale for this is quite
evident. The steel industry is in a dif-
ficult position. We have seen a decline of
that industry. People have indicated
from time to time there are a couple of
things we need to have as a nation. One
is steel. One is energy. One is food. We
have seen our steel industry reduced
dramatically in the last couple of dec-
ades to the point where the viability of
the American steel industry is clearly
in question.

What we had was an opportunity to
meld two projects together. This would
address jobs, this would address the op-
portunity to revitalize the American
steel industry, because, as has been
pointed out, with the discovery of nat-
ural gas in Prudhoe Bay, we came across
about 36 trillion cubic feet of natural
gas.

I am going to point out the general
area of Prudhoe Bay. As a consequence of
this discovery, the question was: When and how can it be de-
veloped?

It was found as a consequence of de-
veloping the Prudhoe Bay oilfield. As we
developed the oilfields, we found more
gas. We did not have any way to take
that gas to market. So we began
to develop some proposals.

The blue line on the chart indicates
the proposed route of the TransAlaska
gasline. That line is estimated to be
about 3,000 miles long. It would go ulti-
ately to the Chicago city gate. It
would move about 4 billion cubic feet a
day and have a capacity of about 6 bil-
ion cubic feet a day. I have to be care-
ful with the numbers because the de-
sign capacity is in the trillions. The
movement per day is in the billions.

As a consequence, it would be the
largest construction project ever un-
dertaken in North America. The cost is
estimated to be about $20 billion.

We have had some experience because
we built an oil pipeline that traversed
a significant portion of Alaska. That
pipeline is seen on this particular chart.
It goes from Prudhoe Bay to Valdez. All of that pipe came from
Japan. Why? Because we did not make 48-inch oil pipeline.

With this other proposal I have out-
lined, the obvious opportunity for the
American steel industry, for rejuvena-
tion, is, who is going to make this pipe?
Is there a way we could build that
steel in this country, stimulate the re-
juvenation of the industry and, as a
consequence of the opportunity, recog-
nize that we were probably going to
generate somewhere between $10 billion
and $12 billion over 30 years from the
royalties and lease sale of ANWR? Why
not put it into the steel industry?

The second-degree amendment, that
is pending and will be voted on first to-
morrow, which should be of great inter-
est to the steel industry and the un-
ions, as well as some 600,000 current retirees
who, I understand, are in jeop-
ardy of losing their health care bene-
fits, would be an opportunity to ad-
derstand this.

We structured a revenue split for the
second-degree amendment. Initially, it
would contribute to the steel legacy
program approximately $6 billion. Rec-
ognizing that there is a shortfall in the
United Coal Mine Workers combined
benefit funds, there was a proposal that
a billion dollars would go into that
fund.

Some people are going to criticize this
and say this is a way to buy votes; this is
a way to take money from the
Federal Treasury.

I encourage Members to reflect a lit-
tle bit on what our obligation is to
those who depend on Medicare. Many of
those people fall into that cat-

ergory, if they are not already there.

Obviously, we have an obligation to
consider how to take care of those that
have contributed into retirement funds
and found those funds not adequately
funded for the benefits.

So as we address the merits of how
this effort is structured, we should con-
sider a more positive contribution, and
that is the $223 million that is proposed
for commercial grants for the reti-
ouling of the industry so they can address
competitively a large project like the
$5 billion natural gas pipeline, some
3,000 miles of pipeline.

Further, there was funding for $155
million of labor training. There was also
$200 million for conserva-
tion programs, for maintenance of park
and habitat restoration. That is what
the second-degree amendment is all
about. It says the money that is recog-
nized from the sale of leases and royai-
ties from ANWR, which is Federal land,
will go back and rejuvenate the steel
industry so it can get back on its feet
and again address its opportunity to
participate in the continued develop-
ment of steel products in this country
as opposed to having them imported.

As the President of the United
States has pointed out, this administra-
tion just granted a 30-per-
cent protective tariff on steel. So
clearly they have an opportunity, they
have kind of a comfort zone, if they are
willing to recognize the benefits of this.

I understand some Members said we
are going to take this up separately
anyway, but the fallacy in that argu-
ment is where is the money going to
come from? There is no identification
of the funds. If we do not open ANWR,
we are not going to have that avail-
ability of this $10 billion to $12 billion.
What is going to be done about rejuven-
nating the steel industry? What is
going to be done about the prospects of
a major order for 3,000 miles of pipe? I
guess we will just shrug and say: Well,
there goes another contract overseas
that could have been done by American
labor.

So that is the second degree we are
going to be voting on first tomorrow.

In line with that, I have been handed
a letter from Phil English and Bob
Ney, both Members of the House:

Hon. Ted Stevens,
Senator, Washington, DC

Dear Senator Stevens:

We write as mem-
bers of the House with a strong interest in
the steel industry to convey our strong sup-
port of your efforts to revitalize the steel
industry, take care of the domestic steel
industry, and especially your efforts to assist the steel indus-
try’s retirees and their dependents.

As you know, the domestic steel industry has significant unfunded pension liabilities
as well as massive retiree health care respon-
sibilities that total $13 billion and cost the
industry almost $1 billion annually. These pension and health care liabilities
pose a significant barrier to steel industry
consolidation and rationalization that could improve the financial condition of the indus-
try and reduce the adverse impact of un-
fairly traded foreign imports.

It is our hope that the amendment, if
passed, will focus on a unique opportu-
nity that has been created by the sub-
sequent passage of ANWR. For many
years, the steel industry has sought
that unique opportunity. The intent of
ANWR, as we all know, is to provide a
second-degree amendment which will
break the impasse on the legacy cost
problem.

Once again, we would like to extend
our wholehearted support to you in this
devour-
or. We look forward to working with you to
find a viable solution to bring a sense of se-
curity to the over 600,000 retirees, surviving
spouses, and dependents before the end of
the 107th Congress.

Sincerely,

Phil English, Bob Ney, Steven
LaTourette, Robert Aderholt, George
Gekas, Jack Quinn, John Shimkus,
Frank Mascara, Ralph Regula, Alan
Mollohan, William Lipinski, and
nisa Hart.

Mr. MURKOWSKI. There is an ex-
pression from a dozen or so House
Members saying this is an oppor-
tunity. You might not get it again.

We have identified significant fund-
ing to rejuvenate the steel industry, take
of the retirees, and put it back on its
feet.

As we address the amendment, I want
to make sure everybody understands
what is in it. There have been gen-
eralizations from the other side that
this is simply a second-degree amend-
ment which takes any funds that would
open up ANWR and provides for the re-
juvenation of the steel industry, while
the first degree would be an up-down
vote on opening ANWR.

First of all, this amendment does not
open ANWR. ANWR would only be
opened if our President certifies to
Congress that the exploration, develop-
ment, and production of oil and gas re-
sources in the ANWR Coastal Plain are
in the national and security interests of
the United States.

It is pretty simple. The President of
the United States has to certify that
the ANWR Coastal Plain should be open. Then the Secretary of the Interior will implement a leasing program. Then the following will apply.

The President, by virtue of extraordinary authority, almost a declaration of war. Don’t we trust him and his Cabinet to make a determination that this is in the national security interests of this Nation? I certainly trust our President in that respect. That finding, President, has to certify to us, the Congress, that exploration, development, and production are in the national economic and security interests. I can state now it is certainly in the national security interests relative to the situation in the Middle East where we are 58-percent dependent on imported oil. I will get into that later. The stimulation of the steel industry alone substantiates that particular cover.

We will look at what is in this. There is a drilling freeze. The President has the authority. We are going it to him. He has to come to Congress and certify, again, production is in the national economic and security interests. We have mandated a 2,000-acre limitation on surface disturbance. It is that simple. That is what it means, 2,000 acres. We have an export ban. Oil from the refugee cannot be exported.

I heard a conversation the oil will be exported. Oil has been exported. The natural market for Alaskan oil is the west coast of the United States. We have a chart that demonstrates where Alaskan oil goes. It goes to the nearest refining areas. This chart shows Alaska and Valdez. It shows it goes to Puget Sound in the State of Washington, it goes to San Francisco, Los Angeles, and some to Hawaii. We do not see a line to Japan. We exported some to Japan. It was excess to the west coast refineries. That is the economics of it. Why don’t we export it? Can you get more for it? That is kind of hard to figure because you bring it over from Iraq or from Saudi Arabia when you have it in proximity relative to Alaska.

The other thing unique about this oil, it could only go in U.S. ships because of the Jones Act, mandating carriage between two American ports be in U.S.-flagged vessels. These are American jobs. Every one of the ships was built in a U.S. yard. Every one of those U.S. crews recognizes an American flag. And 85 percent of the total tonnage in the American merchant marine is in the Alaskan oil trade. Bring oil from Saudi Arabia, you could bring it from Iraq, you can bring it in a foreign ship. What happens in Seattle, Puget Sound, San Francisco, Los Angeles? Talk about all the concession you want, but you will still bring oil because the world and America moves on oil. That is the only transportation method.

This issue of export is not a factor because it is banned. It says it cannot be exported, with one exception, and that is to Israel. We have had with Israel an oil supply agreement that expires in the year 2004. We are extending that to the year 2014.

Where is the Israeli lobbying group? I will throw a few in the Record: the Zionist Organization of America, Americans For A Safe Israel, B’Nai B’rith International.

I ask unanimous consent these letters be printed in the Record.

The being no objection, the letters were ordered to be printed in the Record, as follows:

**ZIONIST ORGANIZATION OF AMERICA, New York, NY.**

Hon. Frank Murkowski, U.S. Senate, Washington, DC.

**DEAR SENATOR MURKOWSKI:** On behalf of the Zionist Organization of America—the oldest, and one of the largest, Zionist movements in the United States—we are writing to express our strong support for your efforts to make our country less dependent on foreign oil sources, by developing the oil resources in Alaska’s Arctic National Wildlife Refuge.

At time when our nation is at war against international terrorism, it is more important than ever that we work quickly to free ourselves of our dependence on oil produced by extremist dictators. Such dependence leaves the United States dangerously vulnerable.

Your initiative to develop the vast oil resources of Alaska will make it possible to rid America of this dependence and thereby strengthen our nation’s security.

Sincerely,

**MORTON A. KLEIN,** National President.

**DR. ALAN MAZUREK,** Chairman of the Board.

**DR. MICHAEL GOLDBLATT,** Chairman, National Executive Committee.

**SARAH STEIN,** National Policy Coordinator.


**Attention:** Brian Malnak

Hon. Frank H. Murkowski

U.S. Senate Hart Building

Washington, DC.

**DEAR SENATOR MURKOWSKI:** Americans for a Safe Israel (AFSI) national organization with chapters throughout the country and a growing membership including members living in other countries. AFSI was founded in 1971. Dedication to the premise that a strong Israel is essential to Western interests in the Middle East.

We have many Middle East experts on our committees, who have authored texts on Israel and the Arab states and have appeared in television interviews, forums, and on newspaper op-ed pages. U.S. senators and representatives have been guest speakers at AFSI annual conferences.

Americans for a Safe Israel is strongly in support of your amendment which would permit drilling for oil in the ANWR area of Alaska. Your eloquence in addressing the Senate yesterday and this morning should have convinced the undecided that the arguments offered in the arguments offered by your opponents, or by environmental activists, are not based on the facts or realities in the ANWR and of our need for energy independence.

We at Americans for a Safe Israel would be pleased if you would include our organization among American Jewish organizations in support of your amendment regarding oil exploration in the ANWR.

Sincerely,

**HERBERT ZWIRIB,** Chairman, Americans for a Safe Israel.


Hon. GEORGE W. BUSH,

The White House,

Washington, DC.

**DEAR MR. PRESIDENT:** We write to you as the US Senate debates national energy legislation, a critical national security issue, in support of both modest Corporate Average Fuel Economy increases and environmentally safe exploration and extraction of petroleum from the Arctic National Wildlife Refuge. Together Washington will lessen the nation’s reliance on foreign energy sources, now estimated at close to 60 percent of our consumption.

We endorse the recent compromise proposal to bring required fuel economy ratings for vehicles—including sport utility vehicles now subject to a lower standard—up to 35 miles per gallon by 2015. As you know, under current federal regulations automakers are required to achieve an average of 27.5 mpg for new passenger cars, and only 20.7 mpg for new light-duty trucks. The reinstatement of a meaningful CAFE standard will serve as a hallmark of America’s conservation policy; the National Academy of Sciences concluded recently that CAFE requirements have resulted in a savings of “roughly 2.8 million barrels of gasoline per day from where it would be in the absence of CAFE standards.”

Similarly, it must be recognized that conservation alone is not a meaningful answer to the new realities our nation faces. Ending our dependency on oil and natural gas from dictator states and governments that actively sponsor international terrorist groups—including al-Qaeda and other movements that threaten our nation’s most cherished principles—requires increasing domestic production, too. Such a plan includes exploration and extraction in the Arctic refuge. While B’nai B’rith International sympathizes with some of the environmental issues that have been raised regarding that area’s future, we believe that, in wartime, our number one priority must be to take all credible steps necessary to protect our national security interests. Replacing up to 30 years worth of oil imports from Saudi Arabia or 50 years of oil imports from Iraq will provide critical leverage in American foreign policy in the years to come.

To be sure, it will be several years before both of these important proposals will have a discernable impact on US energy policy. At this time there is every reason to believe that we will still be fighting terrorists who seek to destroy our nation. Accordingly, it is imperative that both these issues are enacted into law at the earliest opportunity so that by decade’s end America will be less reliant on foreign energy and enjoy greater national security.

Sincerely,

**RICHARD D. HEIDRMAN,** International President.

Mr. MURKOWSKI. A few of the national Jewish organizations recognize what is happening currently, and that oil is funding terrorism.

We all remember September 11 when, for the first time, an aircraft was used as a weapon. Now we have statements from people such as Saddam Hussein. What is he saying? Oil is a weapon.

Are we contributing to those weapons? Yes, we are. Here is, currently, an
example. Perhaps it is extreme and perhaps a little inappropriate, but where and who funds the suicide bombers in Israel? We know who funds them. Oil. Who has the oil? Saddam Hussein. Saddam Hussein, via American oil purchasers. When we go to the gas station, we should think about our responsibility because our responsibility goes beyond filling our gas tank. Where do we get some of our oil? There is 58 percent that comes from overseas.

How much do we get from Saddam Hussein? A million barrels a day. How much did we get September 11? It was 1.1 million on September 11, the highest of any other time.

This is off the Bank of Baghdad, $25,000, which is what he is paying the suicide bombers. He used to pay $10,000. That is an incentive that could reach our shores. That is some of the vulnerability we have as we look at the consequences of increasing our dependence on imported oil.

Where all our oil from Alaska underscores we are not going to eliminate our dependence, but if we make a commitment, we will open ANWR; we will reduce our dependence; we will send a very strong message not only to Saddam Hussein but OPEC and that cartel over there. It is illegal to have a cartel in this country. That cartel over there, we are going to send them a message that we mean business about reducing our dependence.

Do you know what OPEC did not so long ago? They got together, had their cartel meeting, said we want the price to go up, and said we are going to put a floor and ceiling, $22 as a floor, $28 as a ceiling. How do they do it? By controlling the supply. It is just that simple. Because we are addicted to Mideast oil.

Here is another photo of our friend, Saddam Hussein. Here is where it comes from. It has been increasing all the way that was from Energy Information, September 2001. Here is where we get our oil: Iraq, Persian Gulf, OPEC. American families are counting on them, I guess.

That is why we have to protect Israel. That is why we are extending. In this legislation, the U.S. oil supply arrangement through the year 2014.

Furthermore, we are going to increase wilderness. What we are going to do is we are going to take the 1002 area, that was concluded is at great risk, although Alaskans believe it can be developed responsibly—that is 1.5 million acres—what we are going to do is add another 1.5 million from a refuge and put it in in perpetuity, so we are going to increase this wilderness area from about 9 million acres to about 10.5 million acres. We think that is a fair trade. Yet not one Member of the other side has acknowledged that is of any significance. It can only assume the other side has been put away—I won’t wash, but there have been some convincing arguments from our extreme environmental friends. Somehow, more wilderness is not the answer. It is simply to kill ANWR. And the rationale is obvious: ANWR has been a cash cow and these organizations have milked it for all it is worth.

To give some idea, we have a State that is the size of the United States. We have a map here that gives some idea of the comparison. This is a comparative scale. Alaska over the United States, the comparative scale, it will run roughly from Florida almost to California, from the Canadian border to almost the Mexican border. It is a big chunk of real estate. I don’t see anybody from Texas here, but it is 2.5 times the size of Texas.

It is a big piece of real estate, and it is an important piece of real estate, but it has a small population, a very small population. As we look at that population and recognize that over 75 percent support opening ANWR, we begin to reflect a little bit on what this whole notion of wilderness is all about. There is a theory that there has to be somewhere, someplace, in the minds of a lot of Americans, that is untouched, where there is no footprint, that only the hand of God has caressed.

We are talking about the wilderness, the beautiful, the well-meaning environmental groups. But as far as our State is concerned, we believe we have been overexposed because a few years ago, we counted up the number of environmental groups that had offices in Alaska, primarily Anchorage. There were about 62. The last time I looked there were over 90. These are organizations that are located outside that have offices in Alaska. They have young environmental lawyers who are almost coming up to do a missionary commitment. They file an injunction on any project anywhere, a log dump, a driveway, wetlands—you name it.

As a consequence, we think we have done a pretty good job in Alaska. We think we have responsible development. We think Prudhoe Bay is the best oilfield in the world. I said in this Chamber time and time again: You might not like oilfields, but Prudhoe Bay is the best in the world.

Americans do not seem to care where their oil comes from as long as they get it. If it comes from the scorched Earth fields of Iraq or Iran, it doesn’t make any difference. We can do it right. Americans have said it right back: "Prudhoe Bay is the best in the world and it is 37-year-old technology.

We can go to newer fields such as En- dicott, 53 acres—that is the footprint. How many acres do we have in Alaska, 356 million?

Here is a State far to the north. Most people have never been to it. Then in our State we have this Arctic area, the ANWR area way up in the top, that ANWR area. If you are going to take a trip up there, you better have $5,000 in your pocket or go on one of the environmental groups’ funded trips because that is what it costs to get up after Fairbanks, charter into the area. Have somebody take care of you as you enjoy your wilderness experience because you just don’t wander around in that area. It is very harsh.

Here we have this area in the northern part of the United States, and we have extraordinary outside influences of these outside groups dictating terms and conditions. They made it a business because it is a big business. They generate millions of dollars in membership and dollars.

Why do they do it? Because it enhances their organizations. It gives them a cause, and they make a contribution. I am not suggesting they do not, but it has gotten to be a big business, and as a consequence Alaska is a little overexposed because if you look at this other chart, you can get an appreciation of what was done in 1980. We are recognizing all these areas of Alaska that are scratched in blue are Federal withdrawals. They are parks. They are wilderness. We have 56 million acres. That is the footprint.

What do we get from Saddam Hussein, via American oil purchasers? Americans are doing right to night. We are trying to get congressional action to open up that little oilfield up there.

That did not happen by accident. That did not happen on the free will of the people of Alaska. That was gerrymandered by people who did not want Alaska developed.

If you go east and west, you can see where they almost crossed over. There are a few little areas we have a mine now. Do you know how many mines we have in Alaska? We have one major gold mine, one major zinc and lead mine, and Red Dog, and at Greens Creek we
have a large silver mine. We have three major mines in this huge area. We used to have four times those in the State.

Do you know how many pulp mills we have? Zero. I don’t know how many you have in New York, but I do know that New York cuts more wood for firewood than any commercial timber in the State of Alaska. Yet we have the largest of all the national forests: 16 million acres in the Tongass—all this area. As a matter of fact, we live in the forests. Some people think we live in the dark forests. But Juneau, our State capital, is in the State forest. Ketchikan is in the forest; Wrangell, Petersburg, Haines, Skagway, Sitka, Yakutat, Cordova—they are in the forest.

(Mr. DAYTON assumed the Chair.)

Mr. MURKOWSKI. Why didn’t we get a land selection there? We thought we could trust the Forest Service. We thought we could work in harmony. We rue the day, but here it is, and we have to come before Congress and plead for understanding. We have to, as one State, take on the whole national environmental community that has one cause—stop development in Alaska, because of their members.

What we have attempted to do in this amendment is add more wilderness—1.5 million acres. We are adding to the Coastal Plain, as the chart indicates.

What else do we do? We impose strict environmental protections in this legislation. I don’t hear anyone on the other side of the aisle commenting as to the adequacy or inadequacy.

We impose seasonal limitations to protect the denning migration of the animals.

Some ask: What about the polar bear? Are we going to protect the polar bear? The polar bear, for the most part, den on the ice. They do not den on land. Protection we have for the polar bear is the marine mammal law. Polar bears are marine animals. You can’t take them as trophies. You can’t shoot them. If you want to shoot them, you go to Russia or Canada. But you can’t do it in Alaska. These bears get along pretty well. You have seen this picture time and time again. You have been very patient. These are a few of the bears. They do not happen to be polar bears. They are grizzly brown bears. They are walking on top of the pipeline because it is easier for them to walk on the pipeline. They are not threatened. You can’t take a snow machine in there. You can’t hunt in there. We think these are pretty responsible conservation efforts.

A further provision is that the lessees must reclaim the land and put it back to its prior condition. That means it has to be put back in its natural state.

What does it look like in Alaska after you drill a well? Let me show you what it looks like in the Arctic. The only problem is we only have about 2 1/2 months where it looks like this. There is the tundra. There is the little Christmas tree. Where are they talking about these big gravel roads? It isn’t done anymore. We use technology. That is it. It is a nice road. There is the well. It is pretty bleak country. Some people say you can’t drill for oil in a better place. That is reality.

We require use of ice roads, ice pads, and ice airstrips for exploration. If the oil isn’t there, you are not going to see a track. We prohibit public use on all pipelines and roads. We prohibit air traffic. We require no significant adverse effect on fish and wildlife and no significant impact. We require consolidation of facility sitting. Tell me where in the world oil is developed that you have these kinds of restrictions.

Further, we give the Secretary of the Interior the authority to close areas of unique character at any time after consultation with the local community.

Here we have structure. There are two amendments. The first-degree amendment opens the area up so that the leases can be sold and so that the funds can be designated—$8 billion to the legacy, $1 billion to the United Mine Workers, and commercial grants for $232 million to retool the industry; labor training, $115 million; and conservation for National Park Service maintenance and backlogs, etcetera. We think that is pretty good balance.

We wish we had a few more days on this issue. We might be able to further compromise. We really think we are trying to do.

Again, the first-degree amendment opens the area up so that the leases can be sold and so that the funds can be designated. We have the determination to open it.

We don’t have the level of support we had hoped. It is pretty hard for one State to compete with national environmental groups. But we are not giving up because sooner or later ANWR will be opened.

I can express, as you can, the consequences of this vote tomorrow because we don’t know what the future holds. We do know there is an inferno in the Mideast. We do know we are importing 58 percent of our oil. We know Saddam Hussein is obviously up to no good with the money he generates from oil sales to the United States. We know he pays his Republican Guards to keep him alive. We also know he is developing weapons of mass destruction. We just do not know when we are going to have to deal with that.

