The House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

WASHINGTON, DC, May 8, 2002.

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

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

PRAYER

The Reverend Tom Mullins, Christ Fellowship, Palm Beach Gardens, Florida, offered the following prayer:

Our Heavenly Father, it is our prayer that You will grant us wisdom today, and You will bless the Members of Congress as they lead our Nation during these challenging times. May we not forget our dependence upon You, O Mighty God. Your hand has been with us through the history of our great Nation.

As President Lincoln declared, “It is the duty of nations, as well as men, to owe their dependence upon the overwhelming power of God, and to recognize the sublime truth announced in the Holy Scriptures and proven by all history, that those nations only are blessed whose God is the Lord.”

May You continue to bless us and guide us. Be with our President and Members of Congress, our military personnel fighting in the war on terror. We thank You for Your strength and for Your wisdom, and we recognize today that these blessings come from You.

In Your Holy 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 1, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. LAHOOD) come forward and lead the House in the Pledge of Allegiance.

Mr. LAHOOD 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.

MESSAGE FROM THE SENATE

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

H.R. 2048. An act to require a report on the operations of the State Justice Institute.

H.R. 2305. An act to authorize certain federal officials with responsibility for the administration of the criminal justice system of the District of Columbia to serve on and participate in the activities of the District of Columbia Criminal Justice Coordinating Council, and for other purposes.

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

S. 410. An act to amend the Violence Against Women Act of 2000 by expanding the legal assistance for victims of violence grant program to include legal assistance for victims of dating violence.

S. 2431. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits.

S. Con. Res. 108. Concurrent resolution to designate May 4–12, 2002, as “National Tourism Week.”

PASTOR TOM MULLINS

(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, it is my great honor to introduce and welcome Senior Pastor Tom Mullins to the United States House of Representatives this morning.

Senior Pastor Mullins is the founder of Christ Fellowship, an evangelical 14,000-member church in Palm Beach Gardens, Florida. This nondenominational evangelical Christian church has grown from about 140 people to 14,000 people under Pastor Mullins’ guidance.

Pastor Mullins left a successful career as a football coach and athletic director to start the church. He was a well-respected coach at Palm Beach Gardens High School in the 1970s and at Georgetown College in Kentucky before becoming athletic director at Palm Beach Community College in Lake Worth. He started the church in 1984 while still working at the college, and has been there ever since.

In addition, Pastor Mullins and his wife, Donna, who joins us today in the gallery with their daughter, Noelle, are the founders of the Place of Hope International, which sends food and clothing around the world, from Peru to India. They work locally in our County of Palm Beach distributing food baskets to the poor and sending thousands of gifts during the holiday season to people in need.

A well-respected member of our community, Pastor Mullins is an advocate for citizen involvement in the political process, for being good stewards of our Nation’s heritage, and a strong supporter of President Bush’s faith-based initiative.
Again, it is my great honor to welcome Pastor Mullins.

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

Mr. FOLEY. I yield to the gentleman from Florida.

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

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding.

I would like to add my welcome to Pastor Mullins. It is an honor to have him here today.

Mr. Speaker, today we welcome Pastor Tom Mullins of Christ Fellowship church in Palm Beach Gardens, Florida as House Chaplain. Pastor Mullins joins a distinguished list of clergy, who have opened our daily proceeding with prayer, including Rev. Billy Graham and the late John Cardinal O'Connor.

Also, I am pleased to welcome Pastor Mullins’ wife, Donna, and daughter, Noelle.

For 18 years and counting, Pastor Mullins serves the 14,000 member Christ Fellowship church as its senior pastor. As senior pastor, Tom commits himself to his faith, family and community.

On April 29, 1984, Tom and Donna, founded Place of Hope children’s home for neglected and abused children throughout the Palm Beach community. Pastor Mullins also has a desire to aid neglected children around the world through his support and work with Place of Hope International, which places children in supportive, loving homes around the world from India to Peru.

Tom’s work with children even includes a successful high school and collegiate career as a head football coach.

Whether as a pastor or coach, Pastor Mullins has a strong desire in nurturing young men and women throughout the communities of Palm Beach county.

Mr. Speaker, Pastor Tom Mullins is a tremendous leader in the South Florida community, and it’s my privilege to welcome him and his family to the United States House of Representatives as our guest Chaplain.

Mr. FOLEY. Again, Mr. Speaker, it is my great honor that Pastor Mullins agreed to come to Washington and deliver the morning prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that it is inappropriate to refer to guests in the gallery.

TERRORISM MUST END, AND AMERICA MUST RECOGNIZE THAT ISRAEL FIGHTS ON THE FRONT LINE AGAINST GLOBAL TERRORISM

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

Mr. LANTOS. Mr. Speaker, yesterday, as the President of the United States and the Prime Minister of Israel were meeting in the Oval Office, yet another homicide bombing took place in the state of Israel.

How many more innocent civilians will need to be killed by this monstrous conspiracy before the administration and all Members of Congress recognize that we are dealing with a battle between civilization and the forces of chaos and destruction? How many millions of Saudi PR money will we need to kill by this monstrosity?

In recent months, $135 million of Saudi money went to support terrorism, and it is high time we call facts by their proper names. The President indicated a few months ago that “You are either with the terrorists, or you are with us.”

The time has come for a clear moral judgment. This terrorism must end, and we must recognize that Israel is in the forefront of the global struggle against terrorism.

CONGRATULATIONS TO LARRY J. BEHAR OF FORT LAUDERDALE AND MARIA LORTS SACHS OF BOCA RATON

(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 Larry J. Behar of Fort Lauderdale and Maria Lorts Sachs of Boca Raton receiving the Distinguished Humanitarian Award from B'nai B'rith and the Sons of Italy Florida Foundation. This award gives recognition to two individuals whose activities have contributed immeasurably to the advancement of our community.

Mr. Behar is a prominent attorney with a specialization in immigration and naturalization affairs, and he has traveled extensively throughout the world to bring international issues to the table.

Ms. Sachs has served as the President of Florida's Association of Women Lawyers, and she founded Women for Excellence, a nonprofit organization that provides resources and provides leadership for women.

I am asking Members to join me in recognizing Larry J. Behar and Ms. Maria Lorts Sachs for their commitment to our south Florida community.

ASKING MEMBERS TO WORK TO BRING LUDWIG KOONS AND ALL OF AMERICA’S ABDUCTED CHILDREN HOME

(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, I would like to think that I have talked so long that I have become hoarse in talking about Ludwig Koons and trying to return him from Italy to the United States where he so desperately belongs and needs to be. Ludwig Koons is a child being held in a pornographic compound in Italy by his mother, who is teaching him that.

Yesterday, the gentleman from Florida (Mr. FOLEY) and I had a press conference where we announced a bill that we are going to introduce very shortly that is called the Child Modeling Exploitation Prevention Act of 2002. We intend to ban exploitive child modeling from all websites that charge fees to view models who are 16 years of age and under. They are nothing more than sites that cause titillation for pedophiles.

I will make the transition from that with my continued story about Ludwig Koons, because he is learning that that apparently is an okay life. I do not believe any of us believe that.

I am asking Members to join us on this bill, but I am also continuing my plea that we stand up as a nation and that we demand that our State Department or any other department of this government, or any Member of the House of Representatives who is willing to write a letter to make a phone call, demand that Ludwig Koons be returned to the United States. Bring all of our children home.

VOTE TODAY TO MOVE HAZARDOUS NUCLEAR WASTE TO A SECURE STORAGE FACILITY

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

Mr. KIRK. Mr. Speaker, today the House will vote on the most important environmental and homeland defense issue of the year. Spent nuclear waste is stored at 131 locations around America: near Long Island Sound, in the Tennessee Valley, and on the shores of our precious Lake Michigan. These locations are a terrorists’ shooting gallery of potential targets, and 161 million Americans live within 75 miles of a temporary nuclear storage site.

We will vote today to move this material to a secure storage facility where the United States has already tested hundreds of nuclear weapons. The protection of the Great Lakes is my number one priority, and moving nuclear waste from our shores will protect our people from terrorism and environmental threats.

THE NATIONAL DEBT

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

Mr. PASCRELL. Mr. Speaker, Thomas Jefferson said, “I place the economy among the first and most important virtues, and public debt as the greatest of dangers. To preserve our independence, we must not let our rulers load us with perpetual debt.”

I hear the words of the Founding Fathers on the floor every week after I never hear the words from Thomas Jefferson. That is because the public debt is something we do not like to talk about. We no longer have a
choice in the matter. In the minute that I will stand before Members this morning, we will accrue almost $1 million in interest to our public debt. These are wasted dollars paying interest on debt, rather than paying down the debt.

Today the national debt is $6 trillion. Since January of last year, the CBO baseline’s projected net interest payments over the 2002 to 2011 period have gone up by $1 trillion, from $620 billion to $1.6 trillion, roughly $10,000 per American household and $1,000 per household per year.

If we make the tax cut permanent, like some have suggested, this number rises to almost $4,000 per household per year. This is insanity. Mr. Speaker, I ask that we remember the words of Thomas Jefferson.

OPPOSE HOUSE JOINT RESOLUTION 87 AND STOP THE YUCCA MOUNTAIN PROJECT

(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, today we will be deciding whether to ship high-level nuclear waste, one of the most dangerous and deadly substances known to man, across this great country by and through our roads and neighborhoods and schools and parkways.

Mr. Speaker, today we must reject this dangerous plan. Whatever Members believe, let us look at some of the startling facts.

According to the Department of Transportation itself, there have been over 11,000 train accidents in the past 5 years. It is estimated that at least one train accident occurs every 24 hours. Since 1998, 3,800 people have lost their lives and more than 45,000 people have been injured in train accidents in the United States alone. Just imagine how many more people would die or could have been injured had these trains been carrying high-level nuclear waste to Yucca Mountain.

Mr. Speaker, it takes only one anti-tank missile or one terrorist act to cause a catastrophic nuclear disaster, but today we can prevent that disaster. We can oppose House Joint Resolution 87 and stop the Yucca Mountain project now before we endanger the lives of thousands of innocent Americans.

URGING MEMBERS TO PASS STRONGEST POSSIBLE TRADE ADJUSTMENT ASSISTANCE FOR AMERICA’S WORKERS

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

Mr. SMITH. Mr. Speaker, the Senate is considering the President’s request for trade promotional authority right now, and at the same time, connected to it, trade adjustment assistance, help for workers who have lost their jobs.

I rise today to urge the Senate today to pass the strongest possible trade adjustment assistance packages. Workers desperately need help dealing with the new economy. It is a land of opportunity for all of us, but there are also challenges. Workers must continually have access to training and education to update their skills. They also need the health care benefits necessary to carry them through periods of unemployment, and they also need income assistance to help them as they move forward and try to find new jobs.

I am a strong supporter of trade. As a new Democrat, it is one of our top priority issues to open trade throughout the world and give us access to other markets.

Connected to that, however, we have to help the workers of our country deal with the challenges and opportunities that come along with that. There must be a strong health care component. There must be job training and education available.

If the Senate were to put together that type of package and pass a trade promotional assistance bill with a strong trade adjustment assistance piece, I am very confident they would be able to pass it in the House, and they would move forward on two critical policies for this country.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded it is improper to urge action by the other body.

WESTERN SAHARA

(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, last week the United Nations considered a new solution to the conflict over Western Sahara, a solution which basically gives Morocco control over Western Sahara.

Mr. Speaker, everyone knows the Moroccan people do not have a democracy. The country is ruled by a king. They use torture in their prisons. The former king, father of the current king, established the notorious and hideously brutal prison, in which time trial lawyers were imprisoned and tortured his own family members. So how in the world will Morocco assure that democracy is protected for the Sahrawis?

Mr. Speaker, I am deeply disturbed by reports that our U.S. Government now may be willing to throw away the rights of the people of Western Sahara to self-determination by supporting Moroccan claims of sovereignty to the land. It seems that our government is willing to bargain away fundamental human rights. It is a battle with current agendas, after 10 years of advocating self-determination for Western Sahara.

When our country no longer cares about the right to self-determination, a right on which our Nation was founded, it is a sad day, indeed.

Mr. Speaker, this is a dangerous time to play with instability, particularly in North Africa.

PRESCRIPTION DRUG CARE BENEFIT

(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, it is shameful that our citizens are still without workable prescription drug coverage. Because of the rapid increase of prescription drug use, as we know, it is critical and needed; and at the time we established Medicare, prescriptions were not used as much, but now we understand that those senior citizens do need prescription drugs to be able to take care of their illnesses. We need to be there for them to make sure that we will get that prescription. It is unfortunate, but I keep hearing stories about our senior citizens that continue to make decisions between buying food and buying prescriptions that they need. I hear from the spouses where they sometimes go without prescriptions to get their husbands their prescriptions.

As a community and as Americans need to make sure that our seniors have accessible prescription drug coverage. And as Democrats we support a prescription drug benefit coverage for all seniors that would be voluntary and be able to have access to them. No seniors should be faced with the prospects of not being able to afford medicine, regardless of income. We need to be there for our seniors. They have been there for us.

STOP TAXING MILITARY STUDENT LOAN REPAYMENTS

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER. Mr. Speaker, our military uses students loan repayment to recruit for shortages in critical military occupations specialties such as the Medical Corps. If you are on active duty, tuition assistance is not taxed as income. If you have been honorably discharged and received education assistance through the GI bill, it is not taxed as income. However, if the military needs to recruit an individual for an occupation specialty that is needed, the student loan repayment is taxed as income.