We are enforcing that aerial no-fly zone over Iraq. We have bombed them three times since the first of the year, and several times last year he attempted to shoot us down. We have the lives of our men and women at risk. We take his oil and go use it to bomb him. He takes our money, pays his Republican Guard to keep him alive, and he develops these weapons of mass destruction.

We look back to September 11 and say: Gee, if we had only had the intelligence, we would have averted that tragedy at the World Trade Center, the Pentagon, and saved the brave people in the aircraft as they tried to take it over before it went down in Pennsylvania.

We know there is a threat from Saddam Hussein. We don’t know when or how. But do we wait?

These are grave responsibilities for our President and the Cabinet and the Joint Chiefs of Staff. These are real. But every time we go to the gas station, we are buying Iraqi oil—some of it, at least. He gets billions. What does he do with it?

Here is that check again. We know he is doing that. He has a reward out.

Where is the principle of the United States, for heaven’s sake? Why do we succumb to do business with a tyrant? These are real principles. If you or I were in business, we wouldn’t do it. We would say: Hey, enough is enough. Let us send a message out here.

We can go down a million rabbit trails for excuses as to why we shouldn’t or couldn’t open this area. These are all things that are tied together. Some Members obviously don’t want to talk too much about it because it is not a pleasant subject. But for the Israelis who are on a bus who are innocent bystanders, and suddenly a young woman gets on the bus rigged with a bomb, and it blows up, believe me, that is a set of facts. That is why so many of the Jewish organizations are saying enough is enough; we ought to stop importing from Iraq.

I have an amendment pending which I am going to bring up. We are going to have a vote on it because the leader gave me a commitment to have a vote on it—that we ought to sanction oil imports from Iran. Isn’t it rather ironic? He has already done it to us, because he said last week he was going to terminate production for 30 days. What happens? The supply goes down and the price goes up.

I don’t know, but the way I read it, charity begins at home. We certainly should not be doing business with this guy just because we need more oil.

I know my critics will say: Well, Senator Murkowski, you are not going to get any relief for awhile. I am talking about sending a message that we mean business about reducing our dependence on Iraq. That is going to be a strong message.

I have heard my colleagues on the other side saying that there is no significant potential in ANWR that would offset our imports. Let me show you a chart. We have lots of charts. This is
going to be a show and tell. We are probably going to go through every chart we have because this is probably going to be the only time we have that opportunity.

But this is a chart that shows what happened to imports when we opened Prudhoe Bay. This might be a little tricky, but let me just show you. The blue line at the bottom is Alaskan oil production from 1973 through 1999. We started small, and the blue line running through the chart shows the production, and then in 1977, more production—and then more production, more production. We were producing 2 million barrels a day. That was 25 percent of the total crude oil produced in the United States. That is how much it was.

As the blue line shows, in 1988, 1989, production at Prudhoe Bay began to decline. And it declined and declined, and now it is a little over a million barrels of oil a day. So what happened, as depicted by the red line, is interesting, though, because that shows our total imports. We started out, per the chart, at roughly 3 million barrels a day and we kept going up and up and up; and then, suddenly, at the peak, we opened up Prudhoe Bay. So those who say ANWR is not going to make any difference, I defy them to counter this reality.

Look at what happened to our imports. They dropped. Why? Because we increased production domestically. We did not relieve our dependence on imported oil, no, not by any means, but we clearly reduced our imports.

Now, what has happened? And we have more conservation. You can go out and buy a 50-mile per gallon car. But we are using more. Why are we using more? Well, it is just the harsh reality that oil imports are taking place because other production in the United States is in decline, and we are using more oil. It is just a harsh reality.

As we look at this chart, we recognize that we can refute the generalization that ANWR isn’t going to make any difference with the reality that it will make a difference. It will make a big difference.

So let’s take that chart down and reflect on how much oil might be there.

We have had some discussion about the Energy Information Administration, the EIA, providing an analysis of the effect of ANWR on U.S. domestic oil production and the net imports of crude oil. And we have had it all over the ballpark.

From the EIA report of February 11, for purposes of addressing ANWR’s impact on national security, crude oil import reduction, and costs, we kept going on since ANWR provides only crude oil—this is what they project regarding domestic production of ANWR. Assuming the U.S. Geological Service mean case for oil in ANWR, there would be an increase of domestic production of 13.9 percent.

I have heard the Senator from Massachusetts communicate some 3 percent. All I can do is submit for the RECORD the EIA USGS mean case of a 13.9 percent increase of domestic production. Assuming the USGS high case for oil in ANWR—the high case is a 16-billion-barrel reserve—that would be a 25.4 percent increase in domestic production. That is a pretty big percentage. That is about 25 percent.

You have to put this in perspective. I have a hard time doing this with those in opposition because they do not want to sit still long enough to reflect on what this means.

How much oil is it?

For Washington, it is 66 years; for Minnesota, it is 65 years; for Florida, it is 30 years; for New York, it is 35 years; for Rhode Island, it is 570 years; for Delaware, it is 46 years; for West Virginia, it is 260 years, for Maryland, it is 98 years; for the District of Columbia, it is 1,710 years; for Maine, it is 235 years; for Massachusetts, it is 226 years. You can all see your individual States. Where is Massachusetts on there? There it is: 87 years. I want to make sure Massachusetts gets in there. I do not want to leave Massachusetts out. For Massachusetts, it is 17 years out.

So there is a lot of oil. But how does it compare, say, with my generalization that Prudhoe Bay has provided, for the last 27 years, somewhere between 20 and 30 percent of the total crude oil? Well, you can only do that by applying the projections associated with ANWR, which are somewhere between 5.6 billion and 16 billion barrels. If you take halfway—10 billion bar- rels, because this is a lot of oil—then you would say Prudhoe Bay was supposed to be 10 billion barrels, but it produced 13 billion barrels. So it is significant, make no mistake about it. I want to put that argument to rest once and for all. It is 235 years. I could go on and on. You can all see your individual States. Where is Massachusetts on there? That is about 25 percent.

The United States is in decline, and we are using more? Well, it is just the harsh reality that oil imports are taking place because other production in the United States is in decline, and we are using more oil. It is just a harsh reality.

As this debate continues, I hope my colleagues will take a long and hard look at the alternatives to Alaskan oil because that is what they are and what it means to the environment on a global scale. Again, I hope they will recognize Alaskan oilfields are the best in the world.
April 17, 2002

LEAVES OFF FOR DRILLING IN ANWR
   "AFL-CIO heads—union policy is already having consequences in Congress and could echo through November and into 2004."

Mr. HOFFA has become a key and very public supporter of President Bush's energy plan, which is also backed by a coalition of carpenters, miners and seafarers. He has lobbied inside Big Labor for a more neutral political bent and his officials were recently overheard giving Democrats on Capitol Hill hell for killing jobs.

This gasoline and ANWR are jobs issues.

Today, some 500 Teamsters will help present the Senate amendment to drill in the Arctic National Wildlife Refuge.

We had that press conference the other day. We had hundreds of laborers out there. We had, in addition to the Teamsters, my good friend Jerry Hood. We had Ed Sullivan, president of the Building and Construction Workers, the AFL-CIO, members of the Building Trades Union, the president of Operating Engineers, and the Seafarers Union.

They are concerned about two things: They are concerned about jobs, and, obviously, they are concerned about national security interests relative to our Nation's continued dependence on foreign oil. It is very real.

That article goes on to say:

Meanwhile, the United Auto Workers, electricians and machinists have rebelled against Democrats on issues from fuel-efficiency standards to nuclear energy.

That is going to come up at another time as we debate the nuclear industry and the future of it and what we are going to do with our waste. I know my good friend Senator REID is going to be and the future of it and what we are going to do with our waste. I know my good friend Senator REID is going to be. The problem with nuclear waste is nobody wants it. If you throw it up in the air, it won't stay there. It has to come down somewhere. As a consequence, we can't agree where to put it.

In my opinion, there is an answer to it; that is, you reprocess it. By doing so, you recover the plutonium, put it back in the reactors, and you vitrify it. That obviously has very little ability for proliferation. That is what the Japanese are doing. That is what the French are doing. Do you know why we can't do it? Because we have such an active nuclear environmental lobby, we don't allow it. So we walk around saying, what in the world are we going to do with our waste? Where are we going to put it? Nobody wants it. Nevada says they don't want it. We have decided to put it there, and so all hell is going to break loose.

Another is our Nation is Workers, electricians, and machinists have rebelled. Why have they rebelled? They are looking at jobs. The problem with nuclear waste is nobody wants it. If you throw it up in the air, it won't stay there. It has to come down somewhere. As a consequence, we can't agree where to put it.

In my opinion, there is an answer to it; that is, you reprocess it. By doing so, you recover the plutonium, put it back in the reactors, and you vitrify it. That obviously has very little ability for proliferation. That is what the Japanese are doing. That is what the French are doing. Do you know why we can't do it? Because we have such an active nuclear environmental lobby, we don't allow it. So we walk around saying, what in the world are we going to do with our waste? Where are we going to put it? Nobody wants it. Nevada says they don't want it. We have decided to put it there, and so all hell is going to break loose.

Another is our Nation is Workers, electricians, and machinists have rebelled. Why have they rebelled? They are looking at jobs.

This article goes on to say that this issue has:

- alienated many of old industrial unions which grow only when the private economy does. Many of these unions don't share the current liberalism of the Washington AFL-CIO elites, who are often well- to-do Ivy-Leaguers.

Well, there is a bit of a change among some of the unions. I suppose that happens around here, too.

But I think it is fair to conclude from this article:

Mr. HOFFA and fellow unions are now doing the same oil-drilling in Alaska, spending heavily on ads across the country. He's vowed to "remember" Democrats who vote against drilling.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

(Labor Journal, Apr. 16, 2001)

LABOR REVOLT

You might not see the picket lines, but a chunk of the American labor movement is staging a walkout against Democrats on issues from fuel-efficiency standards to nuclear energy. They followed last year's resignation from the AFL-CIO by the influential United Brotherhood of Carpenters, along with its half-million members and $4 million in annual dues.

Hoffa has become a key and very public supporter of the Bush energy plan, which is also backed by a union coalition of carpenters, miners and seafarers. He has lobbied inside Big Labor for a more neutral political bent and his officials were recently overheard giving Democrats on Capitol Hill hell for killing jobs. Today, some 500 Teamsters will help present the Senate amendment to drill in the Arctic National Wildlife Refuge.

Meanwhile, the United Auto Workers, electricians and machinists have rebelled against Democrats on issues from fuel-efficiency standards to nuclear energy. They followed last year's resignation from the AFL-CIO by the influential United Brotherhood of Carpenters, along with its half-million members and $4 million in annual dues.

Some of this is issue specific, but it's also a sign of deeper labor tensions. When John Sweeney took over the AFL-CIO in 1995, he turned it into an even more left-wing labor movement.

Mr. MURKOWSKI. What it does is simply say these are job issues and our business is jobs and productivity for the American people. This has become an issue where, clearly, if you look at the last vote on this issue in the Senate, it was 45 to 55, and ANWR was passed in the 1995 vote on the omnibus act. That is when Republicans controlled the Senate.

Well, that was then and this is now. Now how we have had a 50-49 ratio in favor of the Democrats. Clearly, we are in a situation where we don't have control. As a consequence, ANWR is in trouble because it has to overcome the 60-vote point of order. Make no mistake about that.

We have had quite a discussion throughout the day, but there are a few points that have been overlooked. One of them is that batters me the most is overlooking the people of my State, the people who are affected, the people who live in the Arctic and reside in the Coastal Plain. These are a few of the kids. There is not very many of them. There are about 300 of them in that village. But they are like your kids or your grandkids or mine: Looking for a future, looking for a place to live for a better lifestyle, educational opportunities, sewer, water—some of the things we take very much for granted.

This is another picture of their community hall. This is Kaktovik. It is of an elder Eskimo, a snow machine, with his grandson, and a bike. That is the way it is up there.

Some Members would have you believe there is nothing there. Let me show you a picture of Kaktovik. It has an airport, has some radar installation, and it is actually in ANWR. It is
in the Arctic Coastal Plain. It is in the 1.5 million acres. In fact, one oilwell has been drilled in that area.

We have another chart here that gives you a little better idea of that particular geographic area. The thing I want you to see today are everywhere that they stand—stands is that all of ANWR, all of that 1.5 million acres is not Federal land.

These Native American citizens own 95,000 acres. That is diagrammed in the square. The only problem is, while they have title to that land, they have no authority for any access—absolutely none. Only Congress can give them that authority. We are going to be addressing that, because to have an aboriginal group of natives, American citizens, and give them land that has been their ancestral land—it has been their land to begin with; that is where they have been for generations—and not allow them to have access because everything around it is Federal land is simply wrong; it is unjust. We would not do it along any race in the country. You would say you are entitled to access. I know because I have been there time and time and time again.

I had the Secretary of the Interior, Gale Norton, there with me last year. So was Senator SANDERS. The temperature today was 95 here. A year ago, it was 77 below zero there. That caught your attention. It is a harsh environment.

My point is that only through an act of Congress can we make those people be allowed access to their own land. What would it take? Well, it would take some kind of a corridor across Federal land—maybe 300 feet wide. Access to what? Access just to State land. Where does State land start? Over on the other side of that yellow line. On this side is Federal land. They cannot get from there to the State land unless we do something about it.

Let me read you a little letter. This is from the Kaktovik Inupiat Corporation. These people are Eskimos who also live in that village. I want to show you some of these pictures. I want you to get the flavor. Nobody has mentioned on that side of the aisle, during the entire debate, the dreams and aspirations of these people. You have kids going to school in the snow. Nobody shovels the snow away. They dress a little differently perhaps. They wear mucklucks. They wear fur. They dress a little differently perhaps. You have some kids up there.

Let them take a peek at that so the kids in the gallery can see it.

This is how the kids in the Arctic go to school. It is a little different. But these kids are American citizens. They are Inupiat Eskimos. They have rights, dreams, and aspirations. Yet what kind of a lifestyle do they have?

Here is a letter:

Dear Senators Daschle & Lott:

The people of Kaktovik . . . are the only residents within the entire 19.6 million acres of the proposed boundaries of the Arctic National Wildlife Refuge. . . .

These people live right up at the top of the world in Kaktovik.

The letter goes on to say:

[The Kaktoviks] ask for your help in fulfilling our destiny as Inupiat Eskimos and Americans. We ask that you support reopening the Coastal Plain of ANWR to energy exploration. We are asking Congress to fulfill its promise to the Inupiat people and to all Americans: to evaluate the potential of the Coastal Plain.

These people are talking to us as landowners. They go on to say:

In return, as land-owners of 92,160 acres of privately owned land within the Coastal Plain of ANWR, the Kaktovik Inupiat Corporation promises to the Senate of the United States:

1. We will never use our abundant energy resources “as a weapon” against the United States, as Iraq, Iran, Libya, and other foreign energy exporting nations have proposed.

2. We will not engage in supporting terrorism, terrorist States, or any enemies of the United States.

3. We will neither hold telephones to raise money for, contribute money to, or any other way support the slaughter of innocents at home or abroad.

4. We will continue to be loyal Alaskans and proud Americans who will be all the more proud of a government whose actions are opposed to those of its own people; and, we ask that you accept them from the American people.

5. We will continue to pray for the United States, and ask God to bless our nation.

These are my people, Mr. President. They further state:

We do not have much, Gentlemen, except for the promises of the U.S. government that the settlement of our land claims against the United States would eventually lead to the control of our destiny by our people.

In return, we give our promises as listed above. We ask that you accept them from grateful Inupiat Eskimo people of the North Slope of Alaska who are proud to be American.

Mr. President, I don’t think we would get a letter like this from any other potential supplier of oil in the Mideast. I think you would agree with me. So here we have a situation where my people are deprived of a basic right that any other American citizen would not be. It is very disappointing because the human element was not brought up here other than its core opposition: We are opposed to it. The rationale behind is the same argument here: Can't we use the Arctic Coastal Plain of ANWR to energy exploration? Can we drill under the Capitol and if they are lucky enough, they find oil. They say it is a different herd, a Porcupine herd. We are not going to allow any activity during the 21 months that is free of ice and snow because you cannot move in that country. We do not build gravel roads; we build ice roads. It represents better and safer technology and it is the best that the 30-year-old technology had, and we can do better now.

This is another picture. This is real. These are not stuffed. These are caribou. They are lounging around. The picture you see is an example. They do very well. The argument is bogus.

They say it is a different herd, a Porcupine herd. We are not going to allow any activity during the 21 months that is free of ice and snow because you cannot move in that country. We do not build gravel roads; we build ice roads. It represents better and safer technology and does not leave a scar on the tundra.

We have made great advances as a consequence of our lessons, but it is beyond me to reflect on the opposition here other than its core opposition: We are opposed to it. The rationale behind it lacks an in-depth understanding. Here is the new technology. We do not drill the way we used to. They do not go out and punch a hole straight down, and if they are lucky enough, they find oil.

We have directional drilling capability. We can drill under the Capitol and come up at gate 4 at Reagan National Airport. That is the technology we have.

We can hit these spots that are under the ground with this 3-D seismic, one footprint. That is the change. We have proven it because we built Endicott.
Nobody wants to talk about Endicott on the other side; 56 acres; produced over 100 million barrels.

I also want to touch on another myth that the Senator from Massachusetts and the Senator from New Mexico used several years to why we want to go to ANWR when there are other areas. If you are going to rob somebody, you might as well go to the bank; that is where the money is.

We have the greatest prospect for discovery in ANWR. We have what they call National Petroleum Reserve, Alaska. We have pictures of that area. This chart is a bit of a contrast because this shows the top of the world. I want to reference this with this big map. I want to reference where this area is.

Point Barrow is at the top. That is one of our Eskimo communities, and the nice thing about Point Barrow is you cannot go any further north. You fall off the top. The Arctic Ocean is right there. It is a 100-mile job to get oil from the National Petroleum Reserve, Alaska. It used to be Naval Petroleum Reserve, Alaska. I wish the cameras had the intensity to pick up on this to see all this gray/blue area. These are lakes within the reserve.

This is ANWR. Mr. President, do you see any lakes on the Coastal Plain? This is strategic from an environmental point of view, from the standpoint of migratory birds. Where do they go? They do not squat on the land. They go to the lakes. This is a huge mass of lakes.

The opponents are suggesting we go over there. That is fine except from an environmental point of view, we are not going to get permits in many of these areas. While there have been some discoveries right on this line within NPRA, this is where the oil happens to be because that is where the geologists tell us it is most likely to be. We have leases, sales in these fringe areas, but we are not going to get anything around the lakes. To suggest this area is already open is contrary to reality.

Another thing the Senator from Massachusetts says is instead of opening ANWR, we should drill anywhere but Alaska. I find that incredible. We have the infrastructure. We have an 800-mile pipeline, and we are drilling on land.

Do my colleagues know what we are doing in the Gulf of Mexico? We are in 2,000 feet of water. We have had 8,000 leases in the gulf, many of which are not currently producing. There are a lot of endangered and threatened species, including marine mammals, sea turtles, and coastal birds. I cannot fathom why the Senator from Massachusetts believes it is better to drill where there are endangered species than where we have a thriving wildlife population that obviously we take care of, as they do in the Gulf of Mexico.

What stuns me is it seems to me common sense we should develop areas where people support the development. Many of these leases sit off the coast of Florida are objectionable to the people of Florida, and I respect their objections. Yet the people of the Alaska Coastal Plain overwhelmingly support development in Alaska.

Even the Teamsters who support development in Alaska put them all on a wind farm, then they would equal about what ANWR's energy input is capable of. We have a couple more of these charts so we might as well show them.

When we talk about the Sun, we naturally think of Point Barrow, AK, because the Sun only rises in the summertime. I should not say that but in the winter it is dark for a long time.

Two thousand acres of solar panel produce the energy equivalent of 4,400 barrels of oil a day. Two thousand acres of ANWR will produce a million barrels of oil a day. So it would take 448,000, or two-thirds of Rhode Island all in solar panels to produce as much energy as 2,000 acres of ANWR.

Solar panels do have a place in Arizona, Florida, New Mexico, and other areas, but do not think America is going to be moved on solar panels. There has been a lot of discussion taking place on ethanol. Ethanol is an alternative made from vegetable products, corn and other products that come from our farmers. Two thousand acres of ethanol farmland produce the energy equivalent of 25 barrels of oil a day. Two thousand acres of ANWR will produce a million barrels of oil a day, and that source is the national renewable energy lab.

We mistook about it, a byproduct is produced with the corn, which is the corn husk. I am not sure what one does with them, but we could speculate. It would take 80.5 million acres of farmland, or all of New Mexico and Connecticut, to produce as much energy as 2,000 acres of ANWR. So we could plant New Mexico and Connecticut in corn, I guess. The point is, these all have footprints.

We have often talked about size when we talk about Alaska. We have talked about the fact that our State has 33,000 miles of coastline. ANWR is 19 million acres, as big as the State of South Carolina. We talked about the attitude of Alaskans in supporting exploration. About 75 percent of our people support it. Why is it that the people who want to develop oil and gas are not given the opportunity? I do not know. I find it very frustrating.

I listened to some of the debate by some colleagues relative to domestic oil production. They talked about the rip-off that the oil industry allegedly is guilty of in this country, but we still have the best oil industry in the world. It is a relatively high-risk oil exploration. You do not know if you are going to find it. You better find a lot of it.

Somebody suggested that it is comparable in some manner to making sewing machines, that somehow there is a relationship relative to risk. Well, if one is making sewing machines, they know what their market is. They know what it is going to cost. But when one goes out and drills for oil, they do not
know if they are going to find it. There is a lot of risk there.

As we import foreign oil, we do not know what the true cost is because there is no environmental consideration associated with the development. It does not recognize what we enjoy in this country as a standard of living. The standard of living is brought about by people who have prospered and have become accustomed to a standard of living that is high. The cost of having an automobile that can accommodate a family comfortably on a long trip: modest gasoline and energy prices, that is as a consequence of the structure of our society and the makeup of the United States.

The question comes about, Do we want to substantially limit that standard of living by taxes or various increased costs of energy? I do not think so. I think those kinds of things were evident in the debate that we had earlier this week relative to CAFE standards.

One of the things that can certainly undermine our recovery is high oil prices. Our friend Alan Greenspan, Chairman of the Fed, is taking a more guarded outlook on the U.S. economy compared with the comments he made last month about the possible consequences of sustained high oil prices on the economic recovery.

That influential gentleman told the Congressional Joint Economic Committee on Wednesday that energy prices had not yet risen to a point that would seriously sap spending but warned that a lasting surge in the cost of oil could have far-reaching consequences. I ask unanimous consent that this article from Oil Daily be printed in the RECORD.

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

GREENSPAN: HIGH OIL CAN UNDERMINE RECOVERY
(By Sharif Ghalib)

Federal Reserve Chairman Alan Greenspan appears to be taking a more guarded outlook on the US economy compared with more sanguine comments he made last month amid the possible consequences of sustained high oil prices on an economic recovery.

The influential central bank chief told the congressional Joint Economic Committee on Wednesday that energy prices had not yet risen to a point that would seriously sap spending but warned that a lasting surge in the cost of oil could have “far-reaching” consequences. He told the committee he was in no rush to raise interest rates.

Greenspan’s apparent step back may well have reflected mixed signals from recently released economic indicators and, perhaps more importantly, the recent surge in crude oil prices, which have risen nearly $2 per barrel this week.

While the preponderance of the latest economic data points to a faster than previously expected economic recovery in the US, recent data released on the labor market showing a slight rise in unemployment shed some doubt on the strength of the recovery.

The reported rise in unemployment was followed this week by a suggested slowdown in the US housing market, which had been expanding strongly, and—arguably more alarming—a slowdown in consumer spending. Manufacturing activity, however, has turned in its strongest expansion in almost two years.

While the so-called core rate of consumer price inflation, excluding energy and food prices, recently rose, gasoline prices rose by a sharp 8%, the largest monthly change in six months. Fuel oil prices jumped by 2.2%, the strongest since last December.

These increases are in line with higher crude prices, reflecting mainly tensions in the Middle East. Iran’s crude oil embargo and Kuwait’s embargo. Should the current oil rally continue for much longer, Opec will face mounting pressure to ease the restraints on production. The group will meet in June to discuss production policy for the second half of 2002. But Iraq’s embargo call, which has fallen on deaf ears ever since the Libyan embargo, and expected redeployment to the Middle East. Iraq, which makes it politically difficult for Saudi Arabia and other Muslim Opec members to increase production while fellow members Iraq withholds exports to pressure Israel.

Mr. MURKOWSKI. We have talked about oilfields. We have talked about the Arctic. We have talked about the wildlife. We have talked about the oil reserves. We have talked about the federal responsibilities we have to respond to the myth that some suggest we are going to industrialize the Arctic.

I will show a chart of the Arctic in the winter time. This area cannot be industrialized. It is just simply too harsh. Some of this is untouched because it has to be. To suggest we can have an industrial complex is totally unrealistic.

I often take this picture because it shows the harsh Arctic on a day when it is clear, but it is not clear all the time. Sometimes we have a whiteout. We can turn this picture upside down, but it is even better to turn it around. That is what it looks like during a ground. There is snow in the air and no visibility. Somebody told me it is one of the best charts we have. We will show an arctic honeybucket. It costs about $17.

I didn’t have any conversation over there as to why my people aren’t entitled to running water, sewer, disposal. It is not a pleasant reality, but it is a reality. My people are tired. They have to be treated like everybody else. That is why this issue of opening ANWR has more to do than just the environmental innuendoes. It affects real people in my State. It is time they were heard.

I listened to the Senator from Massachusetts. He made a statement that he attested was made in a quote by our current Governor, which I don’t believe. The quote was:

Evidence overwhelmingly rejects the notion of any relationship between Alaska North Slope crude and west coast gasoline prices.

I know the Governor doesn’t believe that, and I want to make sure the record was correct. For a minute what would happen to prices on the west coast in California if we cut off North Slope oil; if we do not continue to supply California, Washington, Oregon with refined product and crude oil. It would impact the west coast. It would impact the entire country.

The Senator from Massachusetts made this reference. I heard it and I thought it was a mischaracterization, so I looked in the RECORD. He made the statement and attributed it to the Governor of Alaska:

Evidence overwhelmingly rejects the notion of any relationship between Alaska North Slope crude and west coast gasoline prices.

I encourage the Senator from Massachusetts to correct that statement.

We have heard time and time again the statement that the United States has only 3 percent of the world’s oil and we use 25 percent of the energy. Yet we produce 25 percent of the world’s gross national product. We can argue that. We are getting a return, certainly, nearly a third of the world’s domestic product is produced by the
United States which has 3 percent of the world’s oil and uses 25 percent of the world’s energy. That is part of our standard of living.

I talked about ANWR doubling our reserves. I talked about the fact we have to address conservation. We are doing nothing to do that and we can continue to do a better job. Nevertheless, we live from day to day. Our farmers are dependent on low-cost energy.

We have a letter from the American Farm Bureau Federation in support of ANWR. I ask unanimous consent to have that printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

AMERICAN FARM BUREAU FEDERATION, Washington, DC.

Dear Senator Murkowski: America’s farmers and ranchers are users, and increasingly producers, of energy. We believe that passage of a comprehensive energy bill is of vital importance to agriculture and to our nation. We urge the Senate to pass an energy bill with the hope that the President will soon sign into law legislation that will address our energy security.

Our organization along with other ag groups, the petroleum industry, and environmental groups have reached a bipartisan agreement on renewable fuels. This agreement, contained in Majority Leader Daschle’s bill, provides that our nation’s motor fuel supply will include at least five billion barrels of renewable fuels by 2012. The Renewable Fuels Standard adds value to our commodities, creates jobs in rural America and provides a clean-burning, domestically produced fuel supply for our nation. We urge you to oppose any amendment that undoes this agreement.

Production of food and fiber takes energy—diesel in the tractor and combine, propane to heat the greenhouse, natural gas as a feedstock for fertilizer and electricity for home and farm. Our members believe that we must have affordable and reliable energy sources. American Farm Bureau policy has long supported environmentally sound energy policy for the Arctic National Wildlife Refuge (ANWR). We ask that you support a cloture vote to allow the Senate to vote on this issue and to support expanding our domestically produced energy sources.

Sincerely,

BOB STALLMAN, President.

Mr. MURKOWSKI. As we look at the statistics we heard suggested there was a compromise between CAFE standards and safety. We chose to err on the side of not reducing CAFE standards to the levels we could have. That is a responsible decision.

That does not mean new technology will not help, but to suggest we can make up the difference of what we import from Saddam Hussein, nearly 1.1 million barrels a day on CAFE, is not realistic. We gradually improve our CAFE standards as we have over a period of time. To suggest we can make up the difference is poppycock. It can’t be done and we need to begin to do better and we will do better. But America moves on. You don’t run an aircraft on hot air. You don’t fly an auto in Washington, DC, on hot air. You do it on oil. We are moving on oil. We will continue to do that and we will do all for conservation, for renewables, but I am all for reality. This chart is ironic. It shows the New York Times editorial positions from time to time. This was the 1987, 1988, and 1989 position, the New York Times editorial board. They said in 1989: Arctic National Wildlife Refuge is the most promising refuge . . . of untapped resource of oil in the north.

In June of 1988: . . . The potential is enormous and the environmental risks are modest . . . Further . . . the likely value of the oil far exceeds plausible estimates of the environmental cost . . . the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness. . . . But it is hard to see why absolute pristine preservation of the wilderness should take precedence over the Nation’s energy needs.

March 30, 1989: . . . Alaskan oil is too valuable to leave in the ground . . . The single most promising source of oil in America lies on the north coast of Alaska.

Washington can’t afford to treat the [Exxon Valdez] accident as a reason for fencing off what may be the last great oil field in the nation.

Now they say: Mr. Murkowski’s stated purpose is to reduce the Nation’s use of foreign oil from 56 percent to 50 percent partly through tax breaks.

The centerpiece of that strategy, in turn is to open the coastal plain of the Arctic National Wildlife Refuge. This page has addressed the folly of trespassing on a wondrous wilderness preserve for what, by official estimates, is likely to be a modest amount of economically recoverable oil.

What a contrast. January 2001, the country needs a rational energy strategy, but the first step in that strategy should not be to start punching holes in the Arctic Refuge.

They have gone from 1987, 1988, 1989 to 2001, in March and January—a complete change of position. I asked the editorial board of the New York Times: Why? They said: Well, Senator, the former head of the editorial board moved to California so we have changed our position.

We have added the line here from the Washington Post that is even more ironic. In 1987 and 1989 they said:

Preservation of wilderness is important, but much of Alaska is already under the strictest of preservation laws. But that part of the arctic coast is one of the bleakest, most remote places on this continent, and there is hardly any other place where drilling would have less impact on the surrounding life . . . .

That oil could help ease the country’s transitions to lower oil supplies and reduce its dependence on uncertain imports. Congress would be right to go ahead and, with all the conditions and environmental protections that are in the Bush, say, what’s under the refuge’s tundra . . .

Then on April 4, 1989, it says: . . . But if less is to be produced here in the United States, more will have to come from other countries. The effect will be to move America, to other shores. As a policy to protect the global environment, that’s not very helpful . . . .

. . . The lesson that conventional wisdom seems to be drawing—that the country should produce less and turn to even greater imports—is exactly wrong.

Here we are in February 2001: Is there an energy crisis, and if so, what kind? What part of the problem can the market take care of, and what must government do? What’s the right goal when it comes to dependence on overseas sources?

America cannot drill its way out of ties to the world oil market. There may be an emotional appeal to the notion of American energy for the American consumer and a national security argument for reducing the share that imports hold. But there are generous estimates of potential production from the Alaska refuge amount to only a fraction of current imports.

Did we say it might be as much as 25 percent?

December 2001, the 25th, Christmas Day:

Gov. Bush has promised to make energy policy an early priority of his administration. If he wants to open the plain as part of that, he’ll have to show that he values conservation as well as finding new sources of supply. He’ll also have to make the case that in the long run, the oil to be gained is worth the potential damage to this unique wild and biologically vital ecosystem. That strikes us as a hard case to make.

Isn’t it ironic that these editorial boards of two of the Nation’s leading papers could change their minds so dramatically? I did meet with the Washington Post editorial board and I asked them why they had changed their position. They were relatively surprised I would ask them that kind of question, and their response was equally interesting. They said they thought George W. Bush was a little too forceful in promoting energy activities associated with his particular background. In other words, I was simply brushed off.

This happens to be a Washington Post story. It is interesting because this is the newest deal that we developed. It is the Philips field, the Alpine project in Alaska’s North Slope, and right on the edge of the National Petroleum Reserve, Alaska.

You can see that is a whole oilfield. That is it. That is producing somewhere around 85,000 to 100,000 barrels a day.

You know there is one thing you see and you see a little airstrip and that is all. There is no road out of there. There is a ice road in the wintertime, but in the summertime you have to fly to get
in and out of there. The interesting thing about the Washington Post is—we used to have laws around here when I was in the banking business called truth in lending. You had to tell the truth to a borrower if you were going to lend him money. Those particular polar bears are warm and cuddly, but they are not in ANWR. We know where the picture was taken. It was taken about 500 miles away near Point Barrow. Nevertheless, it was a Park Service photo. It looked good. They just used it and wrote us a nice letter and said thank you.

ANWR—100 percent homegrown American energy.

That is like homegrown corn.

The exploration and development of energy resources in the United States is governed by the world’s most stringent environmental constraints, and to force development elsewhere is to accept the inevitability of less rigorous oversight.

This is a gentleman, former executive director of the Sierra Club, Doug Wheeler.

We can do it right. Give us a chance.

Washington Post, February 12, 2002:

Our greatest single failure over the last 25 years is our failure to reduce our dependence on foreign oil . . . which would have reduced the leverage of Saudi Arabia.

Richard Holbrooke, Ambassador to the United Nations in the second Clinton administration.

February 13, 2002:

The Bush administration’s defense of the leases shows “disregard for both our precious California coastline and the right of states to make decisions about their environment.”

This was our good friend, the junior Senator from California, BARBARA BOXER, commenting on the issue of States having a determination as to what should prevail in their State. She further said:

“We’re going to swap [oil leases] so that the oil companies can drill where people want them to drill.”

That was February 15. Of course we would have them drill in our State. I think it is important to reflect the inconsistency associated with some of the statements.

This happens to be back in Eisenhower’s time. This was a Petroleum Industry War Council poster:

Your work is vital to victory. Our ships, our planes, our tanks must have oil.

You do not sail a Navy ship by wind. You do not fly the planes on hot air.

This is by Reuters:

Iraq uses oil as a weapon against Israel, U.S.

“Use oil as a weapon in the battle with the enemy (Israel),” Iraq’s ruling Baath party said in a statement published by Baghdad media Monday.

“If the oil weapon is not used in the battle to defend our nations and safeguard our lives and dignity against American and Zionist [namely Israeli] aggression, it is meaningless,” the Iraqi statement said.

“If they want to put an end to Zionism, they are able to do so in 24 hours,” Saddam told a group of Iraqi religious dignitaries Sunday night.

“The world understands the language of economy, so why do not Arabs use this language?” he asked.

“Saddam said if only two Arab States threatened to use economic measures against Western countries if Israel did not withdraw from Palestinian-ruled territory, “you will see they (Israelis) will pull out the next day.”

That is the kind of threat being used today.

Let’s take a look at where the Iraqi oil is concerned is going to California. This is 287 million barrels that we shipped out: Minnesota, Midwest, all the States in the red on this chart. Do not think we are not getting some Iraqi oil.

This is what occurred in the world when the United States said it was out for the Easter recess. This is a little note to the American people and the Senators. What happened April 9, while we were out? We had Saddam Hussein impose You have seen this before. Saddam was paying the Palestinian suicide bombers an increase from $10,000 to $25,000; Iraq and Iran called on countries to use “oil as a weapon” against the United States and Israel, and we happened to agree with that; the Iraqis—there was a plot, I think it was reported in the Christian Science Monitor, to blow up a U.S. warship; the price of gasoline moved up.

So it is happening. Here is our friend Saddam Hussein, very blatantly stating “Oil Is A Weapon.”

Again, we have seen this check he is offering suicide bombers—$25,000.

This is occurring right in the world today. I do not know how the American public feels, but I am fed up.

The last one I will show again. It is the frustration associated with the development. We all appreciate the sanctity of wilderness, parks, and recreation areas. But all those areas in Alaska are federally established withdrawals. They are wilderness areas, wildlife areas, national parks. We are proud of them. But we are entitled to develop and prosper as a State, to provide educational opportunities for our children, sewer and water, and jobs.

When we look at an area one-fifth the size of the lower 48 and recognize we don’t have one year-round manufacturing plant in the entire State, with the exception of an ammonia plant, that really can be considered a manufacturing plant—all of their products are exported outside of Alaska. We have oil and we have gas. As you know, once oil and gas are developed, they are not very labor intensive. There is a lot of maintenance. There is new exploration. The oil industry has done a responsible job. But it is not a resident oil industry. We don’t have small resident companies in our State. We wish we did. We have Exxon, we have British Petroleum, we have Phillips, and a couple of others. It is all outside capital. The people who contribute to the industry are the best, but for the most part they are transient.

The wealth of an area is in its land. If the land is not controlled by the people, then the wealth belongs to government. In our State, for the most part it is the Federal Government, and to a lesser degree the State government. The only exception we have to that is the land that is owned in fee simple by our Native residents and their efforts to try to develop the resources on this land.

But I could go very easily right down the list. We have the potential for oil and gas. We are blessed with that. It is in the Arctic. It is in the Cook Inlet where the ANWR is down around Anchorage, and it is higher up.

We have some other companies. Unocal is down in the Cook Inlet area. But for the most part, it has just been the major oil companies. We really don’t have a significant locally owned, Alaskan-domiciled oil company of any competitive magnitude. I wish we did. But people come up and exploit the resources. Most of the profits are taken down below to Texas, simply where the oil industry is located. We have even seen Phillips move down to Texas as well. That is a corporate decision; that is their own business.

Oil and gas have tremendous potential. The only way the citizens of Alaska and the Government benefit in that is through employment and through revenues from the taxes of those resources.

We go to the timber resources. As I have indicated time and time again, there are more timber harvested in the State of New York for firewood than is produced commercially in the State of Alaska in the largest of all our national forests because we don’t have the State forests of any consequence, it is all Federal. Try to get a timber sale on the Federal forest today, and you will find yourself sitting on the courthouse steps—one injunction after another. As a consequence, I think we have one sawmill perhaps still operating in the State of Alaska that is perhaps still operating in Klawock, and one perhaps still operating in Wrangell. That is virtually it.

We have 33,000 miles of coastline. There is a lot of fishing. We have a tough time marketing our salmon, which are wild Alaska salmon, because our salmon are seasonal. They start running in May and run through August and September. Our competition is now fish farming in Chile and Canada. We can’t quite comprehend that in Alaska because, of first of all, we don’t know how the salmon were harvested in our fisheries and coastal communities which are the backbone of our State. We think we have a superior product. But they can provide the fresh product year round in the market we have problems with our fisheries. We are going through a transition. We don’t necessarily know what the answer is. We have a lot of halibut, a lot of cod, and a lot of crab.

We are tremendously blessed with minerals. We have no transportation. We have a problem harvesting in our fisheries. We are going through a transition. We don’t necessarily know what the answer is. We have a lot of halibut, a lot of cod, and a lot of crab.
We have no way to reach across our State from east to west. We have no highways throughout southeastern Alaska. We have a ferry system.

As you look at minerals, if you look at that map and try to figure out how you are going to get through some of the Federal withdrawals located nearby, indicated on the colored charts, you get a different picture of that wide open space up there and all those resources. How are you going to develop them? Anything we develop we don’t market in our State because we don’t have a population concentration. We have 660,000 people, or thereabouts, with half of them in Anchorage. Everything we produce has to be competitive with the other countries that develop resources and sell on the markets of the world. For all practical purposes, our world markets, with the exception of oil and gas, are in the Orient—Japan, Korea, Taiwan, and China to some extent.

That is a little bit of a rundown of Alaska today. That is why we believe, for the benefit of our State, our State government, and for our people, that it is imperative we be allowed to develop this area for the national security interests of this Nation.

There is a technical paper I came across which was sent to me on the physics of oil and natural gas production. It addresses the relationship between Prudhoe Bay and ANWR. It is two paragraphs. I think it is important. It is written by the professor of geological engineering and chairman of the Department of Mining and Geological Engineering, School of Minerals and Engineering, University of Alaska, Fairbanks. I am sure he would agree to have that go into the RECORD.

It states:

Due to the physics of oil and natural gas production, the natural gas resources in Prudhoe Bay can now be produced since there has been a significant reduction in the oil reserves—In other words, the oil has been pulled down.

He goes on to say:

Due to the physics of production, the concurrent production of oil from ANWR with the production of natural gas from Prudhoe Bay can result in the optimum utilization of these energy resources. Without concurrent production there will be a significant time interval after the depletion of the natural gas in Prudhoe Bay before any gas is produced from ANWR. The interval could be as much as 30 years. Assuming only 18 billion barrels of recoverable oil in ANWR, and an excess capacity of 800,000 barrels per day in the Trans-Alaska pipeline, it would take 55 years to utilize this petroleum resource. Thus, natural gas from ANWR could not be optimally utilized for 34 years after the natural gas in Prudhoe Bay is depleted. There is more than adequate time for both Alaskans and those outsiders in the “lower-48” to freeze in the dark. ANWR petroleum must be utilized now in order to have ANWR gas available when Prudhoe Bay gas is depleted.

So he is making the case that as we developed Prudhoe Bay, we found the gas. We used the gas for recovery of the oil. Now that the oil is in decline, we can use the gas. But the same is true in ANWR. If we develop ANWR, and begin to produce oil, as the oil declines, we will use the gas for reinjection, and then we will have the gas available.

So there is a logical sequence in the manner in which you develop these fields and provide the continuity of oil, followed by the continuity of gas.

I must also indicate that as a professional engineer, Paul Metz is providing his opinion and not the opinion, necessarily, or endorsement of the University of Alaska, or the engineering department. But I think it puts a different light on the logic of the sequence of development of a huge hydrocarbon field such as we have in the Alaska Arctic today.

Mr. President, you have been very gracious with your time. It is 10:30 at night. I think we started this debate very early. Somebody said 8:30. It has been a long day. But I felt it necessary to give Joe an opportunity to show his charts, and he has done a good job of that.

I say to you, Mr. President, you have been gracious with your time. And the clerks, and the whole Senate professional staff have been very generous.

Again, I would appeal to those of you who are about ready to go to bed, to those staff people who are watching, to consider, one more time, the human element. Put aside, for just a moment, the environmental considerations that have gone into this debate. Consider the people of Alaska. Consider those kids—their hopes, their dreams, their aspirations for a better life, an opportunity for sewer and water. It looks like the middle child shown in the picture missed the dentist. But, in any event, they are American citizens. They are Eskimo kids who live in our land, and I think they have a right to look to us, look to those of us in this body for some disposition of their future so they can enjoy the opportunities that we take for granted.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL TOMORROW
AT 9:45 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:45 tomorrow morning.

Thereupon, the Senate, at 10:33 p.m., adjourned until Thursday, April 18, 2002, at 9:45 a.m.

CONFIRMATION
Executive nomination confirmed by the Senate April 17, 2002.

THE JUDICIARY

LANE M. AFRICK, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.
IN HONOR OF RAY “SCOTTY” MORRIS

HON. NANCY PELOSI
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Ms. PELOSI. Mr. Speaker, I rise today to salute a great San Francisco talent, Ray “Scotty” Morris on the occasion of his 70th birthday. Scotty Morris is a brilliant photographer, and San Francisco has been enriched by the fine work he has done in our City.

Scotty’s work in the fields of photography and photojournalism has earned him widespread recognition. He has won 28 national, state, and local awards for his photographs, including the well-recognized Associated Press News and Feature Award and the San Francisco Press Club Award for the best news picture of the year. His works have appeared in the New York Times, the London Times, Newsweek, Life, Esquire, Forbes, and many other prestigious publications.

Scotty Morris’ photographs of international political leaders include every American President from Harry Truman to Bill Clinton, as well as Charles De Gaulle and Nikita Kruschev. His portfolio includes well-known images of film stars Elizabeth Taylor, Sophia Loren, and Robert Redford; world icons Queen Elizabeth, Mother Teresa, and the Dalai Lama; and sports heroes Pele, Peggy Fleming, and Joe Montana.

During Mayor Frank Jordan’s administration, Scotty was the official photographer for San Francisco. His photograph of the Royal Yacht Britannia entering San Francisco Bay was presented to Her Majesty Queen Elizabeth as an official gift from the city of San Francisco and now resides in Buckingham Palace.

Mr. Speaker, Scotty Morris’ artistic gifts have enriched our City and our nation. It is my pleasure to commend him for his marvelous career and to wish him the best on his 70th birthday.

PERSONAL EXPLANATION

HON. STEPHEN HORN
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. HORN. Mr. Speaker, on Roll Call No. 92, H.R. 3762, the passage of the Employee Pension Freedom Act of 2002/Pension Security Act of 2002, I was unavailably detained on Congressional business. Had I been present, I would have voted yea.

PERSONAL EXPLANATION

HON. PAUL RYAN
OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. RYAN of Wisconsin. Mr. Speaker, due to a death in the family, I was absent for Roll Call Votes No. 80 through 92 from April 9, 2002 through April 11, 2002. I have listed below how I would have voted had I been present.

On Vote No. 80, to approve the Journal, I would have voted “Yea.”

On Roll Call Vote No. 81, H. Res. 377, recognizing Ellis Island Medal of Honor and commending the National Ethnic Coalition of Organizations, I would have voted “Yea.”

On Roll Call Vote No. 82, H.R. 3958, the Bear River Migratory Bird Refuge Settlement Act, I would have voted “Yea.”

On Roll Call Vote No. 83, on agreeing to an amendment introduced by the gentleman from California, Mr. Waxman, to H.R. 3925, The Digital Tech Corps Act of 2002, I would have voted “No.”

On Roll Call Vote No. 84, H. Res. 363, congratulating the people of Utah, the Salt Lake Organizing Committee and the athletes of the world for a successful and inspiring 2002 Olympic Winter Games, I would have voted “Yea.”