For example, if the military pay is $24,000 per year and had she receives $30,000 that year pay a student loan, they are taxed at an income level of $4,000 and the tax payment has to come out of a $24,000 salary.
This is wrong. Support H.R. 4555 to correct this.

PROBLEMS OF TANF REAUTHORIZATION
(Ms. WATSON of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATSON of California. Mr. Speaker, I rise to support my Democratic colleagues in their approach to welfare reform. Voters overwhelmingly believe that expanding training opportunities that will help new people from welfare to good jobs should be a top priority of this Congress.

The voting public supports a TANF reform agenda of expanded access to training, education and flexible time limits. The polling data demonstrates that 82 percent of Americans favor increasing funding for job training and child care. Mr. Speaker, this is what the Democratic proposal presents.

The Republican proposals do not represent the voice of America or our welfare recipients. The one-size-fits-all, Washington-knows-best unfunded mandates of Republican proposals will not work. We build upon the success of the past by increasing funding flexibility. We need to assist TANF recipients to get living wage jobs so that they have access to upward mobility.

Mr. Speaker, the Democratic proposals will do just that.

SENIORS NEED PRESCRIPTION DRUGS
(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, here we go again. Like Yogi Berra said, “It is deja vu all over again.”

The Republican majority is trying to convince the American people that they want to do something to provide prescription drug benefit for our Nation’s seniors, but it is the same proposal that went nowhere last year. It is nothing but an election year proposal that will provide very little benefit to most seniors.

This tiered proposal, leveled proposal, treats some seniors differently than others, despite the fact that all seniors have paid into the program and deserve a meaningful prescription drug benefit.

I am in favor of providing real prescription drug benefits to seniors. If this proposal is going to work, we need a benefit that is good for all seniors, not just a few. Unfortunately, the Republican plan will not help middle-income seniors who have only moderate drug costs. Their plan is unworkable. Even the insurance industry says that insurance will not go for it. So what we have before us is a plan that the seniors will not like, the insurance companies will not like, and the public will be able to see through. And even members of my Republican colleagues’ party have mentioned that this bill is not a good proposal.

Let us stop playing games with seniors’ lives. It is time to provide a meaningful, generous benefit that actually does something to address the prescription drug problem.

STICK TO THE PRESIDENT’S SUPPLEMENTAL DEFENSE REQUEST
(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 has been a hallmark of the Republican majority in Congress to practice fiscal restraint and to stand by a strong national defense. Today here on Capitol Hill we will be about the business of responding to the President’s supplemental defense request, and there are some reports and some discussion on Capitol Hill that we may in this majority bring to the floor later this week a bill that could exceed the President’s request by nearly 10 percent, adding in spending on election reform and interior agencies; nothing much to do with national defense.

I urge my colleagues to hew to their roots, Mr. Speaker. Spend not one penny more than the President has requested when we pass the defense supplemental this week. By demonstrating fiscal discipline there will renew our commitment to fiscal responsibility and to national defense without compromising either.

HONORING SOUTH CAROLINA POLICY COUNCIL
(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in 1986 a group of South Carolina civic leaders dedicated to improving their State joined together and created the South Carolina Policy Council. South Carolina at that time was dominated by a legislature which controlled an array of semi-autonomous boards and commissions that fostered red tape and hindered accountability. Through the visionary leadership of the late Thomas A. Roe, the Policy Council was formed to fill the void of reformist conservative philosophy.

By publishing timely reports, comprehensive white papers, and hard-hitting editorials, the Policy Council grew in stature and membership. In the beginning of the Republican Revolution, Ed McMullen was chosen as its president. The Policy Council has played a role in every major reform debate. From modernizing State government, to promoting performance audits, to reforming welfare, to cutting taxes, the Policy Council has been a leader.

Today the South Carolina Policy Council boasts a membership of over 5,000 and regularly participates in policy debates with political, religious and business leaders throughout the Palmetto State.

I am honored to take this opportunity to thank the Policy Council and to wish them well on the ongoing fight to conserve the principles of limited government and traditional values.

STRENGTHEN U.S. STEEL INDUSTRY
(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, as a representative of industrial America, I am urging my colleagues today to vote both to strengthen the U.S. steel industry and make this country an industrial leader in terms of rail transportation.

In an age of terrorism, why have nuclear material moving all over this country? And, finally, in my own district, a recent nuclear mishap occurred in which boron acid ate through 80 pounds of carbon steel in the central cooling line inside the core. I really ask the question—Why do we have such poor engineering and poor inspection in the nuclear industry? Why do we have a plant reactor that cannot be repaired in this country? Why even if we were able to repair it, do we have to send the core to Japan to cast a new head and then to France for finishing? Why is the nuclear industry exempt with no one responsible under the Price Anderson Act for liability in the event an accident occurs? Please urge my colleagues today to vote to strengthen the U.S. steel industry and vote for nuclear safety.

Vote to uphold the steel decision on limiting imports and to table the Yucca Mountain nuclear storage proposal.

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 94th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

This afternoon many members of my family, including my father and mother, will arrive in Washington to visit me and their grandchild, Asa. As I look forward to their visit, I think of the Burnham family and the family reunion they await every day. Too often
Congressional schedules keep us away from our families. Many of us have had to miss Little League games, school recitals and concerts. That is the hardest part of our job. I cannot imagine missing a year's worth of my children's lives, a year of birthdays, holidays, games, concerts and those precious daily moments.

Of all the hardships that Martin and Gracia have endured in the past 11½ months, the greatest must be their separation from their family and knowing how much their children miss them. I always cherish my time with my parents and my family, but this week I am especially aware of how lucky I am to have time.

I encourage the Bush administration and the Philippine government to continue their efforts, all their efforts, to free Martin and Gracia so the Burnham family can enjoy a family reunion.

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.

NATIONAL SMALL BUSINESS WEEK

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

Mr. PHELPS. Mr. Speaker, I am grateful for the opportunity to speak today on behalf of National Small Business Week. Small businesses play a crucial role in the economy of our Nation, and it is important that we take this week to recognize their efforts.

As a member of the Committee on Small Business and a former small business owner, I am aware of the everyday difficulties that many of our Nation's small businesses have to face. We must work together to ensure that their needs are met and not put behind the needs of corporate America.

With approximately 25 million small businesses in the United States, we need to focus on affordable health care for the small business employer and employee. We must ensure that pension plans will be provided to employees while protecting our system's Social Security. Last year many small businesses were left out of the President's tax cut. Let us make sure that that never happens again, and provide for fair tax breaks to small businesses who may need the extra capital to survive.

Many Americans dream of owning their own business, and we need to help that dream become a reality and stay a reality for years.

Providing for Disposition of H.J. Res. 84, Disapproving the Action Taken by the President under Section 203 of the Trade Act of 1974 Transmitted to the Congress on March 5, 2002

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 414 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 414

Resolved, That the joint resolution (H. J. Res. 84) disapproving the action taken by the President under section 203 of the Trade Act of 1974 transmitted to the Congress on March 5, 2002, is hereby laid on the table.

The SPEAKER pro tempore (Mr. SIMPSON), who moved the adoption of the resolution, said that the gentleman from New York (Mr. McGOVERN) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. McGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only. (Mr. REYNOLDS asked and was given permission to revise and extend his remarks.)

Mr. REYNOLDS. Mr. Speaker, while I am waiting for some of my remarks, first, I would like to welcome our new colleague on the Committee on Rules, the gentleman from Massachusetts (Mr. McGOVERN), who will be managing the rule for the minority.

Mr. Speaker, House Resolution 414 is a unique rule providing for the disposition of House Joint Resolution 84, a resolution of disapproval. Under the rule, the House Joint Resolution 84 would be automatically tabled. House Joint Resolution 84 disapproves the action taken by the President under section 203 of the Trade Act of 1974 transmitted to the Congress on March 5, 2002. This rule will lay on the table the disapproval resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 414 is a unique rule providing for the disposition of House Joint Resolution 84, a resolution of disapproval. Under the rule, the House Joint Resolution 84 would be automatically tabled. House Joint Resolution 84 disapproves the action taken by the President under section 203 of the Trade Act of 1974 transmitted to the Congress on March 5, 2002. This rule will lay on the table the disapproval resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the international trade law as it is written would not undo the remedies imposed by President Bush. Rather, it would merely put in place the tariff levels suggested by the International Trade Commission.

While congressional disapproval is certainly allowed under this statute, this rule recognizes that the circumstances in this case simply do not warrant such action. Even the measure's sponsor noted in committee markup that the resolution was not the best solution.

Laying this resolution on the table does not hurt the steel industry. In fact, it will keep intact the President's remedy that the industry favors. The disapproval resolution could potentially be even more harmful to the industry, nor would the resolution not eliminate tariffs on steel imports. It merely replaces one set of tariffs with another.

Mr. Speaker, let me reiterate that a vote in support of this rule will table the disapproval resolution, keep intact the President's current enacted remedies, and conclude debate on this issue.

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

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from New York (Mr. REYNOLDS) for yielding me the customary 30 minutes, and I thank him for his kind words.

Mr. Speaker, I want to take just a moment to thank the gentleman from Texas (Mr. FROST), the ranking member, the gentleman from Missouri (Mr. GEPHARDT), and the rest of my colleagues for my appointment to the Rules Committee.

I am honored to take the seat held for over 25 years by my friend and mentor, Moakley, on the seat was held by the late Speaker, Tip O'Neill. I feel so privileged to be part of that legacy, and I will try to do everything possible to live up to their examples of hard work, collegiality and dedication to this House.

Mr. Speaker, this is the first rule that I have managed on the floor; and if I did not know better, I would think that my friends on the other side of the aisle were trying to make it as difficult as possible because this rule, Mr. Speaker, is a complex and convoluted contrivance designed to protect some Members from an unambiguous vote on an issue of vital importance to America's steel industry and its workers.

This rule is self-executing, which means that a vote in favor of the rule will table the resolution, thereby killing it without a clear up or down vote. While I strongly oppose the resolution proposed by the gentleman from Louisiana (Mr. JEFFERSON), I see no reason why the committee does not simply allow this body to vote on it.

This is an issue with real consequences for hard-working Americans and their families. Quite simply, Mr.
Speaker, the American steel industry is in trouble. Foreign steel imports are causing domestic prices to plunge to record lows, and the result to date is 31 steel company bankruptcies, the loss of almost 47,000 steelworker jobs, including 2,100 in the Nation’s iron ore mines, and the shutting down of nearly 20 percent of the Nation’s steelmaking capacity.

We cannot continue to sacrifice American jobs. We cannot continue to stand idly by as one of the oldest and most important industries in America just disappears.

In response to the ongoing crisis in American steel, the President implemented a 30 percent tariff on steel imports, an action that will help save thousands of Americans’ steelmaking jobs. This tariff is a necessary response to the unfair practices of some of our trading partners and I support it.

I believe we in Congress should be doing a great deal more for America’s steelworkers and their families; but until we act, the President’s decision is a welcome one.

I will vote in favor of this rule which automatically tables the resolution and, therefore, allows the President’s action to stand, but I believe it is extremely unfortunate that the majority has chosen to circumvent the regular order and has refused to allow a vote on the gentleman from Louisiana’s (Mr. JEFFERSON) resolution, a resolution, by the way, that I oppose.

This is a fair debate and an up or down vote on this issue. The Ways and Means Committee adversely reported the resolution, yet this rule denies the members on the committee and the Members of this body a genuine opportunity to debate the merits of this issue.

The American people deserve to know who supports the President’s actions to protect the American steel industry and who does not. They deserve to know why the effort to help the working men and women in our steel-producing communities and who does not.

There is no need for procedural smoke screens that rob the Members of this House from debating and voting on this important trade issue.

Having said that, let me attempt to clarify to Members what their choice is. If my colleagues disagree with the President’s decision to impose tariffs, on this issue, then they should vote against this rule. On the other hand, if my colleagues support the President’s tariff decision, then they should vote for the rule.

Mr. Speaker, there are many times when the Members of this body of both parties will disagree with the President. The Republican majority should not run away when that happens. They should allow their Republican colleagues the opportunity to vote and express their support or disapproval of the President’s decision.

I regret they will not be able to vote “no” on the resolution offered by the gentleman from Louisiana. I regret this deceptive rule, but I will not oppose it.

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

Mr. REYNOLDS. Mr. Speaker, I am pleased to yield to the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, I want to first of all say to the gentleman from Massachusetts (Mr. MCGOVERN), I am pleased to be able to speak on his first opportunity to have debate on a rule. As neighbors in our first term, I find that a great privilege; and I would rather be lucky than good. So it is lucky.

For my friend from Louisiana, who we agree with and work hard, it is not personal, it is just public policy; and I look forward to working with him in the future.

Not supporting this rule would mean letting the steel workers of our country down when they need us most. Furthermore, it would be a step backward from the progress made to help industries thus far. Free and fair trade, the proponents of trade talk about free and fair trade, the opponents of trade talk about free and fair trade; and it was this administration that finally took action against unfair trade. That is kind of hard to believe when we had a lot of this steel crisis within the past administration, also; but it was a Republican administration that said there is illegal dumping of steel and we are going to take action against it.

So that is why this resolution, I know well-intentioned, is very detrimental to getting our steel mills and our workers back into the mills and creating jobs. We have already seen some benefits from the 30 percent trade.