On Roll Call Vote No. 85, H.R. 3991, the Taxpayer Protection and IRS Accountability Act, I would have voted “Yea.”

On Roll Call Vote No. 86, on a motion to instruct conferees to H.R. 2646, the Farm Security Act, “Yea.”

On Roll Call Vote No. 87, on ordering the previous question, I would have voted “Yea.”

On Roll Call Vote No. 88, H. Res. 386, the rule to consider H.R. 3762, the Pension Security Act, I would have voted “Yea.”

On Roll Call Vote No. 89, on approving the Journal, I would have voted “Yea.”

On Roll Call Vote No. 90, on the amendment offered by the gentleman from California, Mr. Miller, Substitute Amendment to H.R. 3762, the Pension Security Act, I would have voted “No.”

On Roll Call Vote No. 91, on the motion to recommit with instructions to H.R. 3762, the Pension Security Act, I would have voted “No.”

On Roll Call Vote No. 92, on final passage of H.R. 3762, the Pension Security Act, I would have voted “Yea.”

HONORING RUBEN BURKS, SECRETARY-TREASURER OF THE UAW, ON HIS RETIREMENT

HON. JOHN D. DINGELL
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 16, 2002

Mr. DINGELL. Mr. Speaker, I rise today to recognize Ruben Burks on the occasion of his retirement from the UAW as secretary-treasurer.

Mr. Burks was elected secretary-treasurer of the UAW on June 24, 1998, by the delegates to the 32nd UAW Constitutional Convention in Las Vegas, Nevada.

As secretary-treasurer, Ruben holds the second-highest office in the UAW. He is responsible for various administrative departments of the International Union, including Accounting, Auditing, Building Maintenance, Circulation, Purchasing, and Strike Insurance. In addition, Burks directs the UAW Michigan Council (Community Action Program) and the UAW’s Veterans Department.

Prior to his position as secretary-treasurer, Ruben served three terms as director of UAW Region IC, which covers 11 counties in southern Michigan and is headquartered in Flint.

Mr. Speaker, Ruben has been a member of UAW Local 986 since 1965 when he went to work as an assembler at the former Fisher Body Plant 2 of General Motors Corporation in Flint, Michigan. In 1970, Mr. Burks was appointed by then UAW President Walter Reuther to the International Union staff in Region 1C where he serviced UAW members in General Motors and independents, parts, and supplier plants.

Ruben has been a long time community activist as well. He has been a leader in Flint Genesee County Economic Development, a cooperative effort by labor, business, and civic leaders to keep good jobs in the Flint community and to attract new industries to the area. Ruben played a leading role in the UAW-General Motors Motors Community Health Care Initiative in Flint, an innovative community-based effort to improve the quality and accessibility of health care while at the same time making the community’s health care delivery system more cost efficient.

Ruben has not only been active in the UAW, but is also actively involved in numerous civic, charitable, and youth organizations in the Flint community, including Special Olympics, March of Dimes, Red Cross, and Easter Seals.

An outspoken advocate for working families in the political arena, Mr. Burks has made grassroots political action by UAW members a high priority in Region 1C. Ruben also received an honorary degree in Community Development from Mott Community College in recognition and appreciation of his contributions to the Flint community.

Ruben has lived in Flint since 1955 and is the proud father of seven children and ten grandchildren. Mr. Speaker, as Ruben leaves his position as secretary-treasurer of the UAW, I would ask that all my colleagues salute him and his leadership.

RECOGNIZING DEPELCHIN CHILDREN’S CENTER

HON. KEN BENSTEN
OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. BENSTEN. Mr. Speaker, I rise today in recognition of the DePelchin Children’s Center, on the occasion of their 110th Anniversary and the grand opening dedication of their new facility. The DePelchin Children’s Center is named for its founder Kezia Payne DePelchin.
who in 1892 took three orphaned babies into her care and started a tradition of service.

The three babies taken in by Kezia were the first of thousands to be cared for by the DePelchin Children’s Center. The center currently provides counseling services, educational, adoption, and foster care services, and specialized treatment for children with emotional disorders. What is a most remarkable feat is that these services are currently offered to more than 27,000 children and families each year.

Throughout its 110 year continuum of care, DePelchin Children’s Center has been a cornerstone of care in Harris, Montgomery, Ft. Bend, and Waller Counties. The services offered at DePelchin are designed to meet the specific needs of individuals and families. At DePelchin, services are offered to individuals regardless of their ability to pay. The Center receives its funding from the United Way, several government agencies, and the generosity of individuals within the community.

From 1992 to 2002, the DePelchin Children’s Center has continued to grow. Through its support from the Child Welfare League of America (CWLA) in 1937, DePelchin opened the Negro Child Center and targeted services to Houston’s minority population. During the days of segregation DePelchin was a catalyst within the community.

There are many success stories that spawned from the DePelchin Children’s Center. The “Bayou Place,” a division of DePelchin in Spring, Texas, serves as a group home and hosts classes for foster and biological families. It provides education for children at the shelter, care for children of battered wives, and adoption services for mentally retarded children.

Mr. Speaker, I join the DePelchin Children’s Center as it celebrates its 110th Anniversary and the grand opening dedication of the new facility. I commend the staff and volunteers of DePelchin for their unyielding commitment to the ideals of Kezia Payne DePelchin. Their passionate work on behalf of countless young Americans to open a residential licensed home in West Fresno for the Central Valley Region and State of California, where she could assist numerous Valley residents.

Mr. Speaker, I rise today to honor Mrs. Rosteen Strassner on the very special occasion of her 100th birthday. The community has been greatly served by this outstanding woman. I invite my colleagues to join me in thanking Mrs. Strassner for her contributions to the community and wishing her many more prosperous years.

RACE RELATIONS IN NORTHEAST OHIO

HON. TOM SAwyER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. SAWYER. Mr. Speaker, in 1993, The Akron Beacon Journal in Akron, Ohio published “A Question of Color,” a year-long Pulitzer Prize winning series on race relations in Northeast Ohio. As part of the series, The Akron Beacon Journal called on local organizations to join together to discuss ways to improve race relations in the community. This effort became known as the Coming Together Project.

Nine years later, the Coming Together Project has grown tremendously. What began as a local effort to address growing disparities between blacks and whites in the areas of housing, income, and educational opportunities, has expanded into a national effort to promote diversity, racial harmony, and cultural awareness. The Coming Together Project established programs that provide people with the opportunity to discuss issues that have historically divided them. Through educational workshops and seminars, the Coming Together Project promotes dialogue and helps foster community-building relationships.

On Wednesday, April 17, 2002, the Coming Together Project will hold its inaugural Annual Meeting and Awards Luncheon in honor of the organization’s founders, community volunteers, and supporting groups. The Coming Together Project and its 250 participating member groups and corporations deserve recognition for their dedicated work to improving communities across the country through diversity programs.

RECOGNIZING THE HOUSTON MINORITY BUSINESS COUNCIL’S EXPO 2002

HON. KEN BENSTEn
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. BENSTEN. Mr. Speaker, I rise in recognition of the Houston Minority Business Council’s EXPO 2002. EXPO 2002, Texas’ largest minority business development trade fair, assists major corporations, government agencies and educational institutions in identifying proven minority suppliers capable of satisfying product and service needs. This year’s business forum will be held on Wednesday, September 5, 2002, at the George R. Brown Convention Center. Dr. John Mendelsohn, president of the University of Texas’ M.D. Anderson Cancer Center will serve as this year’s General Chair.

For many years, major corporations have used EXPO as a tool to obtain information on how to do business with their companies. Minority Business Enterprises (MBEs) utilize EXPO as an easy and cost-effective means of accessing key purchasing personnel and decisionmakers at major corporations. EXPO allows MBEs to gain valuable insights into the local and national initiatives of major corporations. Nearly 1,000 minority-owned businesses and more than 200 corporations and government agencies are expected to attend. EXPO prides itself in its ability to spur the development of minority businesses by bringing together minority businesses and corporate executives. Last year, as a result of contacts established at EXPO, MBEs made an average of 23 sales calls from which 44 percent reported immediate results.

On average, at least two-thirds of the participants reported the establishment of new business relationships that totaled as high as $2 million within 8 months of the event.

Mr. Speaker, the Houston Minority Business Council serves the important function of incorporating minority businesses in local and national commerce. Regardless of the size of the company, EXPO has something to offer a minority business owner, major corporation, government agency, educational or financial institution, or business resource organization. I applaud the efforts of the Houston Minority Business Council and look forward to another successful event.

HONORING CHARLES M. WALLIN

HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Charles M. Wallin for receiving the 2002 Hall of Fame Award from the Sanger District Chamber of Commerce. Mr. Wallin has been playing a huge role in the Sanger community nearly his entire life.

Charles Wallin attended elementary school and high school in Sanger. He graduated from Fresno State, and the College of Mortuary Science in Los Angeles. Upon his return to Sanger, Charles went into business with his father at Wallin & Son Funeral Home which he eventually purchased from his father and renamed Wallin’s Sanger Funeral Home.

Mr. Wallin is a very active member of the Sanger community. He was a member of the board of directors for the Sanger Chamber of Commerce and was the District Secretary for Rotary District 5230. Charles Wallin has been a member of the Rotary Club of Sanger since 1964, and is currently a member of the Sanger Masonic Lodge No. 316. Charles is an avid supporter of the Tom Flores Youth Foundation, and also promotes numerous programs at Sanger High School. Mr. Wallin is a member of the California Funeral Director’s Association, and has been married to Marilyn L. Wallin for 37 years, and the happy couple was blessed with three sons, Mark, Christopher, and Brian.
Mr. Speaker, I rise today to congratulate Mr. Charles M. Wallin for receiving the 2002 Hall of Fame Award from Sanger Chamber of Commerce. I invite my colleagues to join me in thanking Mr. Wallin for his community service and wishing him many more years of continued success.

PERSONAL EXPLANATION

HON. BOB RILEY
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 93, H.R. 1374, the Philip E. Ruppe Post Office Building Designation Act. Had I been present I would have voted “yea.” I was also unavoidably detained for rollcall No. 94, H.R. 4156, the Clergy Housing Allowance Clarification Act (as amended). Had I been present I would have voted “yea.” I was also unavoidably detained for rollcall No. 95, H.R. 4167, the Family Farmer Bankruptcy Extension Act. Had I been present I would have voted “yea.”

50TH ANNIVERSARY OF LITTLE LEAGUE BASEBALL IN BOUND BROOK, NJ

HON. MICHAEL FERGUSON
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. FERGUSON. Mr. Speaker, I rise today to congratulate the players, coaches and administration of the Bound Brook Little League on the 50th anniversary of Little League Baseball in Bound Brook, New Jersey.

Nothing symbolizes the springtime and the onset of warmer weather like the first pitch of the baseball season. A season’s first pitch is always a special moment, but on Saturday, April 20, the first pitch ceremony of the Bound Brook Little League commemorates 50 years of little league baseball in the community.

Over the years, little league baseball has become a fixture in Bound Brook. The little league does more than merely teach the youth of the area about our national pastime. It fosters camaraderie with teammates, instills respect for fellow competitors, and teaches youngsters that sports are about much more than winning and losing.

On April 20, the community of Bound Brook will come together to have a parade followed by exhibition baseball games to mark the 50th anniversary of the little league. This day of celebration will bring together former and current players and is symbolic of the organization’s meaning to the area. The little league brings the community together to give adults the opportunity to share their love of baseball and teach kids lessons that they will carry throughout their lives.

I commend Bound Brook Little Leaguers, past and present, and the many friends of the little league that have helped mold the lives of so many youngsters throughout the past 50 years.

HONORING DR. FRED B. KESSLER
HON. KEN BENSTE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. BENSTE. Mr. Speaker, I rise today to honor Dr. Fred B. Kessler who has been selected The Houston Surgical Society’s “Distinguished Houston Surgeon” for 2002. Dr. Kessler’s family, colleagues, and friends will honor him at the society’s meeting on May 21, 2002.

Dr. Kessler has dedicated his life to our county and to the world of surgical medicine. He was born on December 18, 1931, in Houston, TX. He graduated from the University of Texas in 1952 and obtained his medical degree in 1956 from the University of Texas Medical School in Galveston. Dr. Kessler interned at the Philadelphia General Hospital from 1956–1957 and completed his residency training at the Hospital University of Pennsylvania. He returned to Houston after completing his fellowship at Roosevelt Hospital in New York in 1963.

Dr. Kessler is currently Clinical Professor of Surgery and Co-Fellowship Director of the Plastic Surgery Hand Service at Baylor College of Medicine. He has served on numerous committees for the American Society for Surgery of the Hand and the American Medical Association, published numerous articles and chapters, and served as associate editor of the Journal of Hand Surgery.

Mr. Speaker, throughout his career, Dr. Kessler has distinguished himself as a spectacular surgeon, consummate educator and an integral part of the Houston community. It is with great honor that I congratulate him on this outstanding recognition of his commitment to the field of medicine.

HONORING MR. DEAN STANLEY SHELTON
HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. SCHAFFER. Mr. Speaker, today I am proud to honor Staff Sergeant Dean Stanley Shelton who proudly served in the United States Army and recently received the Purple Heart and Bronze Star medals of honor. Raised in Kansa, Mr. Shelton was drafted on February 8, 1951 at age twenty-one, and first served in Germany. During his time there he met his soon-to-be wife, Greta. Once his service abroad was completed, Mr. Shelton came back to the United States and was stationed at Fort Custer, Michigan where he received an Honorable Discharge on January 30, 1955.

However, due to his dedication and love of service, Mr. Shelton re-enlisted in the Army on June 27, 1955. Once again duty sent him to Germany, South Korea, and South Vietnam.

It was in Vietnam, assigned to Company A, Fourth Engineering Battalion, Fourth Infantry Division, where Staff Sergeant Shelton sustained injuries during combat. On March 26, 1968, the Third Battalion Fire Support Base came under intense enemy ground, rocket, and mortar attack. During these events, Specialist Shelton sustained injuries while positioned in a bunker defending the base perimeter.

Although his fellow soldiers and the U.S. Army recognized his personal bravery, due to his severe medical condition and evacuation to U.S. hospitals, there was unfortunately not time to present his medals when they were actually awarded. On the battlefield, Shelton showed uncommon valor, dedication, and sacrifice that cannot be instilled in training.

Mr. Speaker, I had the honor of attending an awards ceremony on April 8, 2002, when Mr. Shelton finally received his medals. This nation has not forgotten his tremendous service. I would like to thank Staff Sergeant Shelton in keeping with the highest tradition of armed service, and selflessly defending the lives of his fellow soldiers.

RECOGNIZING SHARON K. DARLING
HON. ANNE M. NORTHUP
OF KENTUCKY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mrs. NORTHUP. Mr. Speaker, I rise today to congratulate a truly inspiring woman in my district, Ms. Sharon Darling. Ms. Darling has been honored as a 2001 recipient of the prestigious National Humanities Medal. Next month, Ms. Darling will receive her award in a personal presentation from President Bush and First Lady Laura Bush.

As a tireless advocate for education and literacy, Ms. Darling has worked hard to improve and reform the education system. While serving in many capacities throughout her career, she has always remained steadfast in her pursuit of this very noble goal. Ms. Darling pioneered a program that combines early childhood education, adult literacy education, parental support and structured interaction between parents and their children. Encouraged by positive results, Ms. Darling founded the National Center for Family Literacy in 1989. Since its inception, NCFL, which is located in Louisville, Kentucky, has been dedicated to family literacy. Their efforts are internationally recognized, and NCFL is well-known for creating innovative program models, developing effective advocacy strategies and providing research, training and technical assistance to professionals working within the field of family literacy.

Ms. Darling and the NCFL realize the importance of education and literacy. Without the ability to access knowledge, people will not have the tools necessary to fight their way out of impoverishment, and to empower themselves. Ms. Darling serves as an advisor on education issues to governors, policy makers, business leaders and foundations across the nation. By providing advice and creative planning strategies, Ms. Darling works toward...
strengthening families through education, and moving them toward literacy and self-sufficiency; both essential steps in breaking the intergenerational cycle of poverty. She continues to having a lasting impact in helping to shape welfare reform, education reform and develop the skilled workforce of our nation.

The National Humanities Medal will not be the first time Ms. Darling has received recognition for her efforts. In 2000, she received the Razor Walker Award from the University of North Carolina for her contributions to lives of children and youth. She also has been honored with the Women of Distinction Award from Birmingham Southern University in 1999; the Albert Schweitzer Prize for Humanitarianism from Johns Hopkins University in 1998; the Charles A. Dana Award for Pioneering Achievement in Education in 1996; and the Harold H. McGraw Award for Outstanding Educator in 1993. Several honorary doctorate degrees and a feature on the Arts & Entertainment television network’s series, “Biography” further exemplify the impact Ms. Darling has had in regards to education and literacy.

The National Humanities Medal, the Federal Government’s highest honor recognizing achievement in the humanities, acknowledges individuals or groups whose work broadens citizens’ engagement with and expands Americans’ access to important resources in the humanities. By providing literary assistance to children and their parents, Ms. Darling’s family literacy programs are helping reverse the disturbing trend of illiteracy in families, and improve the academic achievement of children.

We all know that reading is critical to overall success in school—if a student cannot read the math problem, he cannot achieve in math—if he cannot read his science book, he cannot understand our changing world. Ms. Darling has striven toward the ideals personified by the National Humanities Medal, and her distinction is much deserved. I commend her on receiving this award, and thank her for the work she has done, and will continue to do.

HONORING MICHAEL P. GALAN
HON. GEORGE RADANOVICH
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Michael P. Galan for receiving the Citizen of the Year Award from the Sanger District Chamber of Commerce. Mr. Galan has devoted many years to service within the community of Sanger.

Mike Galan graduated from Contra Costa Junior College in 1966 and was hired by the University of Wisconsin to work for the National Science Foundation in Antarctica. While in Antarctica he explored the Queen Maude Land area—which had never been explored. A mountain ridge was named “The Galan Ridge” for his involvement in the expedition.

He returned to California, completed a degree at California State University, Sacramento, and, after many promotions with Western Pacific, moved to Sanger as Plant Manager. He has made a tremendous impact on the community through his participation in numerous organizations. He has been a member of the Rotary for seven years and the Sanger Chamber of Commerce for fifteen years. Mr. Galan is also a member of the Sanger Masonic Lodge and serves as a Trustee and on the Stewardship Committee for the Sanger Methodist Church. Regardless of his enormous community involvement Mike also spends time with his wife of 32 years, Karen, and their two sons, Justin and Raymond.

Mr. Speaker, I rise today to congratulate Mike Galan for receiving the Citizen of the Year Award from Sanger Chamber of Commerce. I invite my colleagues to join me in thanking Mr. Galan for his community service and wishing him many more years of continued success.

CELEBRATING THE 75TH ANNIVERSARY OF THE HAMILTON COUNTY REPUBLICAN WOMEN’S CLUB
HON. STEVE CHABOT
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. CHABOT. Mr. Speaker, today I want to recognize the Hamilton County Republican Women’s Club of Cincinnati, Ohio, in celebration of its 75th anniversary.

Since 1927, this organization has diligently promoted and participated in our democratic process. The HCRWC has helped hundreds of candidates at the local, state, and federal levels, and supported countless issues of importance to the greater Cincinnati community.

Grassroots organizations like the HCRWC supply campaigns with dedicated volunteers who donate their own time to do the invaluable behind the scenes work necessary to keep the democratic electoral process functioning.

Mr. Speaker, organizations like the Hamilton County Republicans Women’s Club are the backbone of the American political process. I wish the club and its members continued success in raising political awareness and increasing political participation in Cincinnati and beyond for years to come.

HONORING DR. PAULA HARTMAN-STEIN
HON. TOM SAWYER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. SAWYER. Mr. Speaker, I rise today to recognize Dr. Paula Hartman-Stein for her work to advance the field of mental health. Dr. Hartman-Stein is an organization devoted to promoting quality health care for all through interdisciplinary practice, education, and research. Dr. Hartman-Stein is the founder of the Center for Healthy Aging, a behavioral health practice, education, and research.

Dr. Paula Hartman-Stein is the founder of the Center for Healthy Aging, a behavioral health practice, education, and research.

HONORING ISABELLA ROSE LANCASTER, OF MOBILE, ALABAMA
HON. BOB RILEY
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. RILEY. Mr. Speaker, I rise this evening in extremely sad, yet spiritually joyful remembrance of a little girl named Isabella Rose Lancaster, who was born December 20, 2001, and died April 14, 2002, in the arms of her beloved mother.

During the short four months she graced our world with her innocent presence, Isabella touched the hearts of everyone fortunate enough to have seen her, to have held her, and to have loved her. Chief among them was her mother, Caroline Anne-Marie Lancaster, of Mobile, Alabama, whom my prayers, sympathy, and thoughts are with this evening.

Friends and family gathered at St. Dominic’s Catholic Church in Mobile earlier today to remember Isabella and to comfort Caroline, who cared for her little girl with all a mother’s love.

We in Congress mourn the unexpected passing of Isabella, and pause to remember her this evening.

While there are no words from man that could ever provide the solace Caroline needs, we humbly ask the Holy Spirit to shine into her soul, and reassure her broken heart that little Isabella will forever walk beside her, forever sleep next to her, and will forever protect her until Mother and Daughter are reunited in Heaven with our loving Father, the Lord our God, and his Son, Jesus, who this very hour cares for her little girl with all a mother’s love.

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CONGRESSIONAL RECORD — Extensions of Remarks

E553

April 17, 2002

HON. ELEANOR HOLMES NORTON
OF THE DISTRICT OF COLUMBIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

INTRODUCTION OF THE DISTRICT OF COLUMBIA TAX INCENTIVES IMPROVEMENT ACT OF 2002

Ms. NORTON. Mr. Speaker, today, during Tax Week in the Congress, I am introducing the District of Columbia Tax Incentives Improvement Act of 2002. The legislation builds on and adds to federal tax incentives I first pressed through Congress in 1997 in order to help produce market-based residential and business stability and growth. I believe the bill has a good chance of passage. This bill is necessary to assure even the sustained stability, let alone real economic growth, that still eludes the District economy and the city government. The bill is essential if the District is to become more economically diverse so that it is not overly dependent on just one or two sources of income. This federal tax package gives the city the tools it needs to begin to produce a self-sufficient economy. After the financial collapse of the 1990s, and after the sunset of the control board last year, Congress has an obligation to help the city do what is necessary to increase its own residential and commercial economic output and independence.

The city does not have that capacity today. Ominously, the District lacks the essential safety valve of other large cities—a state to fall back on in times of economic downturn and distress. The economic forecasters agree that because of congressionally imposed impediments to collecting the natural revenue available to states, including the inability to levy a tax on commuters, no matter how much the District reduces spending, expenditures will continue to grow faster than revenues for the foreseeable future. This trend places the District on a collision course, at worse to insolvency, at best to instability, if the Congress does not assist the District with economic tools to help the city capture its own, natural, steady revenue stream in the marketplace. The surpluses that brightened the city’s hopes are trending toward a decline: $185 million surplus in 1997 to a $77.6 million in 2001. Because of congressional constraints on the ability of the District to collect revenue, the District faces a reduction of $400 million, a figure projected to rise every year. The city’s unemployment rate is 6.9% compared with 4.5% in Maryland and 4.1% in Virginia. This picture resembles other large cities in the United States. However, none of these cities survive on city-generated revenues alone, nor could it do so. State assistance is necessary not only to meet current expenses, but also to make up for sharply diminished tax bases in every other major American city.

Fortunately, the federal tax credit incentive approach already approved by Congress is an extraordinary success in promoting economic growth here. My bill will improve upon D.C.-only tax credits that leverage the private sector rather than the government to do the job of growing the economy and will return many times the small tax revenue foregone by the federal government.

The District of Columbia Tax Incentives Improvement Act of 2002 that I introduce today has six important components: first and most important, treatment of the entire District of Columbia as an enterprise zone, to spread to all neighborhoods and businesses tax incentives that have brought substantial benefits to many communities but with the unintended effect of affording an unfair and arbitrary advantage to some businesses and neighborhoods over their competitors; (2) assuring that the tax benefits do not expire before their job is done by extending these D.C.-only federal enterprise zone benefits, to match other jurisdictions with similar benefits; (3) improvements to capital gains provisions, including zero capital gains taxation for businesses holding intangibles; (4) making the $5000 homeowner credit permanent, to ensure continuation of the tax incentive that is largely responsible for new homeownership; (5) reducing the burden on taxpayers to the city, and that is critical to helping the District achieve the 100,000 new residents necessary to sustain its stability; (6) releasing tax exempt bonds from the private limit in order to lift the constraints of a valuable tool for attracting businesses to build here; and (6) enacting a long-term tax exemption for D.C. securities, to put the District on par with the territories who do not pay taxes on their securities.

1. DISTRICT OF COLUMBIA CITY-WIDE ENTERPRISE ZONE

Several extraordinarily valuable enterprise zone tax benefits constitute the major financial tools that have been used for business revival and new commercial and office construction in the city. Among these benefits have been the wage tax credit allowing an employer a 20% credit for the first $15,000 ($3000) of an employee’s income if that employee is a D.C. resident. This credit not only helps attract and retain businesses, it also helps to correct the severe imbalance that allows two-thirds of the jobs in the city to go to commuters. Another tax benefit, the elimination of capital gains altogether, is expanding and creating businesses in many city neighborhoods and downtown. A third tax incentive, tax exemption for $15 million in much of the city’s construction boom, and construction projects alone for the major portion of the increased economic output of the District today. However, because the District is small and compact, multiple enterprise zones have had unintended, discriminatory effects. High income university students with little personal income have brought Georgetown and Foggy Bottom businesses within the zone, but some businesses in struggling Ward 5 do not qualify. The Willard Hotel can get $3,000 off the first $15,000 it pays any employee, but competitors such as the Hay Adams and the Washington Hilton, cannot. The Hay Adams, one of D.C.’s oldest and most distinguished hotels, recently completed its facilities and helped return tourists to D.C. without the benefit of the $15 million tax exemption because it is not in the zone. These new provisions would eliminate an unequered advantage that forces competition among our already depleted pool of businesses instead of between those in and outside of the District.

The solution is to designate the District of Columbia itself an enterprise zone. Only this
solution will erase indefensible distinctions that tear neighborhoods apart and help some D.C. businesses, neighborhoods and residents over others that are similarly situated.

We are simply asking the Congress to do for the business tax breaks what it has already done for the homebuyer credit: make it available in all parts of the city. The $5,000 Homebuyer Tax Credit has always been citywide, and the success of its citywide approach shows that effective tax breaks can and should be used to encourage the economy throughout the city.

2. EXTENDING THE LIFE OF THE D.C. ENTERPRISE ZONE BENEFITS

Currently, the District of Columbia Enterprise Zone Benefits (including the $3,000 wage credit, zero percent capital gains tax evasion, tax exempt bonds) expire at the end of 2003. Last Congress, other jurisdictions which enjoy similar tax incentives, had their benefits extended until 2009. The Tax Incentives Improvement Act would extend the life of the D.C. Enterprise Zone Benefits to 2009 to match those of other states.

Since 1997, the economic impact of these valuable tax incentives have been felt across the city, and the evidence of their clear success has enabled me to renew these benefits several times. The evidence is now so convincing that not only do I believe but to enhance and improve the benefits. In return for hiring D.C. residents, local businesses have claimed hundreds of thousands of dollars in $3,000 employment tax credits which has resulted in the hiring of D.C. residents to receive any tax breaks. Representative D.C. businesses that have claimed wage credits include hotels and restaurants, retailers (such as Safeway Foods, CVS Drugs, and Subway Restaurants), offices, janitorial and maintenance services, parking facilities, and telephone, electric, and gas utilities. Although the Internal Revenue Service does not have a mechanism that captures the amount of wage credits claimed, there are thousands of representative examples throughout the city: an accounting firm with 15 District clients that documented claims of $1.9 million over five years; a D.C. manufacturer that claimed tax credits of $400,000 over the same period; a partnership that owns a D.C. hotel that claimed credits of more than $500,000 each year since 1998; and one of the District’s largest hotel operators, for tax year 2004, will claim employment tax credits of more than $1.7 million.

In addition, more than $150 million in tax exempt bonds have been issued on behalf of new and expanding for-profit businesses, including such neighborhood retail businesses as the United Planning Organization, a national arts and entertainment center; and the Virgin Islands, and American Samoa do not have state support either, they have not been greatly supported by the federal, state, and local governments.

1. T RIPLE T AX E XEMPTION FOR D ISTRICT S ECURITIES

...
The substitute ensures that such information could not be kept from employees. Also, the substitute holds executives accountable for selling company stock in their special pension accounts by including stiff new criminal penalties for violations.

H.R. 3672 calls on companies to offer worker investment advice, even if there is a clear conflict of interest. For example, an investment management company could serve as both the investment advisor and the plan manager chosen by the company.

I urge my colleagues to oppose H.R. 3672, support the substitute, and help protect the savings of hard-working Americans. The Pension Security Act of 2002 is nothing more than lip service to protecting pensions. 15,000 Enron employees lost more than $1.3 billion. Clearly this calls for Congress to provide real security and real pension protection and reform of the system that allowed Enron officials to pull the sheets over the eyes of their employees. That is what the Rangel/Miller substitute does and that is the bill I will support. Thank you.

PERSONAL EXPLANATION

HON. BOB CLEMENT
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. CLEMENT. Mr. Speaker, on roll call no. 94, H.R. 4156, had I been present, I would have voted "yea."

TRIBUTE TO SERGEANT 1ST CLASS DANIEL AARON ROMERO

HON. BOB SCHAFFER
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. SCHAFFER. Mr. Speaker, it is with a heavy heart and a tremendous amount of respect and admiration that I rise today to honor the tragic, yet heroic death of Colorado Army National Guard Sergeant 1st Class, Daniel Aaron Romero. On April 15, 2002, near Qandahar, Afghanistan, Sergeant Romero gave his life for his country, while fighting the battle against the evils of terrorism during Operation Noble Eagle. Upon reflection of his life and service to this nation, we have come to know Sergeant Daniel Romero as a man who loved his family, loved his home State of Colorado, and loved his country.

Born in Longmont, CO, Daniel was the only son of proud parents, Michael and Geralyn Romero. While earning his living as a Colorado rancher, Daniel decided to concurrently serve with the Colorado Army National Guard in 1991.

Sergeant Romero rose through the ranks of the Colorado Army National Guard, receiving the Army Service Ribbon, Non-Commissioned Officers Ribbon, National Defense Service Medal, and the Colorado Service Ribbon with device. Eventually, Sergeant Romero became a member of the select B-5-19th Special Forces Group, headquartered in Pueblo, CO. This elite group of soldiers is known for parachuting at high altitudes, rappelling from helicopters face first, and fortuitously permeating enemy lines. In December 2001, he was placed on active duty to serve in Operation Noble Eagle.

Sergeant Daniel Romero is survived by his wife Stephanie, mother Geralyn, father Michael, and sisters Gabrielle and Stephanie. I want to speak for the Romero family and say our thoughts and prayers go out to the Romero family. May God send His grace upon them during the time of this tragic loss, and may Daniel’s bravery and selflessness become the proud example for all those actively serving in America’s War Against Terrorism.

HONORING ONCOCHE NURSES AND THE ONCOCHE NURSING SOCIETY

HON. KEN BENSEN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. BENSEN. Mr. Speaker, I rise today to bring to the attention of my colleagues the important and essential role that oncology nurses play in the provision of quality cancer care. These nurses are principally involved in the administration and monitoring of chemotherapy and the associated side-effects patients may experience. As anyone ever treated for cancer will tell you, oncology nurses are intelligent, well-trained, highly skilled, kind-hearted angels who provide quality clinical, psycho-social, and supportive care to patients and their families.

In short, they are integral to our Nation’s cancer care delivery system.

The setting for cancer treatment has changed over the last 10 years. Today, more than four out of five cancer encounters occur in community settings, where the majority of cancer care is provided by oncology nurses. However, Medicare does not adequately reimburse the administration of chemotherapy by oncology nurses, which are referred to as practice expenses. Last September, the General Accounting Office released a study indicating that Medicare’s drug reimbursement system, based upon the Average Wholesale Price (AWP), is severely flawed and drug payments are inflated. While I strongly support the efforts to reform the AWP system and ensure that Medicare does not overpay for any supplies, I also believe that Medicare should not underpay for any benefits or services.

Today, more than two-thirds of cancer cases strike people over the age of 65 and the number of cancer cases diagnosed among senior citizens is projected to double by 2030. At the same time, many of the community-based cancer centers are facing significant barriers in hiring the specialized oncology nurses they need to treat cancer patients. It is estimated that there will be 115,000 nursing positions open in the year 2015.

The Oncology Nursing Society (ONS) is the largest organization of oncology health professionals in the world with more than 30,000 registered nurses and other health care professionals. Since 1975, the Oncology Nursing Society has been dedicated to excellence in patient care, teaching, research, administration, and education in the field of oncology. Of the 13 ONS chapters, one is located in the Houston area. These chapters serve the oncology nurses in the state and help them to continue to provide high quality cancer care to those patients and their families in the State.

In particular, I would like to acknowledge nine special oncology nurses from my district who will be in Washington this week to participate in the ONS Annual Congress and the ONS inaugural Hill Day—Glenda Alexander, Lark Espinoza, Victoria Junpratepchai, Sherry Preston, and Ellen Siegel from Houston, Vickie Dockery from Alief, Cynthia Segal and Paula Rieger from Bellaire, and Susan Stary from Pasadena. I am looking forward to meeting with these outstanding women who have dedicated their lives to improving the health and well being of people affected by cancer. On behalf of all the people with cancer and their families in Texas’ 25th Congressional District, I thank these nurses as well as all of their colleagues in the Oncology Nursing Society for their outstanding contributions to the provision of quality cancer care to those in need.

I would like to also acknowledge Paula Rieger for her leadership within the Oncology Nursing Society. For the past 2 years, Paula has served as the ONS Board of Directors and has been an outstanding leader and spokesperson for the organization. I have had the pleasure of working with ONS and Ms. Rieger over the past few years to advance programs and policies that work to reduce suffering from cancer. Her leadership and vision for ONS have resulted in the organization being more aggressive and effective in its health policy efforts. In addition, through her commitment to outreach and collaboration, ONS has expanded and strengthened its partnerships with other health professional, patient, and advocacy organizations. This week Ms. Rieger is stepping down from the ONS Board of Directors. I thank her for her commitment to ONS, for advancing oncology nursing, and for caring for the people of the greater Houston area.

Mr. Speaker, I would like to commend the Oncology Nursing Society for all of its efforts and leadership over the last 27 years and thank the Society and its members for their ongoing commitment to improving and assuring access to quality cancer care for all cancer patients and their families. I urge my colleagues to support them in their important endeavors.

TRIBUTE TO COLONEL MICHAEL J. COLEMAN

HON. ROBERT E. (BUD) CRAMER, JR.
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize the contributions of Colonel Michael J. Coleman to the U.S. Army. I join his family, friends, and colleagues as they celebrate his achievements and congratulate him on his retirement from 27 years of service in the U.S. Army.

Colonel Coleman is a native of Montgomery, AL, and earned a bachelor of science degree in Business Administration in December 1975 from Alabama A&M University. Immediately after graduation, he was commissioned as a Second Lieutenant in the Adjutant General Corps and entered active duty on January 6, 1976, thus beginning his long and successful
career with the U.S. Army. Since that time, Colonel Coleman has served in various capacities in Stuttgart, Germany; Raleigh, NC; Izmir, Turkey; Alexandria, VA; Washington, DC; and at Redstone Arsenal in Huntsville, AL. He achieved a masters of arts degree from Webster University as well as graduated from many other distinguished military educational programs. On March 28, 2002, he will retire from his position as the Director of Personnel and Training for the U.S. Army Aviation and Missile Command at Redstone Arsenal. I know the people of Redstone Arsenal will miss his outstanding leadership, but wish him a well-deserved retirement.

Colonel Coleman has earned a great deal of respect from his colleagues, receiving several military awards throughout his career. His awards include the Legion of Merit, the Defense Meritorious Service Medal Second Oak Leaf Cluster, Meritorious Service Medal Fourth Oak Leaf Cluster, the Army Commendation Medal Third Oak Leaf Cluster, the Joint Service Achievement Medal, the National Defense Ribbon, the Army Staff Identification Badge, the Army Parachute Badge, and the Army Superior Unit Badge.

This is a deserved retirement for someone who has worked so diligently for the United States to protect our freedom and defend our nation. I join his wife, Carolyn, his sons PJ and Casey, and all of his friends, family, and colleagues in celebrating Colonel Michael J. Coleman’s 27 years of service. On behalf of the U.S. House of Representatives, I congratulate Colonel Coleman and express my gratitude for a job well done.

HONORING MICHAEL FORDE AND THE NEW YORK CITY DISTRICT COUNCIL OF CARPENTERS

HON. JOSEPH CROWLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute to Mr. Michael Forde, Executive Secretary-Treasurer of the New York City District Council of Carpenters and the over 300 men and women who have dedicated everyday, 24 hours a day, to the clean up effort at the World Trade Center Site.

Mr. Speaker, Michael Forde is a leader in the New York City labor community as the Secretary-Treasurer of the largest Carpenters Union in the Country representing over 25,000 members.

On September 11, the District Council under the leadership of Michael Forde, wasted no time in being some of the first men and women outside of rescue workers and public safety officers to be on the scene of Ground Zero. During the first days after the destruction of the Trade Center, union carpenters worked around the clock helping to clear debris, insuring the structural safety of the area for rescue workers and engaging in the search themselves for survivors of the attack.

As a union based in Lower Manhattan, the District Council of Carpenters has a long and strong history of working to make New York City the financial capital that it is today.

The quick, untiring and heroic response of the men and women of the District Council of Carpenters would not have been as extensive or effective if it was not for the leadership of Michael Forde.

Mr. Speaker, I have known Michael Forde for many years. He was born in the Bronx, moved to Woodside, Queens, in my congressional district where he graduated from Christi High School and received his B.A. in Business Administration from Hunter College. Mike started in the carpentry field as an apprentice during the construction of the World Trade Center in the early 1970s. Through hard work, dedication to his craft, exceptional leadership skills and a strong commitment to his fellow union brothers and sisters, he rose through the ranks to become a foreman, general foreman, shop steward, president and business manager of Local 608 and ultimately to his present position.

Mr. Speaker, Michael Forde is just one among many. I rise today not only to pay tribute to him and to recognize his work to help rebuild Lower Manhattan and Ground Zero, but I rise to recognize all the men and women of the New York City District Council of Carpenters. These men and women have showed exceptional dedication, fulfilling the task at hand and they will play a critical role in the tasks of the future rebuilding Lower Manhattan and Ground Zero.

Mr. Speaker, I rise today to insuffe as we as a Congress recognize the work the New York City District Council of Carpenters did and the work they continue to do to rebuild Lower Manhattan.

IN RECOGNITION OF THE CONTRIBUTION OF THE IRON WORKERS TO THE RECOVERY OF NEW YORK

HON. ELIOT L. ENGEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. ENGEL. Mr. Speaker, for every American, September 11th, 2001 means one thing. It is a day that we, as a Nation, suffered as we had never before. As I watched the events of the day unfold from my home in the Bronx, like most, I thought of my family and their safety.

Some others though, had thoughts of only one thing—how can I help. Hundreds of firefighters, police officers, and emergency medical personnel and, yes, construction workers, went running to what was left of the Twin Towers to try and save lives. We should all feel proud of the many men and women who went to Ground Zero, such as the Iron Workers.

In fact, it was Iron Workers who had the toughest jobs. These men and women were charged with sitting through that nightmare and they did so with great dignity and compassion for those who lost their lives and their families. As I have watched this amazing transformation, I have swelled with pride, for I have, a special place in my heart for these men and women who are Iron Workers, because so was my father.

Today, I have the honor of recognizing two great trade union leaders, Ed Walsh and Robert Ledwith. Both of these men have dedicated their lives to their families, their communities, and their unions.

Just last month, Ed Walsh became the President of the Iron Workers District Council of Greater New York and Vicinity. Ed Walsh started his career with the Iron Workers in 1968 working as an apprentice for three years. He became a journeyman ironworker union member in 1971. Through three decades he moved up the ranks until becoming the Business Manager of Local 46 in 1995. In March 2002, Ed was appointed as General Organizer for the International and became President of the Iron Workers District Council of Greater New York and Vicinity, an affiliate of the International Association of Bridge, Structural, Ornamental and Reinforcing Iron Workers. Ed resides in Manhattan with his wife Kathy. He has two sons, Christopher and Kevin. Kevin has decided to follow his father’s footsteps and is currently an apprentice with Iron Workers Local 46. Ed Walsh comes from a union tradition. His father and brothers John and Bob are union ironworkers, his brother Jim is a retired union carpenter, and his brother is a retired New York City Police Officer.

Bob Ledwith serves as Business Manager and Financial Secretary-Treasurer of the Metallic Lathers Union and Reinforcing Iron Workers Local 46. Bob Ledwith was elected as Business Agent for the Metallic Lathers Union and Reinforcing Iron Workers Local 46 in June 1981. He was elected Business Manager and Financial Secretary-Treasurer in 1999 and continues to serve in that capacity today.

Through the haze and the numbness caused by September 11th, something was shining through. The American Spirit. The men and women of the Iron Workers are the embodiment of that Spirit. It gave us all a sense of hope and a sense of pride.

LEHIGH VALLEY HERO—HANOVER ELEMENTARY SCHOOL

HON. PATRICK J. TOOMY
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. TOOMY. Mr. Speaker, today I would like to recognize the exceptional efforts of Mr. Ed Walsh and Robert Ledwith, who have dedicated their lives to their families, their communities, and their unions.

Mr. Speaker, Mr. Ed Walsh, also known as Ed the B.F.D., truly exemplifies the American spirit. He is a charter member of Local 46 and has been an active member for over 30 years. He is a true leader in the ironworkers union and has been instrumental in the rebuilding of our nation.

Ed Walsh was born and raised in New York City and has been a union member since 1968. He started his career as an apprentice and worked his way up through the ranks to become a foreman. Ed has dedicated his life to his community and has been a driving force in the union movement.

Mr. Speaker, Robert Ledwith is a true American hero. He is a charter member of Local 46 and has been an active member for over 30 years. He is a true leader in the ironworkers union and has been instrumental in the rebuilding of our nation.

Robert Ledwith was born and raised in New York City and has been a union member since 1968. He started his career as an apprentice and worked his way up through the ranks to become a foreman. Robert has dedicated his life to his community and has been a driving force in the union movement.

Mr. Speaker, I am proud to recognize these two men and the contributions they have made to our nation. Their dedication and hard work are an inspiration to all of us.

I am also proud to recognize the contributions of the Iron Workers union to the rebuilding of our nation. Their hard work and dedication have made a significant impact on the recovery efforts.

Thank you, Mr. Speaker, for allowing me to recognize the contributions of Ed Walsh and Robert Ledwith.
The Pension Security Act of 2002

SPEECH OF
HON. TODD TIAHRT
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 11, 2002

Mr. TIAHRT. Mr. Speaker, I rise in strong support of H.R. 3762, the Pension Security Act of 2002. This legislation is not only a step in addressing areas such as blackout periods and diversification in retirement accounts, it is an important step towards giving workers throughout my state of Kansas, and the rest of America, the peace of mind and security they deserve when planning for retirement.

This bill, based on the President’s pension reform proposal, contains new safeguards and options to help workers preserve and enhance their retirement security, and demands greater accountability from companies and senior corporate executives during so-called “blackout periods” when workers are not allowed to make changes to investments in their retirement accounts.

The Pension Security Act would have made a real difference in the lives of thousands of Enron employees and investors if these measures had existed at the time of the company’s collapse. For example, under this bill, diversification and sound investment advice would have been readily available because investment advisors would have been made more accessible and employers would have been forced to take responsibility for anything that happened to employee retirement savings during blackout periods. Companies would have also been required to provide 30-day advance notice of a blackout period.

Mr. Speaker, I believe Congress has a responsibility to fully protect workers and give them the ability to enhance their retirement savings. Enron workers may well be the victims of criminal wrongdoing, but they were definitely the victims of outdated federal pension laws. Let’s prevent this from happening again. Pass the Pension Security Act.

YOM HA’ATZMAUT

HON. CAROLYN McCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in celebration of Israel’s Independence Day. Fifty-four years as the sole democracy in the Middle East is a huge accomplishment. As a member of Congress, and a friend of Israel, I know that she will have 54 more, and counting! This is only a beginning.

Israel has faced many tough times since 1948, like the one now. Over the past 18 months, Israel has been in battle hatred on a daily basis. That hatred is terrorism. It is murder. Israel has every right to defend herself against terrorism. When innocent civilians are murdered, over and over again, Israel has no choice but to take action.

I don’t think it is unreasonable for Israel to root out terrorists. I think it’s natural, and expected, and it must be done just like America’s efforts in Afghanistan. But for the past couple of weeks, Israel has been criticized by many for her military action against terrorism, and lack of compassion for Palestinians. But what other choice does Israel have?

Is Israel supposed to wave suicide bombers through the checkpoints, allow wanted terrorists to go without arrest? Are we to expect Israel to sit by and watch her country crumble, and her people be murdered in groups of 20 while they sip coffee at cafes? No.

I firmly believe that difficult decisions will be made in order to achieve a permanent peace. I also think one of the decisions was Israel’s resistance to international pressure to end the military operation. Israel entered towns in the West Bank with a plan: to root out terrorism. Obviously, there was an exit strategy to be used once the terrorists were caught.

Recently, Israel announced her upcoming withdrawal from almost all of the towns she entered. I commend Israel’s decision to withdraw and call it a complete victory. So does the upcoming withdrawal of troops bring Israel back to where she was? Can we expect Israel to compromise should daily suicide bombings begin again? No.

Terrorism is not something you can compromise with, it is not something to reward. What I know is this. Israel will survive this crisis. Israel will continue to do what is necessary to rid the country of terrorists. If terrorist attacks end, military action will end, and more difficult decisions in the name of peace will be made. What those decisions are, I can’t tell you. No one can.

But last Sunday, I joined 3,000 of my constituents in a pro-Israel rally on Long Island. Many of those constituents were Jewish; others, like myself, were Christian. These same people participated the weekend before at a rally in New York City. They also traveled with over 100,000 other Americans to the Capitol on Monday for a national rally. Regardless of their religion, they are standing up for their beliefs.