Granite City Steel in Madison County, which I represent half the county, it is my home county, entered Chapter 11 bankruptcy protection in early March. Their latest report is that they have more orders than they can fill. A promising future from an industry that just months ago was on the cusp of not only destroying the tax base of a small community but also people not being able to be employed and take care of their families.

Continuing the current tariffs will mean job security for 2,700 workers of this plant, as well as many plants across the Nation that have filed or were near bankruptcy.

Another company that is moving aggressively to reopen a closed steel mill in Illinois is Alton Steel, and they have a short window of opportunity to move even rapidly now because of the tariffs, and we are working very diligently with them; and the imposition of this tariff is of great help to them and the working men and women of another part of Madison County which is Alton, Illinois.

Furthermore, the 30 percent tariffs increase the likelihood of consolidation in the industry, with those who have lost their jobs may regain employment.

Mr. Speaker, it is proven: the administration’s decision for a 30 percent tariff is helping. The steel industry is and will continue to benefit. So why hold it back? On behalf of the steel workers of southern Illinois, I urge my colleagues to join with me in voting for this rule.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana (Mr. JEFFERSON), a member of the Committee on Ways and Means.

Mr. JEFFERSON. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MCGOVERN) for yielding me this time.

Mr. Speaker, I am saddened and disappointed by the action of the Committee on Rules and by the response of many of my Republican colleagues to the resolution that I have filed. Just a few months ago, I joined with many of them in open discussions about the benefits of free trade to our country and to a global economy.

Yet today, they turn their back on all those arguments that they so embraced just 2 months after the trade promotion authority discussion; and no matter how they cast the action on this rule today, if they vote for the rule and table the resolution and prevent us from having a debate on it, what they are doing nonetheless, no matter how they cover it up, is that they are voting a protectionist line when they have taken quite the opposite position just a few months ago as I said, and routinely, throughout this Congress.

What is happening here is what has been described here by the gentleman from Massachusetts (Mr. MCGOVERN). I have a resolution which is quite clear. It purports to ratchet down the President’s tariff decision to protect the steel industry from 30 percent tariffs, generally speaking, to 20 percent tariffs under the ITC recommendation. It lowers the tariffs in almost every case; and while one can argue that it still maintains a 201 result, and it does, for those who want to see 201 action, it permits that; but it simply does it at a lower level.

What I said in committee is there is no way to undo the President’s decision by action on this floor. The only thing that can be done is what is being attempted here, that is, to reduce it down to what the ITC recommended. That is the only legal course that is available. One cannot go to court or to an administrative action. This is it. So I say that while I acknowledge that we are doing here is not fixing the problem, but making a bad situation less bad, that is precisely what is available to us. That is all that we can do. That is not the ultimate outcome I would desire, but that is all that is available to us.

This decision, Mr. Speaker, in just a few short months has ranked the ire of all of our trading partners in the European community, in Australia, in Japan, in Korea and China, in Brazil. Almost every corner of the world, they are threatened and are now imposing sanctions against our products. The European Union has estimated it will
cost $2.4 billion in losses to them just based on what we have done here. Added to our fish problem that is already $4.5 billion, how on God’s earth can we respond to these extreme and very high costs that are being imposed by the action that the President has taken?

The President is talking out of both sides of his mouth on this question. He says that he is for free trade, and yet he wants to restrict free trade when it is convenient for, as some have said, political purposes. The columnist that generally favors President Bush on these matters, George Will, writes quite candidly it is the worst protection action taken by a President in decades. He cannot even think of one that is worse.

He also said that it is a billion dollar tax increase on those folks who buy automobiles alone and estimates an $8 billion tax increase on consumers across the country because what happens is we are raising prices on steel products across the board, whether they are cars or toasters or vacuum cleaners. Whatever is made of steel, the prices are going to rise. They are already rising.

Beyond that, Mr. Speaker, this whole issue of free trade is supposed to be about consumers in this country, and we are going to saddle them with $8 billion in new costs that they are going to have to pay; and in the end it is going to end up with a result that is worse than we ever imagined because we are now just getting out of, what some people say, getting out of a recession. We are going to drive this country right back into a deeper one because every one steel job we purport to save here, the estimates are we lose 10 in other industries.

So with the stevedores we will lose jobs up and down the line of those folks who make steel products. We will have layoffs because the business cannot afford to carry on with the price for steel so high, and so it is not a good trade-off for this country to save one steel job for every 10 jobs we lose in some other industry. It is a very bad trade-off.

I would like to urge this body to vote “no” on this resolution on this rule today for the simple reason we deserve a debate, as the gentleman from Massachusetts (Mr. McGovern) has said. Whether my colleagues are for or against the measure on the floor today, and I would urge the Members of this body to do just that.

These steel tariffs the President has imposed are also not WTO consistent. That is pretty clear. There was a decision in a Korean case involving a line pipe that made quite the case that unless there are recent upsurges in the importation of a product that the 201 action does not apply. Here we have had steel importations going down the last 2 years to now. Yet after action here would have been to find some way to fix the number of imports that can come into the country at what was the pre-1998 levels. That would have been the sensible and supportable action.

That did not happen here, Mr. Speaker; and therefore this bill is not designed to fix any problem, but it is designed for political reasons, not supportable even in this country, not even supported by economists in the White House, not even supported by the Secretary of the U.S. Treasury. It is unsupported economically, and I urge this body to vote “no” on the resolution.

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

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I rise in support of this rule and in opposition to the resolution seeking to roll back steel import tariffs.

We in the Congressional Steel Caucus pushed a long time for the administration to initiate a section 201 steel investigation into dumping. We pushed the International Trade Commission to recognize the threat of steel imports. We gathered with 25,000 steelworkers on the Ellipse to encourage the President to impose an effective remedy. We did get a remedy.

What has this tariff meant to the steel industry? It has helped create a climate to boost America’s manufacturing output. Still, tens of thousands of steelworker retirees are losing health benefits, so we introduced the bipartisan Steel Legacy Relief Act to help obtain health benefits equivalent to what is provided by Medicare and a prescription drug benefit similar to the Blue Cross/Blue Shield program.

The United States should not stand by and watch like thousands and thousands of workers who helped build this country are suffering. We must say to our Nation’s retired steelworkers, “You have worked all your life to make America strong. We have not forgotten, and we will not let you down.”

I urge my colleagues to vote for this rule, oppose efforts to roll back steel tariffs, and sign on to our bill to address steel legacy costs.

Mr. REYNOLDS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 1 minute to the gentleman from Ohio (Mr. STRICKLAND).

Mr. STRICKLAND. Mr. Speaker, I stand here today to urge those Members who are undecided about how to vote on this rule to consider the hundreds of thousands of steelworker jobs that have been lost since the steel crisis began in 1988, all due to the flood of steel imports.

Last year alone, over 20,000 jobs were lost in America’s basic steel industry, and half of the Nation’s bankrupt steel companies have now been forced to cease operations completely. In addition to the job losses, the steel crisis has put the health care benefits of 600,000 industry retirees at risk. Over 100,000 retirees and their dependents have already lost or will lose their health care benefits following bankruptcy.

The President’s decision to apply 30 percent tariffs to certain steel imports was a step forward in protecting our national security, protecting legacy costs for steel workers’ health benefits, and most importantly, protecting America’s jobs. I urge my colleagues to vote in favor of this rule and stand up in support of rebuilding this Nation’s steel industry.
Mr. REYNOLDS. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of this rule to table the resolution disapproving the President’s decision on the section 201 steel investigation. While the relief under section 201 was not everything I had hoped for, I commend the President for taking action to help our ailing iron ore and steel industries and for imposing stronger remedies than those recommended by the International Trade Commission.

If this resolution passes, the President’s remedies would be overturned and the ITC recommendations then would become our law. This would weaken our tariffs and steel industries may suffer. I urge my colleagues to support the President’s decision and vote to table an ill-advised resolution.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Thirty-three companies have declared bankruptcy in recent years, and 46,700 steelworkers have lost their jobs and 125,000 retirees have lost their health care benefits during this crisis. The surge of low-priced imports is the result of foreign steel companies, which have been subsidized by foreign governments, building huge amounts of excess steel-making capacity. With their own markets unable to absorb all of this steel, they have flooded the U.S. market with their excess capacity.

We remain on market in the world. We cannot have free trade unless it is also fair trade, and President Bush recognized this fact last summer when he initiated the section 201 investigation on steel imports. The International Trade Commission conducted the investigation. This is an independent body. After many days of testimony, the Commission determined that steel imports were a substantial cause of serious injury to the U.S. steel industry.

On March 5, President Bush imposed temporary steel tariffs that range from 8 percent to 30 percent for a 3-year period. This is not a permanent tariff. This type of temporary safeguard measure is specifically allowed by World Trade Organization rules. Our trading partners have imposed safeguard measures on a variety of other products.

U.S. steel companies and steelworkers are only asking for a level playing field. The action taken by the President allows time for restructurizing and for talks with our trading partners to reduce the worldwide excess steel-making capacity.

A strong domestic steel industry is crucial to the economic and national security of our Nation. It is important that today we give the President’s safeguard actions time to work. Vote to table H.J. Res. 84.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, I rise today in support of H. Res. 414 and in support of the President and the tens of thousands of steelworkers across our nation as we fight to rebuild an industry that has been devastated by illegal dumping of foreign steel onto American markets.

As a Member of Congress whose family has worked in the steel industry for over 73 years, I believe it is critical that we fight to ensure that our nation’s steel workers have a fair and level playing field to market their product. After all, this is the same industry that built America into the world’s pre-eminent superpower and it is the same industry we will continue to rely on to remain safe and strong. The very backbone of America is being threatened today.

Over the past several years, 51 steel mills have been closed. 31 steel producers have filed for bankruptcy, and over 46,000 working Americans have lost their jobs. The International Trade Commission ruled unanimously that this loss is directly the result of illegal dumping and not the fault of the American steel industry. Across the district that I represent in Western Pennsylvania, an area once universally called the Steel Capital of the World, thousands of hard working men and women have lost their jobs due to unfair competition and through no fault of their own.

In fact, the productivity, work ethic, and technology of America’s steel industry is far superior to any other nation in the world. However, without the protections provided by the President on March 5th, these workers will be forced to compete against foreign producers who illegally bombard our markets with cheap, foreign steel. It is for these hard working men and women, and their families, that I fight today!

America cannot simply stand back under the banner of free trade and allow foreign nations to subsidize their steel industries, underpay their workers and dump their product on our markets with the hope of destroying the American steel industry. After all, in order to have free trade, we must first have fair trade. The writing is on the wall and the call of our steel workers must be heard.

So, Mr. Speaker, I urge my colleagues to join me in voting for this rule to table an ill-advised resolution which poses a direct threat to the same industry that built America and remains its backbone.

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Mr. Speaker, I urge my colleagues to join me in voting for this rule to table an ill-advised resolution which poses a direct threat to the same industry that built America and remains its backbone.
Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), who is the Chair of the Congressional Steel Caucus.

Mr. ENGLISH. Mr. Speaker, this is a critical issue. I came to the floor prepared to give a lengthy and detailed speech, and, instead, I will simply submit that for the record. I would like to take 2 minutes to speak from the heart on what I think is an absolutely critical issue for the American economy.

George Bush, when he took office last year, took a look at the issue facing steel, took a look at the crisis in American steel and initiated a WTO consistent process to evaluate the situation. The finding of the International Trade Commission was this: That, clearly, we were facing a surge of imports; clearly, there are unfair traders involved; clearly, we need to have an opportunity to give a breathing space to the U.S. industry.

The authors of the resolution today are opposed to what the President is trying to do, and I hope that this resolution will be tabled. We will be sending the wrong message to our international trading partners if we allow the Jefferson resolution to stand.

The Jefferson resolution, in effect, sends the message that it is open manufacturing sector. It simply says you do not have to play by the rules; that the global excess capacity in steel can continue to be dumped on the American market. And it will send a very clear message of the dumped steel.

Mr. Speaker, the time has come for Congress to rally behind the President and stand up for steel. The passage of H.J. Res. 84 would send a clear message to the world that it is open season on the American manufacturing base. Anything less than the Section 201 relief provided by the President is unacceptable.

The Bush Administration labored over the various options for relief under Section 201 and it represents a milestone shift toward a stronger trade policy that insists on a level playing field for trade for domestic producers. The relief provided by President Bush is balanced, allowed under U.S. Trade Law and consistent with the rules under the World Trade Organization.

Mr. REYNOLDS. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN), a member of the Committee on Ways and Means.

Mr. CARDIN. Mr. Speaker, I share the frustration of the gentleman from Louisiana (Mr. JEFFERSON) on the procedures that are being used here; and I do not speak to the procedures, but I am going to vote to uphold the rule of law and support the resolution.

We have laws that are WTO-consistent. They are here to protect our country from illegally imported products. In December 2001, the International Trade Commission, which is a nonpartisan body, unanimously found that the domestic steel industry had been harmed by the flood of foreign steel imports into the U.S. market.

In October, Bethlehem Steel Corporation filed for Chapter 11 bankruptcy protection. We now have 33 steel companies in the United States which are in some form of bankruptcy. They are there not because they cannot produce cost-effective steel. They can compete if it was fair competition, but we do not have fair competition because we have excess capacity in the world in producing steel.