Terrorism must be destroyed. Not only here, but in Israel, and in many other countries. The US firmly believes in this, and I know Israel will continue to enjoy broad support as she eliminates terrorist threats from her borders. Israel will always have a friend and ally in the US government.

TRIBUTE TO MR. DENNIS MAYS

HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. GRAVES. Mr. Speaker, I rise today to acknowledge the impeccable motor carrier safety record of Mr. Dennis Mays of Blue Springs, Missouri. Mr. Mays is a professional motor carrier operator for Roadway Express, Inc.

According to the most recent information from the Federal Motor Carrier Safety Administration, large trucks drove 7 percent of all vehicle miles traveled. In motor vehicle crashes, large trucks represented 9 percent of vehicles in fatal crashes, 3 percent of vehicles in injury crashes, and 5 percent of vehicles in property-damage-only crashes.

Mr. Mays reached a safety milestone when he recently surpassed one million miles driven without a preventable accident. This outstanding achievement, obtained by few drivers, demonstrates Mr. Mays’ commitment to safety. To put this accomplishment in perspective, the average car driver would have to travel around the world forty times to equal this milestone.

Mr. Speaker, please join me in congratulating Mr. Dennis Mays for reaching this noteworthy milestone. I am proud to have a constituent as dedicated to highway safety as he is, and I wish him continued safe driving in the future.

PENSION SECURITY ACT OF 2002

SPEECH OF
HON. MICHAEL G. OXLEY
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 11, 2002

Mr. OXLEY. Mr. Speaker, I rise today in strong support of H.R. 3762. This important legislation makes significant improvements in protecting the retirement accounts of America’s working men and women. H.R. 3762 takes a sensible approach in ensuring that employees have the best access to their retirement accounts possible, and are able to make informed investment decisions in those accounts.

In particular, I’d like to congratulate the sponsors of this legislation for a provision in the bill dealing with restricting insiders from selling their shares during periods when their employees don’t have the same freedom. When the facts of the Enron bankruptcy became known, all of us were horrified to learn...
that at the same time Enron’s hard working employees were helplessly watching their retirement dreams disappear, Enron insiders were reaping millions of dollars in profits from selling their shares.

No employee should be forced to sit idly by while his hard-earned account plummets. Although it is understood that at times these accounts must be serviced in such a way that there must be temporary restrictions on transactions, it is only fair that corporate insiders face these same restrictions when these lockdowns happen by surprise.

H.R. 3762 is primarily about giving employees greater freedom in preparing for their retirement. When this freedom is unexpectedly taken away, corporate officers and directors have a duty, indeed a moral obligation, to share that burden. H.R. 3762’s provisions on retirement account lockdowns are a sensible way to ensure that insiders are held accountable.

Mr. Chairman, section 108 of the bill contains language which falls within the jurisdiction of the Committee on Financial Services. Our own legislation, H.R. 3763, contains similar language. I am including for the record an exchange of letters between myself and the other Ranking Minority Member, Mr. Boehner, indicating that we have no objection to the consideration of this language in this bill.

I congratulate Chairman Boehner, Chairman Thomas, Mr. Portman, and all the Members who have worked so hard to protect America’s workers. I strongly urge my colleagues to vote for these much needed reforms, and I thank the Leadership for bringing H.R. 3762 to the floor today.

Chairman Boehner: I am writing regarding H.R. 3762, the Pension Security Act of 2002. As you know, section 107 of the bill reported by your Committee contains a provision addressing the sale of stock by the directors and officers of public companies during any 12-month period. Clause (g) of rule X of the Rules of the House of Representatives grants the Committee on Financial Services jurisdiction over securities and exchanges, and the committee was given an additional referral of this bill upon its introduction.

Because of your willingness to consult with the Committee on Financial Services on this matter, and the need to move this legislation expeditiously, I will waive consideration of the bill by the Financial Services Committee. By agreeing to waive its consideration of the bill, the Financial Services Committee does not waive its jurisdiction over the bill. In addition, the Committee on Financial Services reserves its authority to seek conference on any provisions of the bill that are within the Financial Services Committee’s jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Financial Services for conference on H.R. 3762 or related legislation.

I request that you include this letter and your response in the portion of the CONGRESSIONAL RECORD pertaining to consideration of this legislation. Thank you for your assistance in this matter.

Sincerely, Michael G. Oxley, Chairman.

Committee on Education and the Workforce, House of Representatives, Washington, DC, April 9, 2002.

Hon. Michael G. Oxley, Chairman, Committee on Financial Services, U.S. House of Representatives, Rayburn HOB, Washington, DC.

Mr. Speaker: This letter is to confirm our agreement regarding H.R. 3762, "Pension Security Act of 2002," which was also referred to the Committee on Financial Services. The Committee on Education and the Workforce considered this bill on March 20, 2002. I thank you for working with me on Sec. 107, "Insider Trades During Pension Plan Suspension Prohibitions," which is within the sole jurisdiction of the Committee on Financial Services.

I appreciate your willingness to expedite consideration of H.R. 3762 without the need for further consideration by the Committee on Financial Services. I agree that this procedural route should not be construed to prejudice the jurisdictional interest and prerogatives of the Committee on Financial Services on these provisions or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to your Committee in the future.

Again, I thank you for your consideration in this matter. Your letter and this response will be included in the Congressional Record during floor debate on this bill. If you have questions regarding this matter, please do not hesitate to call me.

Sincerely, John Boehner, Chairman.

Mr. Speaker, I rise today to pay special tribute to the late Ralph E. Bigger Sr., a resident of Michigan’s Upper Peninsula, who during his lifetime was a strong advocate on behalf of working men and women.

Ralph was born in 1907 and grew up in the small town of Big Bay, on the shore of Lake Superior. Mr. Speaker, you and other members may remember Big Bay as one of the settings for the famous James Stewart movie, "Anatomy of a Murder." Picturesque it may have been, but this remote area demanded hard work for a family to survive. Because his parents both suffered physical disabilities, young Ralph, the oldest of six children, quit school at age 14 to take a job in a local sawmill. In the mid-1920s he moved to nearby Marquette to work at another sawmill, and at the age of 24 he took a job with Cliff-Dow Chemical, where he would work for the next 37 years until his death in 1986.

Throughout his career, Ralph was a strong advocate of the labor movement. He served as a business representative of Local 179 of the International Chemical Workers Union. He fought hard for decent wages and he fought for medical insurance, which, when we consider his own personal history, was probably his most important issue.

Ralph was also very active in politics, including campaign work for Congressman Ben-
the prices they receive for their products remain in their own pockets—and by producing products of higher value right from the farm."

(At the end of the report farms include ranches.)

The innovation plans in FFRIA, to be developed by the Natural Resources Conservation Service, would provide the blueprints to increase the value of farm and ranch outputs.

The report also found, "Agricultural operations require high levels of committed capital to achieve success. The capital-intensive nature of agriculture production makes access to financial capital, usually, in the form of credit, a critical requirement. Small farms are no different from larger farms in this regard, but testimony and USDA reports received by this Commission indicate a general under-capitalization of small farms, and increased difficulty in accessing sources of credit."

If small farms and ranches are going to use improved technologies laid out in innovation plans they will need capital. The Small Business Administration’s 7(a) loan program has a long history of assisting small businesses and would be a great tool for small farmers and ranchers to implement their plans.

America’s small farms and ranches need a hand up to remain viable in our rapidly changing marketplace. Often today’s small agriculture businesses are family owned and have only a very small profit margin. The combination of low market prices for raw agricultural commodities and the rising cost of land means that many of these businesses cannot afford to carry on. And that causes more urbanization of valuable farm and ranch land.

This legislation recognizes the importance of our small farming and ranching businesses. They provide diversity in the marketplace, local production of food, less pollution, and jobs, all of which strengthen our economy. And farms and ranches that are part of our community remind us that food and other agricultural products don’t just come from stores, they remind us of our connection to the land.

Mr. Speaker, small farms and ranches have provided the livelihood for many families since the beginning of our country. This bill will help ensure small farms and ranchers do not become a thing of the past by providing the technical expertise and capital to allow them to meet the challenges of the 21st Century.

PENSION SECURITY ACT OF 2002

SPEECH OF
HON. BRIAN BAIRD
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Thursday, April 11, 2002

Mr. BAIRD. Mr. Speaker, while I am a co-sponsor of the Investment Advice Act and agree that workers should be allowed access to professional investment advice, I do not support the Republican pension legislation that is before us today. Unfortunately, the bill offered by the majority fails to include basic reforms that are necessary to ensure that future employees do not suffer the same fate of Enron employees. The flawed Republican bill fails to develop or coordinate a diversified stock plans, fails to give notice when executives are dumping company stock and continues to jeopardize employee savings.

Thousands of workers at Portland General Electric lost their life savings when their pension plans evaporated in the Enron collapse. Throughout the last six months, I have heard their horror stories, many of whom are my constituents. They tell me about their worthless retirement plans, shattered dreams and the uncertain future that lies before them due to corporate mismanagement that was pervasive at Enron. I cannot in good faith support legislation that does not address the concerns of these employees and will not prevent future Enrons from happening.

Mr. Speaker, I support the Democratic alternative that offers a real change in the protections afforded to employees. The Democratic pension reform bill provides new stiff criminal penalties for executives and pension plan managers who engage in illegal insider trading or provide misinformation to stockholders. The bill requires that notice be given to employees when CEOs and executives decide to dump their company’s stock and the Democratic alternative offers employees a voice, on pension boards, where they can gain timely and accurate information on their pensions. I encourage all Members to vote against the Republican pension reform bill and vote to protect the savings of our nation’s workers.

Tribute to Donald O. Larsen on His Induction into the U.P. Labor Hall of Fame

HON. BART STUPAK
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay special tribute to Donald O. Larsen, a resident of Marquette, Michigan, in my congressional district, who has spent decades as a bricklayer, a teacher, a volunteer, and an active member of the labor movement.

Don was born in Delta County in the Upper Peninsula of Michigan in 1920, and later moved with his family to Marquette, where he graduated from high school. After serving three years in the U.S. Army in the South Pacific in World War II, Don returned to Marquette and took a job as a bricklayer. It was through this employment that he joined Bricklayers Local 4.

Don’s expertise in bricklaying extended beyond the actual trade and included teaching and sharing his skills. He provided instruction and leadership in the local apprentice training program, and taught bricklaying as part of Marquette High School’s building project in its vocational education program. He taught bricklayer union apprentices for 10 years, during which time they built basements and did concrete work for two Habitat for Humanity homes. Don also served as an instructor for the Vocational Industrial Clubs of America (VICA) P.Wide competition.

Active in his local, Don served as a union steward for many years and as vice president from 1955 to 1970. He also served on the Board of the United Building Trades and was the labor representative for several years at U.P. builder shows.

Don is a member of the Messiah Lutheran Church in Marquette and is a life member of VFW Post 2493, where he has served as quartermaster. He has a life membership in the Ishpeming and Marquette beagle clubs and a membership in the U.P. Trappers Association. He also contributed his time and effort to rebuilding the Negaunee Pyramid mining monument when it was moved several years ago.

Mr. Speaker, Donald Larsen will be honored on Saturday, April 20, with his induction into the U.P. Labor Hall of Fame at a banquet at
the university. I ask you and my House colleagues to join me in recognizing this community servant and spokesman for the working men and women of northern Michigan.

TRIBUTE TO BUD GARDNER

HON. ROBIN HAYES
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. HAYES. Mr. Speaker, this past February, Scotland County lost one of its finest men and women of northern Michigan. A number of states, including New York, Massachusetts, Illinois, Indiana and others, refused to enact these mutual conversion changes for fairness to policyholders and concerns about appropriate regulation of these hybrid-type insurance companies. The insurance industry responded by inserting in the comprehensive financial reform legislation Congress enacted in 1999, a provision that would permit state-chartered mutual companies to relocate to another state with more liberal conversion rules without jeopardizing their licenses, operations, or insurance policies. This controversial provision was adopted by the House only because it was paired in a floor amendment with a broadly supported provision to prohibit discrimination in insurance sales against victims of domestic violence.

These so-called mutual "redomestication" provisions of the 1999 Gramm-Leach-Bliley Act now permit a mutually owned insurance company that cannot convert to stock ownership, or cannot convert without distributing 100 percent of the stock to policyholders, to relocate to another state that permits such conversions. Federal law has become the instrument for overturning pro-consumer state insurance laws and an accomplice in robbing mutual policyholders of their ownership rights.

The mutual redomestication provisions in current Federal law now empower mutual insurance companies to blackmail state legislators, saying, in essence, if you don't enact the conversion laws we want, we'll simply move to another state. Despite a 200-year tradition of state regulation of insurance, these provisions strip states of their right to regulate insurance companies as they deem appropriate and rob policyholders of valuable ownership rights. These provisions are anti-State, they are anti-consumer, and they should be repealed by Congress.

PERSONAL EXPLANATION

HON. SANDER M. LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. LEVIN. Mr. Speaker, due to needs within our family, I was unable to be present for roll call No. 86 last Wednesday, April 11, as well as roll calls Nos. 93, 94 and 95 on Tuesday, April 16. Had I been present, I would have voted "yea" on roll calls Nos. 86, 93, 94 and 95.

PERSONAL EXPLANATION

HON. ROBERT T. MATSUI
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. MATSUI. Mr. Speaker, I rise in tribute to Mike Donovan Johnson, the Local 522's City Vice President, for eleven years, of the Sacramento Area Firefighters Union. Mike is retiring after thirty-three years of outstanding service to the City of Sacramento Fire Department.
As his friends and family gather to celebrate Mike’s illustrious career, I ask all of my colleagues to join with me in saluting one of Sacramento’s most talented citizen leaders.

Mike was born and raised in Sacramento. He earned a Fire Science Certificate and a Bachelor of Science degree in Public Administration/Political Science. For the past three decades, Mike has worked for the City of Sacramento Fire Department as a Firefighter, and Apparatus Operator, and the last nineteen years, as a Fire Captain. In addition, Mike is also a highly qualified Hazardous Materials Specialist and he often lends his expertise as a B shift Captain at Station 21. Throughout his career, Mike has remained one of the most cherished and well-respected members of the City of Sacramento Fire Department.

Mike began his union career as City Director in 1972. After two years in that post, Mike was elected City Vice President for the first time in 1974. In addition, Mike has performed the duties and responsibilities of the Political Action Committee for the state of California, District 2, for the last twenty years. Mike has been an indispensable member of the Local 522 Executive Board for the past thirty years. All in all, Mike has steadfastly represented the members of the Sacramento Fire Department with great honor and dignity throughout those decades.

In addition to his contributions to the Local 522, Mike has also offered his valuable contributions, to a number of statewide organizations. Mike has served on numerous statewide committees throughout California Professional Firefighters. In the past, Mike has also been a delegate to the Sacramento County Central Democratic Committee.

Staying true to his unwavering commitment to the interests of firefighters, Mike is looking to remain active in the cause in his retirement years. Currently, Mike is a member of the California Firefighters Joint Apprentice Committee Board. Furthermore, Mike remains a delegate to the Sacramento Central Labor Council, a member of the Industrial Relations Association of Northern California, and sits on the Regional Fire Task Force. In particular, Mike continues to serve the members of the fire service community through his support for the passage of Measure F, a change to the fire service community through his support for McGruder. McGruder spent 16 years as the chief editor of the Free Press where he guided award-winning news coverage. Beyond Detroit, he served as president of the Associated Press Managing Editors, judged Pulitzer Prize entries five times, and served on the board of the American Society of Newspaper Editors.

His pursuit of excellence and monumental work in the cause of diversity made him one of the newspaper industry’s giants. He cared for colleagues, always making time to talk and listen. He urged the industry to hire black, latino, Asian, gay and lesbian employees. He was a mentor to those he worked with, many of whom went on to hold important positions at newspapers across the country. In 2001, he received the John S. Knight Gold Medal, the highest award within Knight Ridder, which owns the Free Press. Upon receiving the award, he reminded company officials and friends that he represented change and that he stands for diversity.

We ask our colleagues to rise to honor the accomplishments of this truly remarkable individual.

Robert G. McGruder stood for what was best about the news industry. I hope his integrity, honesty and deep commitment to fair and accurate reporting will remain an example to all.

REINSTATE SUPERFUND TAX

HON. HILDA L. SOLIS
OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 17, 2002

Ms. SOLIS. Mr. Speaker, the Bush Administration has broken promise after promise in their attempt to destroy our country’s most credible and basic environmental laws. These broken promises and bad decisions are hurting big corporate contributors. Instead, they will hurt those families who are working to put food on their table.

In particular, President Bush’s recent decision not to reinstate the Superfund tax will ensure that the cost for cleaning up polluted communities will be paid by taxpayers instead of those who made the mess.

President Bush’s decision is no better than another worthless tax break for the rich. By failing to reinstate the Superfund tax, President Bush is saying that he believes that families fighting to make ends meet should foot the bill while polluting industries profit.

Polluters should pay to clean up their messes, not profit from degrading the environment and their neighbor’s health. How can we in good conscience allow corporations to profit without making them pay to clean up their pollution?

I am hopeful that this chamber will address this issue in the near future before families have to pay one more cent for a mess that they didn’t make.
Recognizing Osteopathic Physicians  

HON. J.C. WATTS, JR.  
OF OKLAHOMA  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, April 17, 2002

Mr. WATTS. Mr. Speaker, April 18 is National D.O. Day, a day when we recognize the more than 47,000 osteopathic physicians (D.O.s) for their contributions to the American healthcare system. On National D.O. Day, more than 100 members of the osteopathic medical profession, including osteopathic physicians and osteopathic medical students, will descend upon Capitol Hill to share their views with Congress.

I especially am pleased that osteopathic physicians from Oklahoma will be visiting our nation’s Capitol and participating in this event. These representatives are practicing osteopathic physicians, staff from the American Osteopathic Association, and osteopathic medical students.

Participants in National D.O. Day are here to talk about how liability insurance rates for all health care professionals—especially those in high-risk specialties and rural areas—are increasing rapidly. Numerous commercial insurers are no longer offering professional liability insurance for physicians and others have stopped covering certain procedures or services. A continuation of this trend will, over time, lead to a shortage of physicians and create access to care problems for our citizens. I share their concerns about access to care. Several States, including my home State of Oklahoma, are facing critical access problems and this trend will only continue to worsen if action is not taken.

For more than a century, osteopathic physicians have made a difference in the lives and health of my fellow Oklahomans and all Americans. Overall, osteopathic physicians provide care to more than 100 million patients each year. Osteopathic physicians are committed to serving the needs of rural and underserved communities and make up 15 percent of the total physician population in towns of 10,000 or less.

D.O.s are certified in nearly 60 specialties and 33 subspecialties. Similar to requirements set for their M.D. colleagues, D.O.s must complete and pass: four years of medical education at one of 19 osteopathic medical schools—, a one-year internship—, a multi-year residency—, and a State medical board exam. Throughout this education, D.O.s are trained to understand how the musculoskeletal system influences the condition of all other body systems. Many patients want this extra education as a part of their health care. Individuals may call (866) 346-3236 to find a D.O. in their community.

In recognition of National D.O. Day, I would like to congratulate the over 1,200 D.O.s in Oklahoma, the 350 students at the Oklahoma State University College of Osteopathic Medicine, and the 47 D.O.s represented by the American Osteopathic Association for their contributions to the good health of the American people.

A BILL TO STRENGTHEN AND IMPROVE THE BENEFITS PROVIDED TO SMALL BUSINESSES UNDER INTERNAL REVENUE CODE SECTION 179  

HON. WALLY HERGER  
OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES  
Wednesday, April 17, 2002

Mr. HERGER. Mr. Speaker, I rise today to introduce the “Small Business Expensing Improvement Act of 2002,” legislation to assist small businesses with the cost of new business investment. I am pleased to be joined in this effort by Mr. TANNER, as well as several other of my colleagues on the Ways and Means Committee.

Small businesses truly are the backbone of our economy, representing more than half of all jobs and economic output. We should not take small business vitality for granted, however. Rather, our tax laws should support small businesses in their role as the engines of economic growth, job creation.

On March 19 of this year, President Bush unveiled his small business proposal. I applaud the President for his commitment to our...
nation’s small business owners and his dedication to ensure that our tax laws do not impede the growth and development of small businesses. The legislation we are introducing today will implement a key element of the President’s plan, expansion of the benefits available to small businesses under Internal Revenue Code Section 179.

Our bill will improve our tax laws to make it easier for small businesses to make the crucial investments in new equipment necessary for continued prosperity. Under Code Section 179, a small business is allowed to expense the first $24,000 in new business investment in a year. Our legislation will permanently increase this amount to $40,000. Furthermore, our bill will index this amount to ensure that the value of this provision is not eroded over time.

This legislation will also allow more small businesses to take advantage of expensing by increasing from $200,000 to $325,000 the total amount a business may invest in a year and qualify for Section 179. It is important to note that this amount has not been adjusted for inflation since its enactment into law in 1986. The “Small Business Expensing Improvement Act” also improves the small business expensing provision by following the recommendations of the IRS National Taxpayer Advocate in his 2000 Annual Report to Congress. Specifically, our legislation clarifies that residential rental personal property and off-the-shelf computer software qualify for expensing under Section 179.

Mr. Speaker, in times of economic uncertainty, we must do all we can to encourage new investment and job creation. The “Small Business Expensing Improvement Act of 2002” will help accomplish this worthy goal, and I urge my colleagues to join me in this effort.

HOPING TO LIVE ONE DAY IN AN ENVIRONMENT FREE FROM POLLUTION

HON. BETTY MCCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Ms. McCOLLUM. Mr. Speaker, soon after I delivered my remarks on the House floor this morning, I received numerous calls from news organizations. Unfortunately, these calls were not about the importance of the Clean Air Act, which was the subject of my one-minute speech. Instead, the press was more concerned about a pause I took during the Pledge of Allegiance—as I was trying to determine if I had my back to the American flag—or what I said about protecting our environment. I would hope the media pays closer attention to the issues affecting our air quality so that the people of this Nation, under God, will be able to one day live in an environment free from pollution.

ON THE OCCASION OF THE NINETIETH ANNIVERSARY OF THE GIRL SCOUTS

HON. MICHAEL R. McNULTY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. McNULTY. Mr. Speaker, I rise today to recognize an exceptional organization, the Girl Scouts of the USA.

Since Juliette Gordon Low assembled the first Girl Scout troop in March of 1912, the Girl Scouts have not only grown in number, but also in the scope of their mission. Generations of young women have developed positive values and a greater sense of responsibility by participating in Girl Scout programs.

For 90 years, the Girl Scouts have opened doors of opportunity for girls from all walks of life, and they continue to expand their outreach efforts. They have renewed their commitment to reach beyond racial, ethnic, socioeconomic and geographic boundaries. Diversity can be found in all the activities in which these young women engage. From science and technology, to money management and finance, to global awareness, Girl Scouts experience it all.

Mr. Speaker, the Girl Scouts of the Hudson Valley Council in New York State are fine examples of the Girl Scout mission. Girl Scouts in my district are committed to developing leadership skills and honing a firmer sense of social conscience by engaging in a wide range of activities. When they collect supplies for the Merilac Women’s Shelter in Albany, they plant flowers and trees outside of the Colonie Town Hall in remembrance of the lives lost on September 11th, and when they make cards of thanks to the firefighters of New York City, Girl Scouts are making a difference. Thousands of girls in the Capital District will be forever impacted by the experiences they had and the friendships they made while participating in the Girl Scouts.

We must also extend our gratitude to the adults, both women and men, who volunteer their time to ensure that the highest ideals of character, conduct, patriotism and service continue to be imparted on our Nation’s girls and young women. I congratulate the Girl Scouts on their 90 years of service. Our communities have benefited from their accomplishments and I wish them many more decades of success.

STATEMENT OF CONGRESSWOMAN JANE HARMAN ON ISRAELI INDEPENDENCE DAY

HON. JANE HARMAN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Ms. HARMAN. Mr. Speaker, today, Secretary of State Powell leaves the Middle East having failed to secure a cease-fire between Israel and the Palestinians, or make substantial progress toward peace. It was perhaps too much to hope for a dramatic breakthrough, but the status quo remains unacceptable.

As we celebrate and commemorate Israeli Independence Day, it is more important than ever to remember why the United States has such a strong relationship with Israel.

Fifty-four years ago, the creation of the state of Israel gave hope to Jews everywhere that safety, freedom, and justice could be found at last—in the ancient cradle of the Jewish faith and civilization. A half-century of friendship and cooperation between Israel and the United States began with President Truman’s courageous recognition of Israel shortly after its establishment. Throughout many battles, our relationship has remained strong, and it continues today, with our common search for security and peace in the Middle East.

Israel is now engaged in one of its most challenging wars ever, the war against terrorism. Since the latest Palestinian intifada began, more than 400 Israeli civilians have been killed by suicide bombers—over 125 since March. Hundreds more have been injured in these attacks—attacks that are designed to strike at the heart of Israel itself.

The Palestinians have also suffered hundreds of casualties, and innocent civilians, including children, are being used as human shields by terrorists hiding in refugee camps.

Peace is the only way to move forward, a peace that contemplates two states coexisting side-by-side. But Israel can only achieve peace from a position of strength. I have long been an advocate for a strong US-Israel security relationship. Now is not the time to back away from our security relationship or to give any credence to the misguided efforts of the European Union to impose economic sanctions against Israel.

A critical contribution towards resolution of the current crisis must be taken by moderate Arab regimes—our allies such as Egypt and Saudi Arabia—to pressure the Palestinians to genuinely renounce terrorism. Chairman Arafat’s recent statement deploring terrorist attacks—delivered in English to an American audience—has unfortunately been shown time and time again that the parties in the region will be unable to achieve peace on their own. All past breakthroughs for peace have been the result of US and international leadership and every future breakthrough will require the same. I commend the Administration for resuming a leadership role in the Middle East, and I urge it to remain engaged with the parties and moderate Arab states in the region.

Last week, in a ceremony commemorating Yom ha-Shoah, National Security Advisor Condoleezza Rice made the connection between our remembrance of the Holocaust and our continued fight against evil in the war on terrorism. I would ask that her remarks be entered into the record.

May our memories of the horror of the Holocaust fuel our hunger for a permanent peace.


As Prepared

Survivors, liberators, Members of Congress, Members of the Cabinet, Ambassador Ivry, other members of the diplomatic corps, Benjamin Meed, Fred Zeidman, Elie Wiesel, Ruth Mandel, other honored guests, ladies
and gentlemen, Thank you for inviting me to join you for Yom ha-Shoah.

We gather today to remember that evil is real and present in our world. We gather to remember that racism and bigotry are always present and everywhere wrong. We gather to remember that the commission of monstrous sins requires not our consent, but only our in-difference, or our silence. We gather to light six candles, so that we may never forget six million acts of murder.

With each passing year, the number of living Holocaust survivors and survivors who grow smaller. When all the eyewitnesses are gone, the Holocaust’s history will be taught not from the experience of memory but from the pressing call of conscience.

Last year, when the President spoke here, the Holocaust seemed somewhat removed from us, as the bloody center of our history receded. But behind us. Sadly, this year we need no prompting to appreciate the Holocaust’s importance and its relevance. Fanatical, unreasoning hatred has intruded upon our lives in ways that no one could have imagined months ago.

From the Holy Land, we see daily images of carnage and riot, and from Europe, come images of synagogues and Torah scrolls burned. Our own land has seen the mass destruction of innocents, guilty of nothing more than going to work, called America’s biggest fire. We have witnessed a beautiful, but terrible autumn morning. And the world was sent obscene videotapes where evil leaders celebrate the slaughter, and yet another video of a man is killed after being made to say the words, “I am a Jew.”

This year, evil has spoken to all of us, and on this day we need no reminder to answer back, but we must never forget again.

As our world prevails through these difficult days, and as we pray for peace for all the children of God, it is important to recall not just the Holocaust’s horrors, but also its heroes: bearers of witness like Jan Karski; rescuers like Wallenberg and Schindler; writers like Anne Frank and Elie Wiesel; and resisters like the Danes and the righteous of many nations who hid and saved many thousands of their Jewish neighbors.

And, of course, we recall those who fought from inside the Warsaw Ghetto in April 1943, and who, as Elie Wiesel wrote, lit a flame that “continues to burn in our memory even though the distance of six decades.”

We draw strength from these names—all familiar to our lips—and we gain inspiration from their stories. Less often, we think of the ordinary countless ordinary Jews, Roma, Jehovah’s Witnesses, gay people, and disabled men and women who defied the machinery of murder with quiet acts of courage and piety. Their names are mostly unknown to all but Him, yet their lives too instruct.

I remember visiting Yad Vashem and seeing a photograph of a handsomely dressed Jewish couple in the Warsaw Ghetto. The guide at the museum said that people often express consternation at the photograph, wondering what was that against the ghetto’s backdrop of danger and desperation this couple had obviously gone to great lengths to ensure that their clothing and grooming were impeccable.

I had a different reaction. I said immediately, “I understand that photograph. These people are saying, ‘I am still in control. I still have my dignity.’” They are saying, ‘You can take everything from us, including life itself. But you cannot take away our pride.’

I’ve often wondered what became of that couple. I imagine that long after they were no longer able to control their appearance they may have taken a step back and discovered they cannot control me, you cannot take away my pride and dignity.” I’ve wondered whether they were part of the uprising; whether they perished in a camp; whether they were among the few who survived; whether they may even have had children like Marek Edelman and Yisrael Gruenfeld who survived and went on to become members of Solidarity and leaders in a free and democratic Poland.

And I have thought about that couple from the ghetto even more in the days since September 11. Because right now, all of us are enduring a time of testing, loss, and fear; a time when our vulnerability to evil and the certainty of our mortality are all too clear; a time when once again our intellect is insufficient to answer the question, “Why?”

And at these times more than ever, we are reminded that it is a privilege to struggle for good against evil.

We do not choose our circumstances or trials, but we do choose how we respond to them. Too often when all is well, we slip into the false joy and satisfaction of the material and a complacent pride and faith in ourselves. Yet it is through struggle that we find redemption and self-knowledge. This is what the slaves of Exodus learned. And it is what slaves in America meant when they sang: “Nobody knows the trouble I’ve seen, Glory Hallelujah!”

None of our current travails approach those of the Holocaust. The evil of the Holocaust is singular. Yet its lessons are universal.

So today, we remember that ignorance and cruelty are not new, until recently said and done, and that their atrocities demand action and justice. We remember that every life has value and all lives are ennobled by opposing hate and bigotry.

We remember that not even mankind’s worst depravities can be allowed to dissuade us from our search for worldly and spiritual peace.

In this nation of immigrants, surrounded here by the symbols and totems of tolerance and freedom, we remember our very great responsibility to protect freedom and to welcome all of God’s creatures into its loving embrace.

And we remember the words of the Kadish, “Oseh shalom beem’roh mahy, hoo ya’aseh shalom, aleynu v’al koh yisrael v’eyenu: Amein.”

TRIBUTE TO EDWARD SWINGLE, JOHN SHUMEJDA, THOMAS BOYDSTON, ROBERT NORTON AND TIMOTHY VANDEVORT

HON. BOB BARR
OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. BARR of Georgia. Mr. Speaker, I rise today to express our heartfelt condolences to the family and friends of Edward Swingle, John Shumejda, Thomas Boydston, Robert Norton, and Timothy Vandevort who lost these loved ones in a tragic airplane accident on January 4, 2002, in Birmingham, England.

In honor and memory of these individuals, I will be presenting a flag to each of the families, to Chairman, President and CEO of AGCO, Mr. Bob Ratliff, and to CFO of Epic Aviation, Ms. Marian Epps on April 22, 2002.

Mr. Speaker, I want my colleagues to know what great individuals they were.

AGCO Corporation, headquartered in Duluth, Georgia, USA, is one of the world’s largest manufacturers, designers, and distributors of agricultural equipment. AGCO provides several brands of products which are sold in more than 140 countries around the world.

John Shumejda was President and Chief Executive Officer of AGCO. He was appointed to the position in 1999 and provided a strong source of leadership for the company.

Edward “Ed” Shumejda was Senior Vice President of Worldwide Marketing of AGCO. He had been with the company since its formation in 1990, and greatly contributed to the growth of the company.

Both men were leaders at AGCO from its formation in 1990. Due to their leadership, AGCO is considered one of the top companies in the farming equipment industry.

Epps Aviation, headquartered at Dekalb Peachtree Airport just outside of Atlanta, Georgia, lost three of its finest and most experienced members of its team.

Thomas “Tommy” Boydston, Director of Operations of Epps Aviation. He had been with the company for over 26 years, and was instrumental in the growth of the Charter Department’s fleet and pilots.

Robert “Bob” Norton was a distinguished pilot from Atlanta, Georgia who worked over 20 years for Epps Aviation.

Timothy “Tim” Vandevort was a distinguished pilot from Duluth, Georgia who had worked for Epps Aviation for over 4 years.

These five individuals were greatly missed by their loving families, their many friends, and by their business associates and customers. I hope my colleagues in the House of Representatives join me in recognizing their dedication to their companies, their families and their country.

IN APPRECIATION OF CATHEY J. NEWHOUSE

HON. NICK SMITH
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. SMITH of Michigan. Mr. Speaker, I rise to congratulate Cathey J. Newhouse, a teacher at Parnall Elementary School in Jackson, Michigan and recipient of the 2001 Presidential Award for Excellence in Mathematics and Science Teaching. I request that her recent testimony before the Science Committee be placed in the CONGRESSIONAL RECORD.

STATEMENT OF CATHEY J. NEWHOUSE

Thank you Chairman Boehner and Congressman Smith for holding the CONGRESSIONAL RECORD open and allowing me to add my ideas on improving science education to those shared on March 29, 2002.

I have been an active learner and lover of science for most of my life. I have been an elementary teacher in Jackson, Michigan for 14 years. I believe that at the elementary level, enthusiasm for and interest in science are crucial, probably even more important than the teaching of facts and concepts in science. Young children need to know with certainty that science is fun to learn! However, science is a scary subject for many elementary teachers.

I would like to see a two-fold commitment to funding for improving science instruction. First, teachers need professional development to increase their knowledge in specific areas of science teaching disciplines. Secondly, on-going and consistent professional development not just a one-time event. Teachers
should be given the opportunity to yearly attend workshops or conferences and to process with colleagues the information gained.

Secondly, I strongly believe that funding needs to be provided to have a science consultant in each elementary building. This person would function as a teacher of teachers, helping new and veteran teachers with all aspects of teaching the science curriculum. I had the opportunity during 2001 to work for the Jackson County Intermediate School District in Michigan as such a science specialist. In this role, I assisted other teachers with planning, improving teaching methodology, locating appropriate activities and materials, and developing skills in inquiry science teaching. The improvement I saw in teachers’ confidence and competence during my tenure as a science teacher specialist was dramatic.

If funding specifically designated for consistent, on-going professional development in science could be coupled with funding for a science specialist to assist teachers in each elementary building, I believe we would see a very significant increase in the quantity and quality of science learning taking place in our schools.

Thank you for recognizing the 2001 Presidential Awardees, thank you for your continued support of science and math education, and thank you for giving me this opportunity to express my views.

TRIBUTE TO MAY LOUIE ON THE OCCASION OF HER 90TH BIRTHDAY

HON. ANNA G. ESHOO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. ESHOO. Mr. Speaker, I rise today to pay tribute to May Louie, an extraordinary woman who will celebrate 90 years of life on June 5, 2002.

A lesbian, mother, daughter and widow, May Louie is an honored woman in her own right. She has lived a life filled with values, service, and dedication to her family and to her community.

Born on June 5, 1912 in Columbus, Ohio, May was the eighth child of ten and the second of two daughters. Driven by famine in China, her father came to the United States in the early 1880s to help build the transcontinental railroad. He met and married May’s mother and the two moved to Biloxi, Mississippi and then to Columbus, where they owned and operated a laundry.

May was sent to China as a young girl after her mother’s tragic death as a result of the Spanish flu epidemic of 1918. She endured harsh living conditions, including a bout of malaria. After returning to Ohio aboard the USS President McKinley in 1928.

Following the death of her father, May provided loving care for many years to her elderly foster parents, Walter and Sadie Hauptfuehrer in Canton, Ohio. She studied piano, flute and piccolo and became a respected music teacher.

May moved to Lakewood, Ohio after her marriage to Toy Louie, the owner of a wholesale Chinese grocery business and noodle factory, and the couple soon began a family of their own. May gave birth to two sons—James and David—and she instilled in them a lifelong love of music and the arts. A devoted mother, May Louie was a full-time homemaker and the family’s chief music manager.

In an effort to bring diversity to television, May encouraged her sons to appear on a live public affairs program produced by a neighbor. While both children participated, David displayed an early and keen interest in the news business, appearing weekly on the show for eight years . . . from five years old to age thirteen. It was this experience that kindled David’s interest in pursuing a highly distinguished career in T.V. journalism.

Widowed in 1980, May managed on her own for 16 years before moving into David’s home in San Mateo, California. She is a proud grandmother of two adult grandchildren—Linda May Louie and Michael Louie, the children of Jim and Vana of Mayfield Heights, Ohio.

Mr. Speaker, I ask my colleagues to join me in honoring this great and good woman, May Louie, and in wishing her a very happy, healthy and fulfilling 90th birthday. Her life is instructive to us all and we know we are a better country because of all she’s done.

RECOGNIZING THE 54TH ANNIVERSARY OF ISRAELI INDEPENDENCE

HON. RUSH D. HOLT
OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. HOLT. Mr. Speaker, today, Wednesday, April 17, is Yom Ha’Atzmaut—Israel’s Independence Day. As the people of Israel celebrate 54 years as the only democracy in the Middle East, I am proud to join with my colleagues to reiterate our continued strong support of Israel, its right to defend itself and its people from terrorism, and to focus on the special relationship that exists between our two nations.

We all know that these are troubling times for Israel, and indeed, the entire Middle East. The world has watched in horror as terrorist attacks have killed more than 450 Israelis and wounded nearly 4,000.

Car bombings, suicide attacks and widespread terrorism in residential areas have disrupted the lives of Israelis. Men and women fear that an ordinary trip to their local market will result in tragedy. Children longer feel safe to ride their school buses, and families sitting down to celebrate a holy meal have been murdered by suicide bombers. Since September 11, I think all Americans have a new understanding of the threats that Israelis face and have faced for some time. And I think all Americans have been steeled in their resolve to root out terror wherever it may be found.

Before and since being elected to Congress, I have supported a strong Israel. America has always had a unique relationship with Israel. They are our most important strategic ally in the Middle East to try to end the violence. But we must not let that role keep us from speaking the truth. As our President has said, terrorism is unacceptable in all its forms. Palestinians must end the violence against the Israelis. The attacks must stop.

When they do, Israel must respond, as I am confident she will, with corresponding steps to reduce the level of tension. That is the only way to get back to the peace table. And only peace discussions can achieve the lasting, just peace that will best serve the interests of all Israelis, all Palestinians and indeed, all of us throughout the world.

Mr. Speaker, my personal sense of commitment to Israel has only been strengthened by recent developments. Today, as Israelis mark their 54th anniversary, we can celebrate the existence of a strong and vibrant Jewish state. I am proud to observe this occasion and to use this opportunity to join with my colleagues to reaffirm our solidarity with Israel and the Israeli people.

TRIBUTE TO MR. ED WENDER

HON. MARK GREEN
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. GREEN of Wisconsin. Mr. Speaker, I offer the following comments today to mark the retirement of Mr. Ed Wender. After nearly 30 years of service, Ed retired from the U.S. Forest Service last year.

After a stint in the Army, he began his distinguished career with the Forest Service at the Hoosier National Forest in Indiana. Since then, he’s served in forests from Illinois to Pennsylvania, and a couple of places in between.

But it’s Ed’s time in Wisconsin that left such a lasting impression on me and lots of other folks in my area. He was instrumental in developing the Florence Natural Resource Center while serving as the Florence District Ranger for the Nicolet Forest. And he did tremendous work while at the Nicolet-Chetcook National Forest from 1997 to 2001.

Wherever he was stationed, Ed quickly became an active and well-known member of the community—both in forest issues and in the general activities and organizations that make our towns and villages such great places to live. I believe that future generations of Forest Service employees could stand to learn much from Ed, and his dedication to maintaining such close ties between the management of our forests and the communities that surround them.

CONGRATULATING ISRAEL ON ITS INDEPENDENCE DAY

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, April 17, 2002

Mr. LANTOS. Mr. Speaker, I wish to congratulate Israel on its Independence Day, its
45th anniversary. In 54 years, Israel has experienced more dangers and more triumphs, more success and more tragedy, more highs and lows than many far more venerable states. Throughout it all, Israel’s indomitable spirit has conquered adversity.

Israel has much for which to be grateful. First and foremost, Israel has so often been blessed with great leadership—wise and visionary leadership. This tradition goes back to Israel’s modern origins. At the end of the nineteenth century, the founder of the modern Zionist movement Theodor Herzl made the most preposterous and prophetic prediction I know of, when he asserted that a Jewish state would be born within a half-century.

In statehood, Israel’s leaders have been practical, humane, bold, and peace-loving. It is a pity that Israel’s neighbors have not been similarly blessed.

David Ben-Gurion and the Zionist leadership were practical enough to accept the 1947 partition resolution, though they had hoped for much more. They were humane enough to treat their Arab citizens as equals when Arab leaders were threatening to drive the Jews into the sea. They and their successors were bold enough to do what is necessary to keep Israel and the Jewish people alive, regardless of what the rest of the world might think. Usually, the world learns later that Israel is right. Remember the bombing—the then much criticized bombing—of the Iraqi nuclear reactor Osirak in 1981? How universally scorned it was at the time; how grateful the civilized world is now.

Israel has been blessed with the great friendship and unswerving support of the United States. It has earned this friendship because it has fashioned a society that embodies the same values as our own.

It is important on this Independence Day that Israelis and their friends take time to reflect on all the wonderful, almost unthinkable achievements of the past 54 years. Against impossible odds, Israel has established a vibrant, open, prosperous, and free society; a pluralistic society built by people from virtually every country in the world; a society on a par with the best of the West. And Arabs in Israel enjoy incomparably more freedom and democratic rights than they have anywhere in the Arab world.

Although this is a day for joy, it is no secret that this year’s independence day occurs at one of the most dangerous times in Israel’s history. I know everybody in this room understands the problems all too well. The scale of Israeli loss in the so-called intifada is staggering—almost incomprehensible. On a scale proportional to the U.S. population, Israel has lost over 20,000 people since September 2000, close to half of them in suicide bombings.

Israel’s friends stand in solidarity with all Israelis. Israel should know that its friends in the United States will stick with it and defend its right to protect itself against terrorism and against the scourge of those who place no value on human life. Israel should know that its friends here won’t be afraid to stand up to the unjustified and disturbingly persistent criticism coming from Europe, from those who have managed to misunderstand the lessons of their own history. We are outraged by the U.N. Human Rights Commission’s resolution of two days ago that makes disgraceful accusations against Israel, while failing even to mention the terrorism to which Israel has been subjected. But our outrage is outweighed by our shock, sadness, and anger that it was supported by Western nations such as France, Austria, Belgium, Portugal, Spain and Sweden.

Israel should know that its friends here are deeply pained by its profound dilemma: Yearning for peace, Israel has no clear partner for peace. Israel should know that its friends won’t let the world forget that the Yasir Arafat whose Palestinian Authority funds the al-Aqsa Martyrs’ Brigade, the Yasir Arafat of the Karine-A, the Yasir Arafat who colludes with Iran and Hizballah—Yasir Arafat the terrorist—is, sadly, the real Yasir Arafat.

And Israel should know that its friends here agree that the violence must end before negotiations begin. You cannot negotiate with terror; you can only defeat it. The people of Israel have the right to restore the security of their homes and families by taking the military measures necessary to defeat terror. Once that is achieved, we will do our best to create the conditions that will enable Israel to find reliable partners for peace and an end to the conflict. Only when Arabs learn that they cannot exhaust Israel through violence will they be ready for the kinds of political compromises necessary for a lasting peace. Israel’s friends understand that.

For Israel’s friends, today is a day for joy, solidarity, and reflection. On a personal note, it is also a sad occasion, for it marks the eve of the departure of my dear friend, Israel’s wonderful ambassador David Ivry. His has always been a voice of integrity, clarity, and insight, and we will sorely miss having it in our midst.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 18, 2002 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

APRIL 19

Time to be announced

Governmental Affairs

Business meeting to consider the nomination of Paul A. Quander, Jr., of the District of Columbia, to be Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency, to occur immediately following the first Senate floor vote.

9:30 a.m.

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold hearings to examine Canadian wheat 301 decisions.

S–211 Capitol

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine generic pharmaceuticals, focusing on marketplace access and consumer issues.

SR–253

APRIL 23

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine pending legislation.

SR–253

10 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the implications of the human capital crisis, focusing on how the federal government is recruiting, selecting, retaining, and training individuals to oversee trade policies and regulate financial industries.

SD–342

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine current safeguards concerning the protection of human subjects in research.

SD–430

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the Federal Deposit Insurance System, focusing on recommendations for reform.

SD–538

Judiciary

To hold hearings to examine the reform of the Federal Bureau of Investigation, Department of Justice, focusing on mission refocusing and reorganization.

SD–226

10:15 a.m.

Foreign Relations

To hold hearings to examine United States nonproliferation efforts in the former Soviet Union.

SD–419

2:30 p.m.

Judiciary

Antitrust, Competition and Business and Consumer Rights Subcommittee

To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.

SD–226

Health, Education, Labor, and Pensions

To hold hearings to examine the implementation of the Elementary and Secondary Education Act, focusing on status and key issues.

SD–430

APRIL 24

9:30 a.m.

Foreign Relations

Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee

To hold hearings to examine future relations between the United States and Colombia.

SD–419

1:30 p.m.

Appropriations

Treasury and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Office of National Drug Control Policy.

SD–192

2:30 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 2037, to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology; and other relative pending legislation.

SR–253

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

APRIL 25

9:30 a.m.

Veterans’ Affairs

To hold hearings to examine the Department of Veterans’ Affairs preparedness regarding options to nursing homes.