The Bush Administration labored over this decision, carefully weighing all of the options on the table. His decision was tailored to provide relief to the steel industry while minimizing the negative impact on the rest of the economy. Very simply, the ITC decision was not.

President Bush's remedy reflects thorough consideration of all trading countries, trading partners who have entered into trade agreements with the United States, and to domestic steel mills with specific needs for imported steel products while crafting the tariffs and tariff-rate quota.

Yes, Mr. Speaker, H.J. Res. 84 does reflect the majority opinion of the ITC, while the President's remedy went beyond that.

The same statute that allows the gentleman from Louisiana to bring this resolution before us if the President exceeded the President to go beyond the majority opinion of the ITC. According to the U.S. Trade Act of 1974 Section 203, the President has the right to take action that he determines will facilitate efforts by the domestic steel industry to rebound and provide greater economic and social benefits when compared with the costs.

Clearly, the President and I are in agreement—the majority ITC opinion would have been ineffective. It would not return steel prices to their normal pre-crisis levels, and it would also fail to make the necessary investments to remain viable and competitive in the future while providing good-paying jobs.

The plight of the steel industry is grim but both Congress and the administration are working hard to give employers the tools they need to be competitive in the global market. Strong relief, coupled with the Bush Administration's continued efforts to address foreign market distortions and global steel overcapacity, will allow domestic steel manufacturers to focus on the ground lost to the injurious imports. This will ensure the continued viability of an industry that is a cornerstone of our economy and national security.

A strong tariff-based remedy is the only way to prevent the loss of thousands of additional steel-related jobs and indicate to foreign producers that the United States is not a dumping ground for excess steel products. But today we find ourselves faced with H.J. Res. 84. It's a joke. It's a prop that dramatically weakens the tariff remedy by up to 10 percent for certain steel products by tossing aside the President's remedy and instead using the majority view of the International Trade Commission.

The domestic steel industry is at a significant crossroad. By granting relief under Section 201 of the U.S. trade laws, the Bush Administration provided critical breathing space for this strategic industry. Congress must not turn around and apply a choke hold.

I urge my colleagues to vote "yes" on the rule.
other U.S. port and transportation industry organizations all have opposed President Bush’s decision to impose tariffs and quotas on fairly traded steel products imported into the United States, and all of those entities are home to good, viable, important, well-paying industries.

This is not a one-sided debate about American jobs. I am very sympathetic to U.S. steel producers and their employees, but that is not the only place jobs are impacted in terms of this action. Tariffs and quotas are expected everywhere. The negative side by President Bush’s decision with regard to ports and other maritime-related commerce.

I know that very well from my home, the New Orleans area. Forty percent of the revenue from the port of New Orleans is directly tied to steel imports. That supports more than 8,600 jobs just within the Greater New Orleans area, and if we look at Louisiana as a whole, there are thousands more, and if we look at the nation, there are tens of thousands more.

There are far more good American jobs that will be cut, that will be hurt. There are tens of thousands more, and if we look within the Nation, there are thousands more.

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

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Madam Speaker, I thank the gentleman from Louisiana (Mr. VITTER) for his remarks in support of the resolution and in opposition to the process being used here. Many of the speakers who have preceded me have talked about the ITC decision, the merits of it, that it was a 6-member vote, 3 on the Democratic side and 3 on the Republican side supporting it.

If the resolution passes, the ITC decision does not undo the ITC decision because it cannot. Honestly, I wish it could; but it cannot. The ITC decision will stand if this resolution should pass.

What is most egregious this morning is not whether you disagree with the position on the merits of the resolution, but whether we are going to have a debate on this matter or not. That, it seems to me, is the undeniable wrongness that is being accomplished here. I believe in a full process, and in some respects it is a very hypocritical process. I have no problem with the idea that steelworkers need relief. I think the relief ought to come from making sure that we continue our work on eliminating the overcapacity in not only our markets but the world markets.

I think it comes in making sure that the quotas are right for pre-1988 importation levels, and I think it is also important to think about the legacy cost issues which are not addressed by this resolution and the President’s action, to see what we can do to make sure that the $13 billion legacy costs that are out there get taken care of. That is not the subject of any of these discussions, yet they are talked about by Members who oppose this resolution as if they were a part of what we are dealing with here.

Today, this vote the only issue is whether there will be a full debate on this question today or not. How in the world can the House oppose a full debate on a matter of such dimensions as the gentleman from Louisiana (Mr. VITTER) has described, as I have described everywhere? It is a matter which has put the President’s economic advisers on one page opposing the President’s action. Some political advisors say it is a good idea, but his economic advisers do not support it. It is not justifiable on any economic ground. Give us a chance to debate. Vote no on the resolution.

Mr. REYNOLDS. Madam Speaker, I will move for the previous question when the vote is called.

Mr. MCGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS asked and was given permission to revise and extend his remarks.

Mr. PHELPS. Madam Speaker, I rise in support of the rule, and I support the President’s decision to impose a 30 percent tariff as a first step in saving our American steel industry and the jobs and health insurance of Illinois steelworkers and retirees. The American steel industry and steelworkers are in the midst of the worst crisis in many years due to the continued illegal dumping into this country of foreign-made steel. Thousands of steelworkers have lost their jobs, and countless more are in jeopardy.

In my congressional district in central and southern Illinois, the effects have been devastating. I am troubled by foreign producers seeking additional exclusions from the tariffs for specific steel products, despite that these products are available from domestic producers. More disturbing are reported statements that a significant proportion of these exclusion requests will in fact be granted. Further exclusion will turn the section 201 tariffs into Swiss cheese where the holes will allow so many low-priced steel to enter the U.S. market that the industry will receive no meaningful relief.

The domestic steel industry has invested billions of dollars in upgrading and modernizing its facilities, and as a result is among the most productive makers of high-quality steel in the world. No industry, no matter how productive, however, can compete against the onslaught of low price and often unfairly traded steel imports. The section 201 relief that the President announced in March can provide substantial relief, but this relief will only occur if the tariffs stay in place without additional exclusions. It is imperative that we send the strongest possible message to deter our trading partners from further illegal dumping, and to give the domestic steel industry the time it needs to recover from its injury. Anything less would be a disservice to those working men and women who are counting on the government to stand up for them. Vote yes on the rule to table House Joint Resolution 84.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. Madam Speaker, at the end of this discussion, I will urge Members to oppose the previous question. If the previous question is defeated, I will offer an amendment to the rule. The amendment provides that if the underlying resolution, H.J. Res. 84, disapproving the action taken by the President under section 203 of the Trade Act, will be considered by the House separately with a clean vote, and not simply tabled as the rule provides.

Madam Speaker, whether or not the Members agree with the President’s action on this issue of considerable importance, we should all agree that this deserves to be considered under the process that was set up in section 203 of the Trade Act of 1974. That act allows the House to take an up or down vote on the President’s action. This convoluted process of tabling the disapproval resolution before we even get to a vote completely short-circuits the regular process. Vote no on the previous question so we can all vote up or down on H.J. Res. 84.

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

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

Madam Speaker, this process is not very clear. I wish it were different, but in the end I am going to support the rule because I believe in upholding the President’s decision on tariffs because in the end I think it will save jobs in this country.

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

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

Mr. MCGOVERN. Madam Speaker, I am pleased to have worked on this rule with the gentleman from Massachusetts (Mr. MCGOVERN). This is his first rule as a member of the Committee on Rules, but all remember his years of service to Joe Moakley when he was a staffer before being elected to his seat. It is an honor to work with the gentleman from Massachusetts (Mr. MCGOVERN) now as a member of the Committee on Rules.
House Resolution 414 is a unique rule providing for the disposition of House Joint Resolution 84, a resolution of disapproval. Under this rule, H.J. Res. 84 would be automatically tabled. H.J. Res. 84 disapproves the action taken by President Bush to impose temporary countervailing duties on various steel products and concludes further deliberations. While congressional disapproval is certainly allowed under the statute, this rule recognizes that the circumstances in this case simply do not warrant such action. Laying this resolution on the table does not hurt the steel industry, as we have heard from so many Members of Congress on both sides of the aisle from the Steel Caucus. In fact, it will keep intact the President’s remedy that the industry favors. The disapproval resolution could potentially be even more harmful to the industry. This disapproval resolution does not eliminate the duties on steel imports. It merely replaces one set of tariffs with another.

Madam Speaker, let me reiterate that a vote in favor of this rule will table the current disapproval resolution, keep intact the President’s current remedy, and conclude debate on this issue. I urge an aye vote. I urge my colleagues to table the resolution by voting aye.

The material previously referred to by Mr. BONIOR is as follows:

**AMENDMENT TO H. RES. 414**

Strike all after the resolved clause and insert:

That upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 84) disapproving the action taken by the President under section 203 of the Trade Act of 1974 transmitted to the Congress on March 5, 2002. The joint resolution shall be considered as read for amendment. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one hour of debate on the joint resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

Mr. BONIOR, Madam Speaker, if you want to know how foreign steel is affecting our communities just ask Ernie Ronn. Ernie is a retired iron ore miner from the Upper Peninsula of Michigan. If you ask Ernie, or thousands of other iron ore and steel workers how steel dumping is affecting our community, they’ll all tell you the same thing—this foreign steel is killing us.

Last July, thousands of iron ore workers in Marquette, Michigan held a rally which filled both a parking lot and entire indoor stadium. Later the workers, their families, children and business owners filled the streets of Marquette.

They know that when a mine shuts down in the UP or an steel factory closes in River Rouge you cripple an entire community, you erode the tax base, police and fire services suffer, and no one goes unaffected.

The citizens of Marquette marched because their jobs, their community, and their future was—and still is—at stake.

At that rally a year ago, Ernie Ronn told us that this was the fourth demonstration he’d been to. He said, “my grandfather and your grandfather came to this country—from Poland, Finland, Slovenia, Ukraine, Italy and Germany—to make better lives for you and I. That’s what we want to do for our kids, make it a better world. It’s a common thread for people. We’ve built a great country, and now we must show our kids we must have to keep trying to get that message across.”

While Mr. Ronn said those words nearly a year ago, they couldn’t be more apt today. It’s time to end this debate. The President has taken action; his decision has already been implemented. It’s time to move forward.

For the iron ore workers in Marquette and the steelworkers down river of Detroit this is a matter of putting food on the table, paying the mortgage or rent, and keeping their families healthy and safe. Vote for this rule to table the resolution.

Mr. BACHUS, Madam Speaker, I rise in support of the rule to table this misguided resolution.

If we pass H.J. Res. 84 we’re going to be sending a message to the rest of the world. And that message is: Foreign countries, go ahead. Flood our markets. Illegally dump your products here. Because the United States is not going to enforce our trade laws. We’ll be declaring “open season” on America’s manufacturing base and on American workers.

We cannot let that happen. We must stop it. And I’m proud that our President, George W. Bush, took decisive action to restore fair competition for our steelworkers. If American steelworkers are able to compete on a level playing field, they will win. But if we do not restore that level playing field, more American steelworkers will lose their jobs.

This problem has been going on for years, and President Bush showed real leadership when he put these tariffs on. This action is absolutely necessary to defend steelworker jobs against illegally traded steel and ensure America has a steel industry five and ten years from now.

Mr. BONIOR, Madam Speaker, I testified before the International Trade Commission on several occasions about the illegal import crisis and its effect on our steel-producing areas like my home State of Alabama. I told them about the dangers this crisis presents to our national security. And in this time of war, what is more important than the security of our Nation and its ability to defend itself?

Vote yes on the rule. Stand with our President. And stand up for the hardworking citizens who built this country into the great and powerful nation it is today.

Mr. COSTELLO, Madam Speaker, I rise today in opposition to H.J. Res. 84, to disapprove the President’s steel tariffs.

Our domestic steel industry is currently in a crisis situation. The fundamental cause of this crisis is excessive foreign overcapacity, which has caused the United States to become a dumping ground for world excess steel products. As a result of this, since 1997, 33 steel companies have filed for bankruptcy, affecting over 62,000 American steel workers. Almost 90 percent of the capacity reduction occurred in 2001.

Our domestic steel industry is vital to our national security. American Armed Forces depend on American steel for their planes, tanks and ships. A dependence on foreign steel could be catastrophic for our national defense.

Last year, I joined my colleagues on the Congressional Steel Caucus in urging the President to implement a Section 201 investigation by the International Trade Commission to determine if our domestic market had been harmed by illegal dumping. In the fall, I testified before the ITC to express my concerns regarding the steel crisis. The ITC ruled unani-

In March of this year, the President announced his intention to impose tariff safeguards of up to 30 percent on major steel products. While the President could have imposed tariffs of up to 40 percent, I am hopeful that the 30 percent tariff will be sufficient to give the industry a chance at recovery, and I am pleased that the President did decide to take action. His actions sent a strong message that we will no longer tolerate the unfair trade practices which have harmed the steel industry.

Madam Speaker, voting no on this resolution is paramount to the U.S. domestic steel industry, and I urge my colleagues to join me with a no vote.

Mr. REYNOLDS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on the previous question. The question was taken; and the Speaker pro tempore announced that the ayes had appeared to have it.

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

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

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution, and thereafter on the motion to suspend the rules and concur in Senate amendments to H.R. 3525 debated yesterday.

The vote was taken by electronic device, and there were—yeas 355, nays 62, not voting 17, as follows: [Roll No. 129]
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Mr. REYNOLDS. Madam Speaker, I ask unanimous consent to enter the following:

Mr. JEFFERSON. Madam Speaker, I record a 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 386, noes 30, answered "present" 1, not voting 17, as follows:

AYES—386

Mr. McKEEN of Indiana, Mr. GREGG of Kentucky, Mr. LEYHORST of Indiana, Mr. NELSON of Georgia, and Mrs. MILLER of North Carolina changed their vote from "no" to "yea." So the previous question was ordered. The result of the vote was announced as above recorded.

GENERAL LEAVE

Mr. REYNOLDS. Madam 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 House files.

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

Mr. DAVIS of Georgia. I have no objection.

The SPEAKER pro tempore. The question is on the resolution. The question was taken, and the Speaker pro tempore announced that the ayes had appeared to have it.

RECORDED VOTE

Mr. JEFFERSON. Madam Speaker, I record a 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 386, noes 30, answered "present" 1, not voting 17, as follows:

AYES—386

Mr. REYNOLDS. Madam Speaker, I record a vote. A recorded vote was ordered.
Mr. HORN changed his vote from "nay" to "aye.

So the resolution was agreed to.

A motion to reconsider was laid on the table.

So House Joint Resolution 84 was laid on the table.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2001

The SPEAKER pro tempore (Mrs. BIGGERT). The unfinished business is the question of suspending the rules and concurring in the Senate amendments to the bill, H.R. 3525.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 3525, and yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, answered “present” 2, not voting 21, as follows:

(Roll No. 131)

YEAS—411

Noes—30

Answered “present”—1

So two-thirds having voted in favor thereof, the rules were suspended and the Senate amendments were concurring in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

So House Joint Resolution 84 was laid on the table.


Mr. LATOURETTE. Madam Speaker, I ask unanimous consent to strike out the enrollment of H.R. 3525, and ask for its immediate consideration in the House.

The Clerk read the Senate concurrent resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That, in the enrollment of the bill (H.R. 3525) to enhance the
border security of the United States, and for other purposes, the Clerk of the House of Representatives shall make the following corrections:

(1) Strike section 205.

(2) In the table of contents of the bill, strike the item relating to section 205.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

YUCCA MOUNTAIN REPOSITORY SITE APPROVAL ACT

Mr. TAUZIN. Madam Speaker, pursuant to section 115(e)(4) of the Nuclear Waste Policy Act of 1982, I call up the joint resolution (H.J. Res. 87) approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.

The SPEAKER pro tempore. The Clerk will report the joint resolution.

The Speaker reads the joint resolution, as follows:

H.J. RES. 87

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there hereby is approved the site at Yucca Mountain, Nevada, for a repository with respect to which a notice of disapproval was submitted by the Governor of the State of Nevada on April 8, 2002.

UNFUNDED MANDATES POINT OF ORDER

Mr. GIBBONS. Madam Speaker, I rise to make a point of order against consideration of H.J. Res. 87.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. GIBBONS. Madam Speaker, pursuant to section 425 of the Congressional Budget Act and Impoundment Control Act of 1974, I make a point of order against consideration of H.J. Res. 87.

Section 425 states that a point of order lies against legislation which either imposes an unfunded mandate in excess of $58 million against State and local governments or when the committee chairman does not publish, prior to floor consideration, a CBO cost mandate of any unfunded mandate in excess of $58 million against State and local entities.

H.J. Res. 87 will in effect set the Nuclear Waste Policy Act as amended in 1987 into action. The bill reads in part, "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that there hereby is approved the site at Yucca Mountain, Nevada for a repository."

In other words, Madam Speaker, passage of H.J. Res. 87 clearly places an unfunded mandate on our taxpayers.

The SPEAKER pro tempore. The gentleman from Nevada (Mr. GIBBONS) makes a point of order that the joint resolution violates section 205 of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentleman has met his threshold burden to identify the specific language in the joint resolution on which he predicates the point of order.

Under section 426(b)(4) of the Act, the gentleman from Nevada (Mr. GIBBONS) and a Member opposed each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after that debate the Chair will put the question of consideration, to wit: "Will the House now consider the joint resolution?"

The gentleman from Nevada (Mr. GIBBONS) will be recognized for 10 minutes and the gentleman from Louisiana (Mr. TAUZIN) will be recognized for 10 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS). Mr. GIBBONS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, passage of H.J. Res. 87 will undoubtedly put a process in place that will cost the taxpayers the $58 million threshold outlined in section 425 of the act. Instead of looking at what the CBO score tells us, let us look at what it does not tell us. What the CBO is unable to tell us is how much it will cost our local communities to implement the Nuclear Waste Management Act, as far as preparing our State and local governments for the enormous cost of safety monitoring these tens of thousands of high level nuclear waste shipments that are going to occur throughout our communities.

Madam Speaker, by the CBO's inability to score the total cost of this project, again a project receives a green light upon passage of the legislation currently before us, there might as well not even be a CBO score. The chairman of the committee has fulfilled his obligation to publish a cost estimate for H.J. Res. 87; however, the CBO cost only gives the House the recommended 5-year cost projection. As we know, under the Nuclear Waste Policy Act, shipments of high level nuclear waste to Nevada will not even begin until the year 2010, about 8 years from now. With the CBO unable to give a cost estimate on the Yucca Mountain project's total price tag, passage of H.J. Res. 87 provides the Federal government a blanket check to proceed with this project.

In the end, the Federal Government will demand that our State and local governments spend billions of dollars on new construction and compliance costs to prepare for these shipments that will traverse their respective States and districts. Neither the Department of Energy nor Congress has anticipated or provided for the massive costs that will be incurred by States and local governments if we pass this legislation.

The paltry $17 million budgeted by the Department of Energy in its fiscal year 2003 budget will not come close to covering these costs. States and local governments will be left with billions of dollars in unfunded expenses which would not be incurred except for the Federal high level radioactive waste program. Some may counter this argument by saying that we can simply recommend on the Nuclear Waste Fund, established by Congress, to pay for the cost of Yucca Mountain.

Well, consider this argument: Current estimates put the Nuclear Waste Fund at about $17 billion. That balance pales in the comparison to the total construction and compliance costs at Yucca Mountain of almost $60 billion.

What is more, the nuclear power industry faces an uncertain economic future. Let me point to one of the problems facing the industry. The industry is supposed to be responsible for paying the costs associated with the nuclear waste disposal. No nuclear power plants have been built since 1978. More than 100 reactors have been canceled, including all ordered after 1973. The nuclear power industry's troubles include nuclear power plant construction costs, relatively low costs for competing fuel, public concern about nuclear safety and waste disposal, as well as regulatory compliance costs.

Electric utility restructuring, which is currently under way in several States, could also increase the competition faced by existing nuclear plants.

High operating costs have resulted during the past decades in the shutdown of nearly 20 U.S. commercial reactors before the completion of their 40-year license operating period.

Madam Speaker, the money of the Nuclear Waste Fund is directly related to the continued viability of the nuclear utility industry. Taxpayers are not supposed to fund the program. The program is supposed to be funded by the nuclear energy industry and the ratepayers who purchase and benefit from their electricity.

The price tag of this project will be tremendous. Not in the next 5 years, as outlined by the CBO score, but in 8 years and the subsequent 4 decades beyond that.

Madam Speaker, 8 years from now the Department of Energy will begin filling your roads and highways with high level nuclear waste. The cost to even begin preparing our first responders will be staggering; let alone the cost of any clean-up associated with one of the 400 accidents the Department of Energy tells us that we are to prepare for when they begin these shipments.

I ask that delegates call their State governors and ask does room exist in their budget to meet these needs and these expensive costs? Ask your local
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county commissioners can they afford the increased costs of protecting these shipments? Ask city council members in your district will they have room to budget in their budget for these increased costs? Ask your local fire fighters, police, doctors, emergency response teams, EMTs and haz-mat crews, will they be able to afford such costs?

Again, the DOE tells us that accidents happen. This is not spilled milk. An accident involving shipments of high level nuclear waste requires more than a mop and bucket of water to clean up. Imagine the cost of the training just to prepare for a potential response to one of these accidents.

Madam Speaker, H.J. Res. 87 is an unfunded mandate. The CBO cannot tell us whether or not carrying out the Nuclear Waste Policy Act by passing this resolution will exceed the $38 million threshold. And because CBO cannot give us this information, we must assume that the threshold can and will be exceeded.

Now some tell us not to worry, that DOE and Congress will ensure the necessary funding will be provided at the right time. If this is the case, Madam Speaker, where are we going to get the money? What programs will have to be cut to pay for this irresponsible policy? Will we cut the Department of Defense budget as we carry out this long, protracted war against terrorism? Will we cut out Medicare or any possibility of implementation of a prescription drug benefit for our seniors? Or will we allow ourselves to drive the Social Security trust fund at the same time our baby boomers generation sits on the brink of retirement?

Assuming the DOE begins shipment in 2010 as planned, Congress would have to budget $3.6 billion per year beginning with this year’s budget in order to provide adequate funding for States. The fact is, Madam Speaker, as with every other issue we debate in this body, the money has to come from somewhere and somewhere always leads to the taxpayers in this great country.

Madam Speaker, I urge my colleagues to vote against this unfunded mandate and support the point of order I just made.

Madam Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. Is the gentleman from Louisiana (Mr. Tauzin) opposed to the point of order?

Mr. TAUZIN. Yes, Madam Speaker, I am.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Louisiana for 10 minutes.

Mr. TAUZIN. Madam Speaker, I yield myself such time as I may consume. I rise in strong opposition to this effort to block consideration of this very bipartisan consideration.

Madam Speaker, I know the gentleman well and he is my friend and I know his intentions are good. He is doing everything that he thinks is in the best interest of his State. And I think we all can respect that. But, very frankly, this point of order is completely without foundation and it is clearly just an effort to obstruct consideration of House Joint Resolution 87, a resolution that was reported out of the Committee on Energy and Commerce by a vote of 41 to 6, an incredibly bipartisan vote.

When my committee filed its report on House Joint Resolution 87, it included a cost estimate from the Congressional Budget Office. This is it here. And the Congressional Budget Office report literally satisfies one of the requirements under the Unfunded Mandates Reform Act. This CBO cost estimate thoroughly reviewed the budget impacts of this resolution, and it did not identify any new mandates in this resolution that would fall under the Unfunded Mandates Reform Act.

The CBO cost estimate, in fact, further clarified that even if some minor costs and local governments did fall under the Unfunded Mandates Reform Act, these costs would not exceed the thresholds established under UMRA.

Let me quote from the CBO estimate directly: "H.J. Res. 87 could increase the costs that every local government would incur to comply with certain existing Federal requirements. The Unfunded Mandates Reform Act, UMRA, is unclear about whether such costs would count as new mandates under UMRA. In any event, CBO estimates that the annual direct costs incurred by State and local governments over the next 5 years would total significantly less than the threshold established in the law ($38 million in 2002, adjusted annually for inflation)."

In other words, CBO is saying we are not sure we even count those costs; but if we did, they do not meet the threshold of the Unfunded Mandates Reform Act.

Finally, CBO notes that H.J. Res. 87 contains no new private sector mandates as defined in the Unfunded Mandates Reform Act. Madam Speaker, the CBO report speaks for itself. It is very, very clear.

We may hear that the real costs that should be considered are those that occur after the 5-year period that CBO has looked at. Well, for better or worse, whether we like it or not, whether we think the law ought to be different, our rules only require CBO to look at 5 years and not into the indefinite future, and what CBO has told us in this report is that there are simply no costs that cross the Unfunded Mandates Reform Act limits, the thresholds for those 5 years.

The law is satisfied. Our rules are satisfied. We ought to proceed with the consideration of this important resolution.

The Chair will put the question when order, and the question will be whether we should proceed or not. I will ask all Members who support this resolution to vote "yes." We should proceed because this point of order is completely without foundation.

Madam Speaker, I reserve the balance of my time.

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

I will remind my good friend and colleague, the chairman of the committee, that shipments will not begin until 8 years from today, not the 5 years as recommended in the CBO score.

Madam Speaker, I yield the balance of my time to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Madam Speaker, I thank the gentleman from Nevada (Mr. Gibbons) for yielding me the time. Madam Speaker, Congress is willing to put nuclear waste in a hole in the Nevada desert for 10,000 years, yet we are talking about a 5-year unfunded mandate.

I rise in strong support of the gentleman’s point of order. It is bad enough that we are set to vote on a resolution that will approve the Yucca Mountain project that has costs ranging from $56 billion to $308 billion. Nobody knows exactly how much this project will cost. This money is supposed to come from the nuclear waste fund, but the fund only has $17 billion in it. Where is the rest of this money going to come from? Are the proponents of this foolish project prepared to dip into the Social Security trust fund? This proposal only gets worse.

If we approve Yucca Mountain, more than 108,000 shipments of deadly nuclear waste will be rolling across our Nation’s highways and railroads, through 43 States for the next 38 years on its way to Yucca Mountain. As it passes through each of the 703 counties along the proposed transportation routes, local law enforcement and first responders must be prepared for the worst. And if the worst happens, where is the money going to come from to clean up the mess, the destruction, the devastation?

I see no provision in the budget to cover these enormous costs. This is an unfunded mandate to our local governments. We know from the DOE’s own assessment that we can expect anywhere from 50 to over 300 accidents. Our firefighters and first responders must be specially trained to deal with these nuclear waste shipments and the accidents that will occur.