SR–418

Commerce, Science, and Transportation

To hold hearings on proposed legislation concerning online privacy and protection.

SR–253

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings on the nomination of Harold D. Stratton, of New Mexico, to be a Commissioner of the Consumer Product Safety Commission.

SR–253

MAY 2

9:30 a.m.

Veterans’ Affairs

To hold hearings to examine pending legislation.

SR–418

2:30 p.m.

Judiciary

To hold hearings to examine restructuring issues within the Immigration and Naturalization Service, Department of Justice.

SD–226
HIGHLIGHTS


Senate

Chamber Action
Routine Proceedings, pages S2757–S2869

Measures Introduced: Fifty-six bills and two resolutions were introduced, as follows: S. 2138–2193, and S. Res. 244–245.

Pages S2828–29

Energy Policy Act: Senate continued consideration of S. 517, to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, taking action on the following amendments proposed thereto:

Pages S2763–S2820, S2857–69

Pending:
Daschle/Bingaman Further Modified Amendment No. 2917, in the nature of a substitute.

Pages S2763–S2820, S2857–69

Kerry/McCain Amendment No. 2999 (to Amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Page S2763

Dayton/Grassley Amendment No. 3008 (to Amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Page S2763

Lott Amendment No. 3028 (to Amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Page S2763

Landrieu/Kyl Amendment No. 3050 (to Amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment.

Page S2763

Graham Amendment No. 3070 (to Amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Page S2763

Schumer/Clinton Amendment No. 3093 (to Amendment No. 2917), to prohibit oil and gas drilling activity in Finger Lakes National Forest, New York.

Page S2763

Dayton Amendment No. 3097 (to Amendment No. 2917), to require additional findings for FERC approval of an electric utility merger.

Page S2763

Schumer Amendment No. 3030 (to Amendment No. 2917), to strike the section establishing a renewable fuel content requirement for motor vehicle fuel.

Page S2763

Feinstein/Boxer Amendment No. 3115 (to Amendment No. 2917), to modify the provision relating to the renewable content of motor vehicle fuel to eliminate the required volume of renewable fuel for calendar year 2004.

Page S2763

Murkowski/Breaux/Stevens Amendment No. 3132 (to Amendment No. 2917), to create jobs for Americans, to reduce dependence on foreign sources of crude oil and energy, to strengthen the economic self determination of the Inupiat Eskimos and to promote national security.

Pages S2763–S2820, S2857–69

Stevens Amendment No. 3133 (to Amendment No. 3132), to create jobs for Americans, to strengthen the United States steel industry, to reduce dependence on foreign sources of crude oil and energy, and to promote national security.

Pages S2763–S2820, S2857–69

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 9:45 a.m., on Thursday, April 18, 2002, with a vote on the motion to close further debate on Stevens Amendment No. 3133 (to Amendment No. 3132), listed above, to occur at 11:45 a.m. Further, that Members have until 10:45 a.m., to file second degree amendments.

Page S2820

Nominations Confirmed: Senate confirmed the following nomination:

By a unanimous vote of 97 yeas (Vote No. 69), Lance M. Africk, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Pages S2757–58, S2869

Messages From the House:

Pages S2827–28

Measures Referred:

Page S2828
Committee Meetings

(Committees not listed did not meet)

**APPROPRIATIONS—MISSILE DEFENSE**


**APPROPRIATIONS—SECRETARY OF THE SENATE/ARCHITECT OF THE CAPITOL**

Committee on Appropriations: Subcommittee on Legislative Branch concluded hearings on proposed budget estimates for fiscal year 2003, after receiving testimony in behalf of funds for their respective activities from Jeri Thomson, Secretary of the Senate; and Alan M. Hantman, Architect of the Capitol.

**APPROPRIATIONS—CNCS**

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies concluded hearings on proposed budget estimates for fiscal year 2003 for the Corporation for National and Community Service, after receiving testimony from Leslie Lenkowsky, Chief Executive Officer, Corporation for National and Community Service.

**APPROPRIATIONS—TREASURY LAW ENFORCEMENT**

Committee on Appropriations: Subcommittee on Treasury and General Government concluded hearings on proposed budget estimates for fiscal year 2003, after receiving testimony in behalf of funds for their respective activities, from Jimmy Gurule, Under Secretary for Enforcement, Brian L. Stafford, Director, U.S. Secret Service, Bradley A. Buckles, Director, Bureau of Alcohol, Tobacco, and Firearms, James F. Sloan, Director, Financial Crimes Enforcement Network, and Paul A. Hackenberry, Acting Director, Federal Law Enforcement Training Center, all of the Department of the Treasury.

**HOMELAND SECURITY AND INFORMATION SHARING**

Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts concluded hearings to examine the effective use and necessary upgrades of information technology to provide a tool for collaboration among federal agencies and federal, state, and local law enforcement to share information in order to ensure homeland defense, after receiving testimony from Vance Hitch, Chief Information Officer, Justice Management Division, Robert J. Jordan, Director, Information Sharing Task Force, Federal Bureau of Investigation, and Scott O. Hastings, Associate Commissioner, Office of Information Resources Management, Immigration and Naturalization Service, all of the Department of Justice; Leon E. Panetta, Panetta Institute, Monterey Bay, California, former White House Chief of Staff; and George J. Terwilliger III, White and Case, former Deputy Attorney General, Department of Justice, Philip Anderson, Center for Strategic and International Studies, and Paul C. Light, Brookings Institution, all of Washington, D.C.

**WAR POWERS RESOLUTION**

Committee on the Judiciary: Subcommittee on Constitution, Federalism, and Property Rights concluded hearings to examine the balance of war powers authority under the Constitution as it relates to our fight against terrorism, the cooperation between the White House and Congress in exercising shared war powers authority, and the application of the use-of-force resolution, after receiving testimony from John C. Yoo, Deputy Assistant Attorney General, Office of Legal Counsel, Department of Justice; Louis Fisher, Senior Specialist, Congressional Research Service, Library of Congress; Douglas Kmiec, Catholic University of America School of Law, Alton Frye, Council on Foreign Relations, and Jane Stromseth, Georgetown University Law Center, all of Washington, D.C.; Ruth Wedgood, Yale Law School, New Haven, Connecticut; and Michael J. Glennon, University of California Law School, Davis, California, on behalf of the Woodrow Wilson International Center for Scholars.

**NOMINATION**

Select Committee on Intelligence: Committee concluded hearings on the nomination of John Leonard Helgerson, of Virginia, to be Inspector General, Central Intelligence Agency, after the nominee testified and answered questions in his own behalf. Also, the committee also concluded closed hearings on intelligence matters, after receiving testimony from officials of the intelligence community.
House of Representatives

Chamber Action

Measures Introduced: 15 public bills, H.R. 4466–4480; and 1 resolution, H. Con. Res. 380, were introduced.

Reports Filed: Reports were filed today as follows:

H. Res. 390, providing for consideration of the Senate amendment to H.R. 586, to amend the Internal Revenue Code of 1986 to provide that the exclusion from gross income for foster care payments shall also apply to payments by qualified placement agencies (H. Rept. 107–412).

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Shimkus to act as Speaker pro tempore for today.

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Norvel Goff, Sr., Baber African Methodist Episcopal Church of Rochester, New York.

Journal: The House agreed to the Speaker’s approval of the Journal of Tuesday, April 16 by a yea-and-nay vote of 361 yeas to 51 nays, Roll No. 98.

Child Custody Protection Act: The House passed H.R. 476, to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions by a recorded vote of 260 ayes to 161 noes, Roll No. 97.

Rejected the Jackson-Lee of Texas motion that sought to recommit the bill to the Committee on the Judiciary with instructions to report it back to the House forthwith with an amendment that exempts an adult sibling, grandparent, minister, rabbi, pastor, priest, or other religious leader from provisions prohibiting the transportation of minors in circumvention of certain laws relating to abortion by a yea-and-nay vote of 173 yeas to 246 nays, Roll No. 96.

H. Res. 388, the rule that provided for consideration of the bill, was agreed to by voice vote.

Motion to Instruct Conferees on the Farm Security Act—Proceedings Postponed: The House completed debate on the Smith of Michigan motion to instruct conferees on H.R. 2646, an act to provide for the continuation of agricultural programs through fiscal year 2011, to agree to the provisions contained in section 169(a) of the Senate amendment, relating to payment limitations for commodity programs; and to insist upon an increase in funding for conservation programs, in effect as of January 1, 2002, that are extended by title II of the Senate amendment; and research programs that are amended or established by title VII of the House bill or title VII of the Senate amendment. Pursuant to clause 8 of rule XX, the Chair postponed the vote on the motion.

Notice to Offer Motions to Instruct Conferees on the Farm Security Act: Pursuant to clause 7(c) of rule XXII, the following members intend to offer motions tomorrow to instruct conferees on H.R. 2646, an act to provide for the continuation of agricultural programs through fiscal year 2011. Representative Dooley announced his intention to offer a motion to instruct conferees to agree to the provisions contained in section 335 of the Senate amendment, relating to agricultural trade with Cuba.

Representative Baca announced his intention to offer a motion to instruct conferees to agree to provisions contained in Section 452 of the Senate amendment, relating to restoration of benefits to children, legal immigrants who work, refugees, and the disabled.

Recess: The House recessed at 2:41 p.m. and reconvened at 5:11 p.m.

Quorum Calls—Votes: One yea-and-nay vote and two recorded votes developed during the proceedings of the House today and appear on pages H1371–72, H1372, and H1373. There were no quorum calls.

Adjournment: The House met at 12:30 p.m. and adjourned at 9:37 p.m.

Committee Meetings

COMMERCE, JUSTICE, STATE AND JUDICIARY APPROPRIATIONS

Committee on Appropriations: Subcommittee on Commerce, Justice, State and Judiciary held a hearing on SEC, and on FCC. Testimony was heard from Harvey Pitts, Chairman, SEC; and Michael Powell, Chairman, FCC.

INTERIOR APPROPRIATIONS

Committee on Appropriations: Subcommittee on Interior held an oversight hearing on Energy Research-Measuring Success. Testimony was heard from Mark W. Everson, Controller, OMB; the following officials of the Department of Energy: Carl Michael Smith, Assistant Secretary, Fossil Energy; and David K.
Garman, Assistant Secretary, Energy Efficiency and Renewable Energy; and a public witness.

LABOR, HHS, AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education held a hearing on Department of Education Panel: Foundations for Learning. Testimony was heard from the following officials of the Department of Education: Susan B. Neuman, Assistant Secretary, Elementary and Secondary Education; Robert H. Pasternack, Assistant Secretary, Special Education and Rehabilitation Services; Grover J. Whitehurst, Assistant Secretary, Educational Research and Improvement; and Wade Horn, Assistant Secretary, Administration on Children and Families, Department of Health and Human Services.

MILITARY CONSTRUCTION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Military Construction held a hearing on Budget Overview. Testimony was heard from the following officials of the Department of Defense: Ray Dubois, Deputy Under Secretary, Installations and Environment; and Dov S. Zakheim, Under Secretary and Comptroller/Chief Financial Officer.

TRANSPORTATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Transportation held a hearing on the Transportation Security Administration. Testimony was heard from the following officials of the Department of Transportation: Michael Jackson, Deputy Secretary; and Kenneth M. Mead, Inspector General; and public witnesses.

The Subcommittee also met in executive session to continue hearings on the Transportation Security Administration. Testimony was heard from the following officials of the Department of Transportation: Stephen McHale, Deputy Under Secretary, Security; Kenneth M. Mead, Inspector General; and Adm. James M. Loy, USCG, Commandant, U.S. Coast Guard.

TREASURY, POSTAL SERVICES, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service and General Government held a hearing on Secretary of the Treasury. Testimony was heard from Paul H. O’Neill, Secretary of the Treasury. VA, HUD, AND INDEPENDENT AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on VA, HUD and Independent Agencies held a hearing on NASA. Testimony was heard from Sean O’Keefe, Administrator, NASA.

MEDICARE PRESCRIPTION DRUG BENEFIT

Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Creating a Medicare Prescription Drug Benefit: Assessing Efforts to Help America’s Low-Income Seniors.” Testimony was heard from Mark McClellan, M.D., member, Council of Economic Advisers; and public witnesses.

FEDERAL DEPOSIT REFORM ACT

Committee on Financial Services: Ordered reported, as amended, H.R. 3717, Federal Deposit Insurance Reform Act of 2002.

AIDS—CHILDREN IN AFRICA

Committee on International Relations: Held a hearing on AIDS Orphans and Vulnerable Children in Africa: Identifying the Best Practices for Care, Treatment, and Prevention. Testimony was heard from Anne Peterson, Assistant Administrator, Bureau for Global Health, AID, Department of State; Ken Casey, Special Representative to the President for HIV/AIDS; and public witnesses.

NATO FUTURE

Committee on International Relations: Subcommittee on Europe held a hearing on The Future of NATO and Enlargement. Testimony was heard from Jeanne J. Kirkpatrick, former Ambassador to the United Nations, Department of State; Lt. Gen. William E. Odom, USA, (Ret.) former Director of NSA, Department of Defense; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action the following bills: H.R. 2623, Posthumous Citizenship Restoration Act of 2001; H.R. 3214, to amend the chapter of the AMVETS organization; H.R. 3838, to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization; H.R. 3988, to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; S.J. Res. 13, conferring honorary citizenship of the United States on Paul Yves Roch Gilbert du Motier, also known as the Marquis de Lafayette.
The Subcommittee also approved private relief bills.

MISCELLANEOUS MEASURES
Committee on Resources: Held a hearing on the following bills: H.R. 103, Tribal Sovereignty Protection Act; H.R. 3534, Cherokee, Choctaw, and Chickasaw Nations Claims Settlement Act; and H.R. 3476, to protect certain lands held in fee by the Pechanga Band of Luiseno Mission Indians from condemnation until a final decision is made by the Secretary of the Interior regarding a pending fee to trust application for that land. Testimony was heard from Representative Issa; Jim Brulte, Senator, State of California; Wayne Smith, Deputy Assistant Secretary, Indian Affairs, Bureau of Indian Affairs, Department of the Interior; and public witnesses.

MISCELLANEOUS MEASURES
Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans approved for full Committee action the following bills: H.R. 3558, Species Protection and Conservation of the Environment Act; H.R. 3908, amended, North American Wetlands Conservation Reauthorization Act; and H.R. 4044, amended, authorize the Secretary of the Interior to provide assistance to the State of Maryland for implementation of a program to eradicate nutria and restore marshland damaged by nutria.

MOTION TO CONCUR IN SENATE AMENDMENT WITH AN AMENDMENT TO THE FAIRNESS FOR FOSTER CARE FAMILIES ACT
Committee on Rules: Granted, by a vote of 6 to 3, a rule providing for a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment to H.R. 586, Fairness for Foster Care Families Act of 2001, with the amendment printed in the report of the Committee on Rules accompanying the resolution. The rule waives all points of order against consideration of the motion to concur in the Senate amendment with an amendment. The rule provides 1 hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Finally, the rule provides that the previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question. Testimony was heard from Chairman Thomas and Representatives Rangel, Tanner, Turner and Phelps.

CLIMATE RESEARCH AND TECHNOLOGY INITIATIVES—NEW DIRECTIONS
Committee on Science: Held a hearing on New Directions for Climate Research and Technology Initiatives. Testimony was heard from public witnesses.

MISCELLANEOUS MEASURES

HOW TRANSIT SERVES AND BENEFITS U.S. COMMUNITIES
Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit held a hearing on How Transit Serves and Benefits U.S. Communities. Testimony was heard on Jenna Dorn, Administrator, Federal Transit Administration, Department of Transportation; JayEtta Hecker, Director, Physical Infrastructure Issues, GAO; and public witnesses.

OVERSIGHT—WATER RESOURCES AND DEVELOPMENT ACT PROPOSALS
Committee on Transportation and Infrastructure: Subcommittee on Water Resources and Environment continued oversight hearings on Proposals for a Water Resources Development Act of 2002. Testimony was heard from Representatives Matsui, Tauzin, Visclosky, Woolsey, Underwood, Shimkus, Carson of Indiana, Crowley, Gonzalez and Acevedo-Vila.

INTEGRATING PRESCRIPTION DRUGS INTO MEDICARE
Committee on Ways and Means: Held a hearing on Integrating Prescription Drugs into Medicare. Testimony was heard from Tommy G. Thompson, Secretary of Health and Human Services; David M. Walker, Comptroller General, GAO; and public witnesses.

WATER QUALITY FINANCING ACT

BRIEFING—U.S. INTELLIGENCE RELATIONSHIPS—PARTIES IN ISRAELI-PALESTINIAN CONFLICT
Permanent Select Committee on Intelligence: Met in executive session to hold a briefing regarding U.S. intelligence relationships with parties in the Israeli-Palestinian conflict. The Committee was briefed by departmental briefers.
NATIONAL IMAGERY AND MAPPING AGENCY

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on National Imagery and Mapping Agency. Testimony was heard from departmental witnesses.

Joint Meetings

MONETARY POLICY/ECONOMIC OUTLOOK

Joint Economic Committee: Committee concluded hearings to examine the monetary policy and economic outlook in the context of the current economic situation, focusing on the economic rebound now underway, after receiving testimony from Alan Greenspan, Chairman, Board of Governors, Federal Reserve System.

COMMITTEE MEETINGS FOR THURSDAY, APRIL 18, 2002

(Committee meetings are open unless otherwise indicated)

Senate


Subcommittee on Treasury and General Government, to continue hearings on the proposed budget estimates for fiscal year 2003 for certain law enforcement activities, 2:30 p.m., SD–192.

Committee on Commerce, Science, and Transportation: business meeting to consider S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak; S. 2039, to expand aviation capacity in the Chicago area; S. 1220, to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track; S. 1739, to authorize grants to improve security on over-the-road buses; S. 1750, to make technical corrections to the HAZMAT provisions of the USA PATRIOT Act; S. 1871, to direct the Secretary of Transportation to conduct a rail transportation security risk assessment; H.R. 2546, to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service; and pending nominations, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on National Parks, to hold hearings on S. 1441/H.R. 695, to establish the Oil Region National Heritage Area; S. 1526, to establish the Arabia Mountain National Heritage Area in the State of Georgia; S. 1638, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System; S. 1809, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas; S. 1939, to establish the Great Basin National Heritage Area, Nevada and Utah; and S. 2033, to authorize appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, 3 p.m., SD–366.

Committee on Finance: to hold hearings to examine corporate governance and executive compensation, 9:30 a.m., SD–215.

Committee on Governmental Affairs: to hold hearings to examine the state of public health preparedness for terrorism involving weapons of mass destruction, 9:30 a.m., SD–342.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine workplace injury issues, 10 a.m., SD–430.

Committee on the Judiciary: business meeting to consider pending calendar business, 10 a.m., SD–226.

House

Committee on Appropriations, Subcommittee on Commerce, Justice, State and Judiciary, on Bureau of Prisons, 10 a.m., H–309 Capitol.

Subcommittee on District of Columbia, on Economic Development, 1:30 p.m., 2362 Rayburn.

Subcommittee on Foreign Operations, Export Financing and Related Programs, on Fiscal Year 2002 Supplemental and Fiscal Year 2003 Regular Appropriations Requests for Security Assistance and Assistance to the Front Line States, 9:30 a.m., 2359 Rayburn.

Subcommittee on Interior, on Congressional Witnesses, 10 a.m., B–308 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, on Congressional Witnesses, 9:45 a.m., 2358 Rayburn.

Subcommittee on Treasury, Postal Service and General Government, on Customs/Trade Issue, 9:30 a.m., 2358 Rayburn.

Subcommittee on VA, HUD and Independent Agencies, on American Battle Monuments Commission, 9:30 a.m., on Consumer Product Safety Commission, 10:30 a.m., and on Chemical Safety and Hazard Investigation Board, 11:30 a.m., H–143 Capitol.


Subcommittee on Education Reform, hearing on Special Education Finance at the Federal, State and Local Levels, 2 p.m., 2261 Rayburn.


Subcommittee on Energy and Air Quality, hearing entitled “A Review of the President’s Recommendation to Develop a Nuclear Waste Repository at Yucca Mountain, Nevada,” 9:30 a.m., 2123 Rayburn.
Committee on Financial Services, Subcommittee on Domestic Monetary Policy, Technology, and Economic Growth, hearing entitled “Encouraging Capital Formation in Key Sectors of the Economy,” 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing on “The Autism Epidemic—Is the NIH and CDC Response Adequate?” 1 p.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on Africa, hearing on The Chad-Cameroon Pipeline: A New Model for Natural Resource Development, 2 p.m., 2172 Rayburn.

Subcommittee on the Middle East and South Asia, hearing on Words Have Consequences: The Impact of Incitement Anti-American and Anti-Semitic Propaganda on American Interests in the Middle East, 11 a.m., 2172 Rayburn.


Committee on Science, Subcommittee on Space and Aeronautics, hearing on Space Shuttle and Space Launch Initiative, 10 a.m., 2318 Rayburn.

Committee on Transportation and Infrastructure, Subcommittee on Aviation, to mark up the following: the National Transportation Safety Board Reauthorization; H.R. 1979, to amend title 49, United States Code, to provide assistance for the construction of certain air traffic control towers; and Airport Project Streamlining, 10:30 a.m., 2167 Rayburn.


Committee on Veterans’ Affairs, Subcommittee on Benefits, hearing on H.R. 4015, Jobs for Veterans Act, 9 a.m., 334 Cannon.

Next Meeting of the SENATE
9:45 a.m., Thursday, April 18

Senate Chamber

Program for Thursday: Senate will continue consideration of S. 517, Energy Policy Act, with a vote on the motion to close further debate on Stevens Amendment No. 3133 (to Amendment No. 3132) to occur at 11:45 a.m.

Extensions of Remarks, as inserted in this issue

Hayes, Robin, N.C., E560
Herger, Wally, Calif., E562
Holt, Rush D., N.J., E565
Horn, Stephen, Calif., E549
Jones, Stephanie Tubbs, Ohio, E560
Kinzinger, Dennis J., Ohio, E561
LaFalce, John J., N.Y., E560
Lantos, Tom, Calif., E465
Levin, Sanders M., Mich., E560
Lewis, Ron, Ky., E561
McCarthy, Carolyn, N.Y., E557
McCollum, Betty, Minn., E553
McNulty, Michael R., N.Y., E563
Matsui, Robert T., Calif., E560
Norton, Eleanor Holmes, D.C., E553
Osley, Michael O., Ohio, E557

Pelosi, Nancy, Calif., E549
Putnam, Adam H., Fla., E561
Radanovich, George, Calif., E550, E550, E552
Riley, Bob, Ala., E561, E552
Ryan, Paul, Wisc., E549
Sawyer, Tom, Ohio, E560, E552
Schaffer, Bob, Colo., E561, E555
Serrano, Jose E., N.Y., E559
Smith, Nick, Mich., E564
Solis, Hilda L., Calif., E561
Stapak, Bart, Mich., E558, E559
Thurber, Todd, Ohio, E557
Toomey, Patrick J., Pa., E556
Udall, Mark, Colo., E558
Udall, Tom, N.M., E554
Walsh, James T., N.Y., E562
Watson, J.C., Jr., Okla., E562

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