The nuclear waste fund does not have the money to pay for this, so the unknown costs are going to have to be made up by local government and the American taxpayers. We will be asking citizens who have no part in creating nuclear waste and have no benefits from nuclear energy to fund the nuclear industry so they can move dangerous nuclear waste through their own backyards.

If we approve this resolution, the American taxpayer will once again be...
asked to foot the bill for nuclear energy. There is not enough money in the nuclear waste fund to cover the costs. So sometime in the next 10 years we will be either cutting corners when it comes to safety, raising taxes, or raiding Social Security. None of these alternatives are acceptable to me, and I doubt outside the nuclear industry and the nuclear industry’s friends here in the United States Congress that these alternatives would not be acceptable to anyone else in our country.

Yucca Mountain is a financial boondoggle that flies in the face of fiscal responsibility. I urge my colleagues to support this point of order.

Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.

Mr. BARTON of Texas. Madam Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding me the time.

Obviously, I rise against this point of order of my good friend from Nevada. I am shocked, shocked and amazed, that he would think that the gentleman from Virginia (Mr. BOUCHER) and I present a bill on the floor that had an unfunded mandate.

I am one of the most conservative Members of this body, and I am joined by one of the most distinguished conservative Members, he would say moderate, progressive, Members on the other side of the aisle; and for us to bring forward an unfunded, an unfunded mandate is just beyond the pale.

I would point out that since we passed a Nuclear Waste Policy Act in 1982, we have collected over $5 billion in the nuclear waste fund. Every time a nuclear plant generates a kilowatt of electricity, one mil, which is 1⁄2000 of a nuclear plant generates a kilowatt of electricity, one mil, which is 1⁄2000, goes into this fund; and we are collecting about $750 million a year as we speak into this fund. So this is far from being an unfunded mandate. This is the most overfunded, unmet, unobligated, unconstructed thing that we could have ever done in Federal Government.

I would also point out, as my good friend from the full committee chairman, has already pointed out, that we passed this resolution on a bipartisan basis out of the committee, we sent it to the Congressional Budget Office; and they have given us the requisite report that the chairman has a copy of that says quite clearly that the costs of this for the next 5 years are well under the threshold of the Unfunded Mandate Act.

There are a number of reasons for people to be opposed to the underlying resolution. My good friend from Nevada is certainly entitled to oppose it, but there is no reason to support the point of order that it is an unfunded mandate. Nothing, Madam Speaker, could be further from the truth. When it comes to the end of the debate, I certainly hope that the Speaker will throw out this scurrilous point of order so that we can get on with the debate, have a debate on the underlying bill and then hopefully support the underlying bill that the gentleman from Virginia (Mr. BOUCHER) and myself have put to the body.

Mr. TAUZIN. Madam Speaker, I yield myself the remaining time and ask that the question come to the request that all Members who support this resolution vote “yes” when the Speaker puts the question.

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

The SPEAKER pro tempore (Mrs. Cardin). The Petition of the House is committed to the Committee on the Whole House, pursuant to the rule, and ordered to be reported back without amendment.

Mr. TAUZIN. Madam Speaker, I yield the time.

The SPEAKER pro tempore (Mrs. Cardin). The Petition of the House is ordered to be heard on its merits.

Mr. TAUZIN. Madam Speaker, I yield the time.

The SPEAKER pro tempore (Mrs. Cardin). The Petition of the House is ordered to be heard on its merits.

Mr. TAUZIN. Madam Speaker, I yield the time.

The SPEAKER pro tempore (Mrs. Cardin). The Petition of the House is ordered to be heard on its merits.
Nuclear Waste Policy Act of 1982, the completed. 2006 when the scientific studies are sent that the Yucca Mountain Reposi- tory Site Approval Act be tabled until ing ahead on this resolution pre- senting such a recommendation at this time. The GAO recommended that Mountain project not be approved at request of the gentle- woman under my reservation to ex- HASTINGS of Washington). Is there ob- jection to the request of the gentle- woman from Nevada? Mr. TAUZIN. Reserving the right to ob- ject to, Mr. Speaker, I yield to the gen- tlewoman under my reservation to ex- plain here the purpose of my consent request. Ms. BERKLEY. Mr. Speaker, the General Accounting Office, the independent investigative arm of Congress, recently recommended that the Yucca Mountain project not be approved at this time. The GAO recommended that the government solve 293 outstanding scientific problems before the project be approved. After careful examination of these scientific problems, the GAO estimated that the Department of Energy would need at least 4 more years, until 2006, to resolve these problems. The report concluded, “We question the prudence and practicality of mak- ing such a recommendation at this time given the express statutory time frame for the license application and the significant amount of work remaining to be done.” In addition, there are still enormous and serious questions regarding the transportation of nuclear waste. The casks that will transport the waste have not yet even been created, and no cask has been tested full scale. In light of 9/11, several government agencies have begun a review of the safety and security of nuclear waste transport. The result of these reviews is not yet complete. It is clear that we are mov- ing ahead on this resolution pre- maturely. It is not in the best interest of the public, and it does not reflect sound public policy.

Mr. Speaker, I ask unanimous consent that the Yucca Mountain Repository Site Approval Act be tabled until 2006 when the scientific studies are completed. Mr. TAUZIN. Mr. Speaker, I insist on my objection. The SPEAKER pro tempore. Objection is heard. Pursuant to section 15(e)(4) of the Nuclear Waste Policy Act of 1982, the gentleman from Louisiana (Mr. TAUZIN) and a Member opposed each will control 1 hour. Mr. MARKEY. Mr. Speaker, I claim the time in opposition.

The SPEAKER pro tempore. Is the gentleman from Louisiana (Mr. TAUZIN) for 1 hour. Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume. Mr. Speaker, today the Chair will consider one of the most important public health and safety issues facing the Nation, the development of a cen- tralized and permanent geologic dis- posal site for our country’s nuclear waste, wastes that are laying around all over the country in temporary stor- age at nuclear facilities.

At present, high level nuclear wastes are stored in 77 sites in more than 30 States in every region of the country. Most of these waste sites are located near a nuclear power plant where spent nuclear fuel is carefully stored, and nu- clear waste storage sites are also lo- cated in those power plants. DOE recommends produc- tion facilities like the Hanford site, where liquid radioactive waste is stored in tanks. Every one of these waste sites shares one common aspect: They are all de- signed for temporary storage of these dangerous wastes, not for long-term storage.

The Yucca Mountain site is located 90 miles away from Las Vegas. It is iso- lated on remote Federal land of the Ne- vada test site, 14 miles away from the closest residence, and it is safe and se- cure. The waste will be stored more than 600 feet underground, and more than 500 feet above the water table. The waste will be held in steel con- tainers, the containers will be placed under a titanium shield.

Further, not only is the air space around Yucca already restricted, but an existing security force at the Ne- vada test site will protect the area. This is a comprehensive defense-in-depth approach.

The Committee on Energy and Com- merce held an exhaustive hearing on this issue last month. We heard from witnesses representing all sides of the Yucca Mountain debate, including sci- entists, politicians, regulators, and public interest groups. Not a single witness identified a significant sci- entific or technical reason not to move forward with this important project.

They also gave me an opportunity to clarify some of the concerns frequently expressed by the opponents of the Yucca Mountain site, and the hearing was very good for that purpose. For ex- ample, opponents of Yucca Mountain want us to stop this important project be- cause the Nuclear Regulatory Commis- sion has identified certain unre- solved technical issues. However, the NRC had testified and the DOE has agreed that the DOE is on a path to- ward resolving every single one of those technical issues, and the Sec- retary of Energy committed to answer every one before licensing is possibly complete or approved. In fact, 60 of those issues should be resolved this year.

Further, the NRC will not approve the construction license for Yucca Mountain unless every single one of those issues are thoroughly and properly addressed. The opponents of Yucca Mountain will argue that we should not proceed until the Nuclear Waste Technical Review Board believes the science of Yucca Mountain is weak to moderate. However, at the hearing the board pointed out that no individual technical issue would automati- cally eliminate Yucca Mountain. The Nuclear Waste Board also testified that confidence in DOE science estimates can be increased.

I understand that this issue is of great concern to the elected leaders of Nevada, and I sympathize with their plight. I hope that the debate today can focus on a discussion of the facts rather than an effort to manufacture unrealistic and implausible fears in the minds of the public regarding this project.

A vote in favor of H.J. Res. 87 will simply move the Yucca Mountain project forward to the next stage of re- view; but even with congressional ap- proval of this resolution today, construc- tion will not proceed at Yucca Mountain unless it passes strict health and safety requirements set up by EPA and the Nuclear Regulatory Commis- sion.

On February 15, 2002, the President recommended on the advice of DOE Secretary Spencer Abraham that Con- gress approve the Yucca Mountain site even if the State of Nevada dis- approves. Based upon our review and understanding of DOE’s extensive sci- entific work, I am prepared to support this important policy decision, and I hope Members do, too. Mr. Speaker, I commend the gentle- man from Texas (Mr. BARTON), the chairman of the subcommittee, for his extraordinary work on this, and the ranking member, the gentleman from Virginia (Mr. BOUCHER) for their co- operation, and the gentleman from Michigan (Mr. DNPY) for his support for our effort. I want all Members of this House to know this bill came out of our committee by a 41-6 bipartisan vote. It is sponsored and cosponsored in a bipartisan way. It is supported in a bipartisan way.

This is the right thing for America. And we stand as Americans united to get this important resolution passed so that we can set our nuclear industry back on a current safe path; and, in- deed, make room for future improve- ments in the nuclear industry in this country, as well as the environmental cleanup of sites that demand early rather than late attention.
Mr. Speaker, I ask unanimous consent to yield 20 minutes to the gentleman from Virginia (Mr. BOUCHER), the ranking member of the Subcommittee on Energy and Air Quality for purposes of control.

The SPEAKER pro tempore. Is there objection to the recognition of the gentleman from Louisiana?

There was no objection.

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

Mr. MARKEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, this is a historic occasion. Twenty years ago on this floor we passed the Nuclear Waste Policy Act. In that bill there was a decision made by Congress that there would be 5 geologic repositories that would be studied, and ultimately 2 would be selected, 1 on the east of the Mississippi and 1 to the west of the Mississippi.

But between 1982 and 1987, two factors regarding the repository decision. The States of Texas, of Washington, of Louisiana, of Tennessee, of New Hampshire, in other words, all of the States that were being considered that had powerful political delegations, said no in one voice. The States that did not want it were the State of Nevada, which was delivered the nuclear queen of spades by every other State that did not want it in their State.

Now, what happens? Well, then ultimately any Member who opposes science being trumped by politics is called anti-nuclear by the States that do not want it in their States, even though in most of those States they have nuclear power plants. We wind up in this Alice-in-Wonderland debate where the poor State of Nevada is here now raising the point that the Nuclear Regulatory Commission has identified the fact that there are still 293 unresolved environmental health and safety issues, and asking the Congress and asking the Nuclear Regulatory Commission to take those issues up, resolve them, and then move forward until any issues are resolved until any movement forward is made on the issue.

But because of a second major issue, special interest, that is the nuclear power industry, the Congress, as they did in 1982, as they did in 1987, says no, we cannot wait. We must now continue forward. It is this indifference to the very legitimate concerns that are being raised by the State of Nevada which should be most troubling to Members here.

The nuclear power industry may want this. Other States that could have been considered for the repository, and might have been better long term 10,000-year locations for the waste, may want this. States that have 6 or 8 nuclear reactors in them but do not want the nuclear repository and want the waste out of their State may want this, but it is wrong for us to move forward today on the site designation that will ultimately make bad decisions over the next 2 and 3 years, and ultimately bad decisions will be made that will compromise the environment.

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

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

Mr. BOUCHER. Mr. Speaker, I rise in support of the pending measure and urge its approval by the House. The legislation takes the next necessary step in the process for establishing a site for the permanent disposal of high level nuclear waste. I want to begin these remarks by commending Chairman TAUZIN of the full Committee on Energy and Commerce, Chairman BARTON, and also the gentleman from Michigan (Mr. DINGELL), the ranking member of our full committee, for their diligence and their persistence in taking this necessary step. I am a co-sponsor with them of the legislation which is pending that will move the process forward.

A permanent secure site for the disposal of high level waste must be established. Forty-five thousand metric tons of waste now reside on-site at nuclear reactors in 72 locations across the Nation. This temporary siting of spent fuel at reactor sites poses both a security threat and an environmental threat. In my view, arguments that previously had been made that the permanent disposal of waste in dry cask storage at these 72 reactor sites as an alternative to the establishment of a secure central repository for the waste hold far less credence today than September 11 than they did before. I think we really have no alternative to the development of a central, secure disposal site.

The passage of the measure that is now before the House is essential to the development of that site.

While arguments will be made that more could be learned about the proposed Yucca Mountain site, I would note that the recommendation of the Secretary of Energy in January of this year that Yucca Mountain be chosen for permanent waste disposal is based on fully 20 years of scientific investigation and work required under section 113 of the Nuclear Waste Policy Act has been carried out. The public hearings focusing on the Yucca Mountain site required by section 114 of the act have been held. If Congress passes the legislation now pending before the House, which overrides the disapproval of the President’s site designation that was issued by Governor Quinn of Nevada on April 8, site construction would not commence at the site until the Nuclear Regulatory Commission completes a full technical and scientific review of the site and also a review of the proposed disposal methods at the site and the issues a license for site construction.

No site will ever be found to be perfect for the disposal of high level nuclear waste, but I am persuaded that the studies which have already been conducted and the Nuclear Regulatory Commission review that is still to come provides sufficient assurances that the appropriate nature of the Yucca Mountain site has been established and will justify approval of the legislation now before us.

Mr. Speaker, I also want to take this opportunity to note that the Committee on Energy and Commerce has a long tradition of addressing many of our Nation’s most important public policy challenges and a bipartisan manner. With the Subcommittee on Energy and Air Quality having approved this resolution by a vote of 24-2 and the full Committee on Energy and Commerce having approved it by a majority of 41-6, nowhere has our committee’s bipartisan tradition and cooperation been more in evidence than in our efforts to resolve the Nation’s nuclear waste disposal problems.

For that bipartisan cooperation, I again want to commend the committee’s leadership on both sides of the aisle for moving expeditiously on this matter.

Mr. Speaker, I urge approval of this resolution by the House.

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

Mr. MARKEY. Mr. Speaker, I yield 7 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, let me begin by expressing the outrage felt throughout Nevada about this ill-advised proposal. Eighty-three percent of the people I represent vehemently oppose Yucca Mountain. Nevada does not produce nuclear energy. Nevada does not produce nuclear waste. Yet Nevada is being asked to carry the weight of a burden we have had no part in creating.

I grew up in Las Vegas. Long before I came to serve in Congress, I have been fighting against this proposal to transport 77,000 tons of toxic nuclear waste across 43 States to be stored for 10,000 years in a hole in the Nevada desert.

The original Nuclear Waste Policy Act charged the Department of Energy with the task of studying multiple potential repository sites to determine which would be the best to provide geologic containment of nuclear waste.
But in 1987, without the benefit of any completed scientific study, Congress passed the so-called “Screw Nevada” bill which made the most political of decisions. It singled out Yucca Mountain, Nevada as the only site to be studied. The reason was no science, there was no reason, except that Nevada was a small State with a small congressional delegation.

Almost immediately, it became apparent that Yucca Mountain could not contain the waste by natural geologic barriers as required by law, so the DOE simply changed the rules. The waste would be stored in man-made canisters for 10,000 years. Then it was discovered that the canisters would quickly corrode, so they added titanium drip shields. Even with all of these man-made barriers, there still had to be屏障y-rangdewater groundwater regulations to set up contamination zones.

We are still far from the original intent of the proposal. We have allowed the DOE and the EPA to set standards that endanger the environment and human health. Yet no one seems to be willing to pull the plug on this faddish fiasco.

This Nation has a serious waste problem. Every year our reactors create 2,000 tons of toxic nuclear waste. The only method of disposal this country has ever seriously studied is shipping the waste across the country and dumping it 90 miles outside of my hometown of Las Vegas, the fastest growing city in the country.

But there are major problems with this flawed repository would not mean, let me emphasize, not mean that reactor sites around the country would be cleaned out. That is a myth. According to the government’s shipping plans, in the year 2036, when Yucca Mountain is filled to capacity, there would still be 44,000 tons of nuclear waste stored at the reactor sites.

That means that after 38 years of shipping high level waste through our cities and our towns, we will have reduced on-site nuclear waste by a mere 4 percent. Why would we want to risk shipping nuclear waste across 43 States for 38 years if it makes no difference in the amount of waste stored on-site throughout the country?

There are also very serious scientific concerns with the proposed dump. Yucca Mountain is located in an earthquake and volcanic eruption zone. Studies have shown that groundwater can flow through fissures in the mountain in a very short time frame, dissolve the waste and contaminate groundwater supplies, releasing deadly toxins into the environment of the Southwest. Recently an independent investigation by the General Accounting Office found that there were 293 unresolved scientific questions that the government had failed to address, and the Nuclear Waste Technical Review Board expressed limited confidence in the DOE’s work, calling it “weak to moderate.”

Would any of us get on an airplane if the FAA said it had only limited confidence in the pilot’s ability to take off and land? Would any of us drive across a bridge if its structure was described as weak to moderate? Would any of us take medication if the FDA said there were still 293 unresolved questions about its safety? The answer is obvious.

The answer with Yucca Mountain, that is exactly what we are going to do. The nerve of this administration to pretend that this decision is based on sound science.

If Congress’ decision is this project, as many as 108,000 shipments of nuclear waste will travel through 43 States en route to Yucca Mountain. The government’s own statistical models show that we can expect between 50 and 300 accidents involving nuclear waste. People make mistakes. Accidents happen.

But an accident involving nuclear waste would be catastrophic, exposing whole communities to radiation and destroying the environment for thousands of years. The cost of evacuation and remediation would be astronomical; not to mention the inescapable cost of human suffering.

An even more devastating scenario would be a terrorist attack. We already know that al Qaeda and other terrorist groups have material to go in a dirty bomb. These waste transports are exactly the type of target rich environment they are looking for.

In the wake of 9/11, we cannot afford to be naïve and believe that we are safe from people who would give up their own lives to end ours.

Yucca Mountain will do nothing to fix the nuclear waste problem in our country. It will greatly exacerbate our vulnerabilities to terrorist attacks. With every truck, rail and barge shipment, our homeland security becomes more and more difficult to protect. The Yucca Mountain project will put us all at risk by transporting “mobile Chernobyls” through our communities, small towns and cities. If we cannot make the waste safe, then we should not be moving it at all.

Many of my colleagues ask if there is an alternative. The PECO utility in Philadelphia has reached an agreement with the government in which the Department of Energy will take title to the waste, allowing the government to protect it in reinforced secure facilities without moving it around the country, and at the same time allowing the utility to lower its tax payments and its bottom line.

In the long term, our country needs to invest its resources into emerging technologies seeking solutions to reduce volume, toxicity and half-life of nuclear waste. We also need to develop alternative renewable energy sources to relieve our dependence on foreign oil and nuclear power.

Almost 50 years ago, the Department of Energy came to Nevada and asked us to bear the brunt of atomic testing. They assured Nevada test site workers and other citizens in my State that sound science demonstrated these tests were not harmful. Many of these workers are now dead, their families devastated, and this government can never clean up that legacy. Now the Department of Energy is coming to Nevada yet again and asking us to put trust in them like they did our parents and our grandparents. Well, this congressman and mother of two is going to stand up to the Federal Government and say, no, I will not let my children become the cancerous legacy of the DOE’s disingenuous promise of safety and sound science.

I urge my fellow Members to vote “no” on this resolution. It is a bad one. It is a bad one for our families. It is a bad one for our country.

I yield back.
They inspect the trucks and trains; they inspect the roads, the rail lines. They have set up emergency response systems with local governments. They coordinate all routes with the Federal Government; and most of all, they ensure that the citizens of Illinois remain safe.

Transporting spent nuclear material is safe. It has been proven to be safe, and there is no reason to doubt that it will remain safe.

The State of Nevada has a tremendous nuclear legacy, as identified by this recently approved Nevada State license. The State of Nevada can again fulfill their nuclear legacy and continue to aid this Nation and our citizens by safely storing high-level nuclear waste for our country. I ask all of my colleagues to support this legislation.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, the transportation of this waste will require over 96,000 truck shipments over 4 decades. Almost every major east-west interstate highway and mainline railroad in the country will experience high-level waste shipments. More high-

ly-radioactive waste will be shipped in the first full year of repository operations than has been transported in the entire 5-decade history of spent fuel shipments in the United States.

The Department of Energy proposes to directly impact 44 States and many of the major metropolitan areas in the Nation. At least 100 cities with populations exceeding 100,000, including my constituency in Cleveland, Ohio, will be subjected to repeated shipments with minimal safeguards. Highway shipments alone will impact at least 703 counties with a combined population of 123 million people. Nationally, 11 million people reside within one-half mile of a transportation route.

This never-before-attempted radioactive materials transportation effort will bring with it many risks, including potentially serious economic damage and property value losses in cities and communities along shipping routes. The poorly tested transportation casks may be vulnerable to highway accidents and security breaches.

Because of a lack of rail facilities to several reactors, the Department of Energy proposes shipping by truck from these sites to ports on the Atlantic. This plan would be dangerous and inadvisable.

The Department of Energy proposes the transportation of this waste to a port capable of receiving the 120-ton cask to a train. Some of these shipments will occur on the Great Lakes, the world's largest source of fresh water. Over 36 million people living in the Great Lakes basin use it for drinking water.

The Federal Government must radically improve the safety and security of these shipments, and that is the purpose of the Nuclear Waste Transportation Amendments Act of 2002 which I have introduced.

Mr. Speaker, this legislation would, one, require comprehensive nuclear waste transportation safety programs; two, protect populated communities; three, establish that the oldest fuel first should be shipped; four, require full-scale cask testing; five, require State and local route consultations; six, private carrier prohibitions; seven, advanced notification; and, eight, safety precautions.

Vote against this legislation.

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

Let me begin by optimizing the outstanding efforts the gentleman from Louisiana (Mr. TAUSZIN), our committee chairman; the gentleman from Michigan (Mr. DINGELL), our ranking member; the gentleman from Texas (Mr. BARRON), our subcommittee chairman; and the gentleman from Virginia (Mr. BOUCHER), our ranking subcommittee member. They have done an excellent job on a very important piece of legislation.

As an original cosponsor, I rise to wholeheartedly support this legislation. As we discuss energy self-sufficiency and national security, we must keep in mind that nuclear energy is an important part of a balanced energy portfolio. This Nation has 103 reactors that do work, and how do we keep them going? We have studied it for 20 years. The American taxpayers have paid billions of dollars to have it disposed of. We have a site and we have sound science. I urge us to pass this resolution and dispose of our nuclear waste.

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

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I stand in opposition to this proposal. Under this particular plan, over 100,000 train, truck, and barge shipments carrying deadly, high-level nuclear waste, would have to go through 45 States, over 300 congressional districts, and hundreds of cities and towns; and 77,000 tons of nuclear waste would have to be relocated, which would require up to 108,000, 108,000 truck, rail, and barge shipments over 38 years.

Based on the Department of Energy estimates, a nuclear waste shipment would have to leave a site somewhere in the United States every 4 hours for 24 years. Three thousand barge shipments may be necessary, including shipments on the world's largest fresh water source, the Great Lakes, which surround my beautiful State, to reach this plant.

So far, over 16 million Americans would be projected to live within a half mile of proposed nuclear transportation routes. The shipping containers now available cannot resist explosives or fires associated with truck and rail accidents.

Proponents speak with a confidence belied by actual experience. The entire history of nuclear shipments to date...
Mr. GIBBONS. Mr. Speaker, I want to apologize to the gentleman from Nevada. Those reactors primarily by our civilian nuclear reactors in this country. Those reactors have been generating electricity for the American people for the last approximately 40 years. Today, 20 percent of our Nation's electricity is generated by nuclear power generators. At the time those power plants were put into operation, there was not a plan on where to store the high-level nuclear waste, because at that time it was assumed that the Congress and the industry and the various advocacy and stakeholder groups would mutually agree on the best approach to the serious waste problem. That has not happened for a number of reasons.

Nuclear power has become very controversial. The issue of where to store the waste has been used as a surrogate for the very serious and scientific issue of nuclear power, which brings us to today. In 1987, we passed a series of amendments in an appropriations bill that said we are going to store this waste at Yucca Mountain in Nevada. Since that time, we have spent approximately $7 billion trying to determine whether, in fact, that was a wise decision. There have been hundreds of thousands of studies, hundreds of thousands of man-hours spent conducting studies, costing hundreds of millions of dollars, to determine whether it is safe to store the high-level nuclear waste out at Yucca Mountain.

The Department of Energy submitted a recommendation to the President; the recommendation to the President said that they think it is safe. The outside policy review board that has the watchdog opportunity has said that that recommendation is weak to moderate, but the technical issues that are outstanding can be resolved in the next several years.

So this resolution simply says the Governor's objection to that decision, the Governor of Nevada, the State in which the repository would be located, not withstanding that the Congress goes on record telling the Department of Energy that it can go ahead and go forward with the licensing application process to the Nuclear Regulatory Commission.

Now, I would point out that there is nothing absolutely certain in life except death. We are all going to die. In the interim, we want to make our lives as positive and as constructive as possible; and in the modern era we want energy sources that are safe and efficient and reliable to make our lives as constructive as possible. Those that oppose the repository at Yucca Mountain because it is not 100 percent certain that over the next 400,000 years there is absolutely no way that something wrong can go wrong are asking for the impossible.

I cannot guarantee that when I walk out of this Chamber or go back to my office, if I cross the street, that a car will not hit me. I do not think it will, but I cannot guarantee that I will not have some sort of an accident just walking from here back to the Rayburn Office Building. The probabilities are that I will not live 10 years.

If we look at all the scientific evidence that has been prepared on Yucca Mountain, it shows that to the degree that men and women can provide certainty, we are certain that for the next 10,000 years the repository at Yucca Mountain will be safe.

So I would ask when it comes time to have this vote that we vote to send this to the entire body and say that we believe that we should make a decision to have a repository, and that repository should be at Yucca Mountain. Then we will work together in a bipartisan fashion to guarantee the transportation issues, to guarantee the safety and scientific integrity of the repository can be built and maintained in a safe and effective fashion.

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

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

Mr. DOGGETT. Mr. Speaker, I have to admit, the first time I heard about the concept of placing this waste at Yucca Mountain a few years ago, I thought it was a very good idea. I thought so for one reason: Nevada is not Texas. I think that is the main reason why so many people approve of the Yucca Mountain site today, because Nevada is not South Carolina, it is not Mississippi; it is not out there; it is Nevada.

But as one of my neighbors, Molly Ivins, pointed out recently in a column, "putting the nuclear waste in Yucca Mountain is Nevada's problem. Getting it there is ours." These trans- portation routes are not just Nevada, but families in most every State in the country.

Indeed, one of the routes the Energy Department had on its list until recently, consistent with some of the comments that we do not need to worry about transportation, was within sight of the United States Capitol. They were proposing to run this nuclear waste through Washington.

To the gentleman who came and said that we have never had a problem hauling nuclear waste, I submit that his statement is about as persuasive as someone who stood on this floor last year and said an airplane has never been used as a bomb. Things are different after September 11, and are we increasing the risk to the American people, increasing the exposure, by having these "mobile Chernobyls" crossing the country back and forth, affecting millions and millions of United States citizens. Or would we be better off looking for alternatives for nuclear power and looking for long-term alternatives to Yucca Mountain?

The truth of the matter is that if we really recognize how long this waste is going to be dangerous, the NIMBY approach, not in my backyard, one needs to recognize that Nevada is in the backyard of everyone in this country. It cannot be isolated from everyone else.

Electricity is the other big issue is not just the length of the time, the question is whether we want to have an incentive for more and more of this waste to be generated. They say, "If you build it
they will come." But this isn’t a “Field of Dreams," it is a "mountain of nightmares." If this facility is established, there will be more and more nuclear waste generated. Finally, I have to say that I particularly want to applaud the leadership of the gentlewoman from Nevada (Ms. BERKLEY). She has been unceasing in bringing to our attention all of the implications of this very serious mistake that has been proposed.

I know there is some bipartisan support for it, but it is troubling that a Republican President and a House Republican leadership would so aggressively promote this unfortunate resolution, and that we would be told by Republican leaders during debate that this is “Nevada’s legacy.” It is a legacy we will all be stuck with if this measure is approved.

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

Mr. STENHOLM asked and was given permission to revise and extend his remarks.

Mr. STENHOLM. Mr. Speaker, few issues could be more important to the future security of the United States than passage of House Joint Resolution 87. For over two decades, scientists have subjected the suitability of Yucca Mountain to intense scrutiny, at a cost of more than $7 billion. It has been concluded that radioactive material can be safely stored deep underground in this area.

Today, this material is located at 131 different sites around the country in temporary above-ground storage. As a result, almost 162 million people live within 75 miles of one of these temporary storage facilities. Consolidating this material in one safe, secure underground facility, which, by the way, provides nearly 20 percent of our Nation’s power, is the rational answer to the waste disposal question.

Furthermore, by moving excess waste from commercial and decommissioned plants, we will remove 131 targets for potential terrorist attack.

Some would make an issue of transportation. The Department of Transportation, in conjunction with the Nuclear Regulatory Commission, has ensured that many precautions are taken when transporting nuclear materials relating to routing, security, tracking of progress via satellite on a 24-hour basis, and coordination with State officials. To date, we have transported more than 2,700 shipments of spent nuclear fuel over the last 30 years, traveling more than 1,6 million miles without any harmful release of radiation.

Preliminary route selection and detailed planning will begin at least 5 years before the first shipment takes place.

Nothing is perfect, but I would say, as a rural electric cooperative manager, I worked to promote alternative energy sources 9 years before coming to Congress. Our membership thought it important to invest in alternative energy sources such as nuclear as a means to balance our energy budget. This was in 1970.

The 103 operating nuclear power plants in the United States are providing 20 percent of the Nation’s electricity. In fact, nuclear power supplies 10 percent of the electricity generated in Texas, including that produced by TXU’s Comanche Peak plant in my district.

Please join me in supporting the Federal Government’s commitment to safely store nuclear fuel by voting for House Joint Resolution 87.

Mr. BARTON of Texas. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Michigan (Mr. UPTON), chairman of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. UPTON. Mr. Speaker, I thank the gentleman for yielding time to me. I, too, would like to compliment my friends and colleagues, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Massachusetts (Mr. MARKEY). There are good adversaries on this issue from the start. Let me read the President’s signing statement when he signed the Nuclear Waste Policy Act.

“The Nuclear Waste Policy Act which I am signing today provides the long overdue assurance that we now have a safe and effective solution to the nuclear waste problem. It allows the Federal Government to fulfill its responsibilities concerning nuclear waste in a timely and responsible manner.” The President was Ronald Reagan. The date was January 7, 1983, nearly 20 years ago.

The other side, the opponents of this legislation, say that we have not had enough study. We have not spent enough money. Well, we have spent nearly $15 billion getting this site ready, decades in time.

Where is this site, Yucca Mountain? Well, it is on Federal land. It is close, if not contiguous, to where we have done nuclear testing for decades. It will never be a vacation spot.

Many of the detractors that have spoken today and will speak have always been against nuclear power, which, by the way, provides nearly 20 percent of our Nation’s power. Mr. Speaker, I do not know where the gentleman was when the nuclear power decision was made. I do know where I was, elementary school, a long, long time ago.

When the decision was made, the Federal Government said it would take care of the long-term safety and storage of high-level nuclear waste. This was confirmed by the courts.

For my district, we have two nuclear plants, both on the shores of Lake Michigan. These two are among 103 throughout the country. Every single one of these facilities is an environmentally sensitive area. Many have run out of room for the storage of high-level waste. I have seen this in the lead-lined cement silos in the dunes of Lake Michigan. Yes, they are safe for now, but I do not know that they are safe for 1,000 years, let alone 10,000 years, as will be certified in Nevada before it will accept nuclear waste, still more than a decade away.

The process for safe storage started nearly 40 years ago. We need to finish the job today, move storage and safe transportation of high-level nuclear waste in one safe place is essential, particularly with the events of 9/11. We have shipped more than 1,700 shipments of high-level nuclear waste more than 1 trillion miles across this country without a single release of radioactivity.

I know that that track record can continue. I would urge all of my colleagues to support this legislation and send it to the other body.

Mr. BARTON of Texas. Mr. Speaker, could I ask how much time remains controlled by the gentleman from Louisiana (Mr. TAUZIN)?

The SPEAKER pro tempore (Mr. ISAKSON). Twenty-four and one-half minutes.

Mr. MARKEY. Would it be possible, Mr. Speaker, for us to get a review of the time that each of us has at this point?

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MARKEY) has 42½ minutes.

Mr. MARKEY. And the gentleman from Maryland (Mr. WYNN)?

The SPEAKER pro tempore. The gentleman from Maryland has 9½ minutes.

Mr. MARKEY. I think it would be appropriate, if the gentleman would not mind, for me to recognize a few of our Members right now so that the time would come down.

Mr. BARTON of Texas. Did the Speaker say that the gentleman from Massachusetts (Mr. MARKEY) had 42½ minutes?

The SPEAKER pro tempore. That is what the Chair was advised. That is correct.

PARLIAMENTARY INQUIRY

Mr. BARTON of Texas. Parliamentarian, Mr. Speaker. When the total time was 40 minutes, how does he get 42½ minutes?

The SPEAKER pro tempore. No, the time controlled originally was 1 hour on each side, 2 hours total between proponents and opponents.

There is 24½ minutes remaining for the gentleman from Texas (Mr. BARTON), 42½ minutes for the gentleman from Massachusetts (Mr. MARKEY), and 9½ minutes for the gentleman from Maryland (Mr. WYNN).

Mr. MARKEY. If I may at this point, there was an hour divided evenly between opponents and proponents, and generously, the majority has relinquished 20 of its 60 minutes to the minority that shares the same views in support of Yucca Mountain.

The SPEAKER pro tempore. Does the gentleman from Texas (Mr. BARTON) object to the gentleman from Massachusetts’ suggestion to have two or three speakers in sequence due to the imbalance?

Mr. BARTON of Texas. I am sorry, I did not know that he had a pending request. What was the request?
Mr. MARKEY. The request was that I be allowed to recognize—
Mr. BARTON of Texas. I would generously allow the gentleman from Massachusetts be allowed to recognize two or three of his speakers in sequence.
Mr. Speaker, Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. MATHESON).
Mr. MATHESON. Mr. Speaker, I am from the West. This is not the first time the West has been asked to shoulder the nuclear burden of our country. Dozens of atom bombs were detonated at the Nevada test site between 1951 and 1963. The West was chosen because as long as the winds were blowing east, the fallout avoided big cities and traveled over sparsely populated Nevada and Utah towns. I remember my father telling me how people in southern Utah would watch the sky light up, and how southern Utahans supported the program because they were strong patriots who believed in their country and they trusted their government.
In the 1970s, my father, then the Governor of Utah, was puzzled over an alarming number of cancer deaths among our family and friends in southern Utah. He read ‘cancer’ on death certificates of family members, more than 50 aunts, uncles, and cousins.
The Federal Government told us we were safe, but the Federal Government knew the risk. On October 7, 1990, my father died at age 61 from a cancer called multiple myeloma. Thousands of citizens throughout the West continue to get sick and die from radiation exposure-caused illnesses.
We saw a picture of a license plate talking about the nuclear legacy of Nevada. That is a legacy of which we should be ashamed.
Why are we moving this waste at this time? We are not running out of storage sites, and in the coming years, technological advancements in reprocessing and recycling may very well take care of much of the waste.
That brings us to the real fallacy of this entire exercise. If Members think a vote for Yucca Mountain gets rid of the waste in Members’ backyards, they are wrong. As long as power plants are operating, new waste will stay to cool down on-site for up to 10 years and may not ever be shipped.
I can tell the Members as son of a downwinder and a Congressman who represents thousands of sick, dying, and widowed victims of our nuclear testing that the Federal record on this issue has been appalling. Our Nation is one of shared responsibility. By opposing the transcontinental shipment of nuclear waste, we take care of all those millions of people who live along the roads and tracks to Yucca Mountain.
We protect their future from what is an unfortunate legacy of my own past.
Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).
Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Massachusetts for his kindness in yielding time to me.
I think the very passionate words of our good friend, the gentleman from Utah, really speak to the concerns that we bring to the floor of the House today.
Let me acknowledge the leadership of the gentlewoman from Nevada (Ms. Berkley) for the passion that she has given to this issue. But I really think that we are here today to begin a discussion on whether or not nuclear energy should be at the forefront of the policies of the United States of America, whether or not we need to begin looking at conservation and other issues, because let me tell the Members what is bad about this particular proposal: It is bad science.
As a member of the Committee on Science, let me tell the Members that we are not complying with the Nuclear Waste Policy Act passed by this Congress 20 years ago. We are not adhering to good science.
Just recently, the General Accounting Office found 293 defects in the research and advised the Bush administration to hold off on passing this resolution until 2005. If my math serves me right, I believe we are in 2002. This is the concern that those of us who live in communities who have nuclear waste and have nuclear power plants have.
I would imagine those individuals are now looking at the gentlewoman from Texas (Ms. JACKSON-LEE) on the floor of the House and asking, why are you speaking against your own neighborhood?
Mr. MARKEY. Mr. Speaker, I stand in opposition to H.J. Res. 87. We need a coherent national strategy dealing with nuclear waste, but this decision is about local control. It is inappropriate for us to be micromanaging Nevada on something that is so important. We should allow the governor to do his job. He has decided that the Yucca Mountain proposal is too dangerous to pursue any further and we should not intervene in what is a State and local decision.
I am also concerned about the issue, not just about the Members of Congress, but as neighbors of hundreds of thousands of people who could be harmed by the transportation of this through an accident that could occur. The Department of Energy may be way too tightlipped about the transportation routes that waste would travel across the country on its way to Yucca Mountain, but two things are certain. One, a very large percentage of the waste would travel through my district and two, accidents will happen while transporting the spent nuclear fuel.
If you look at the map, virtually all the rails and routes would be used through San Bernardino County, California, my home. Half of the country saw Spiderman this weekend. Well, we are in the center of a nuclear transportation web. The thought of it makes me angry. The thought of it scares me, and it should scare my colleagues on both sides of the aisle from the Inland Empire. I call on all the Members from Inland Empire and Southern California to come together and oppose Yucca Mountain.
Why should our constituents be forced to face so much more of a risk of danger and other activities that may affect them?
Even the most conservative Energy Department studies say that many accidents will occur and it is more likely it will occur in transportation hubs like my district where we had recently a derailment of a train carrying a lot of the homes in the areas to start burning in the immediate area.
With this proposal, we will create thousands of moving targets for terrorists. We know what happened on September 11 with the airplanes crashing in the World Trade Center. Terrorists would not need a dirty bomb because we will have thousands of them crawling across the Nation just waiting for a fuse to ignite them, killing hundreds and thousands of people.
People are already living in fear. We do not need to put additional people in fear. I ask all Members to oppose this resolution.
Mr. BACA. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. McDermott).
Second of all, it is not about moving nuclear waste anywhere or moving it down any particular road. It is just about a step in a process to move forward to decide ultimately where and how we are going to put all this nuclear waste that now remains.

Are there problems with it at this stage? Of course. Somebody said 293. There may be that. There may be more. But we spent $7 billion to characterize Yucca Mountain as a site. Nothing happens until we pass this bill even though about 2 years down the road the NRC is going to commence a licensing process to license a permanent storage repository to receive the nuclear waste. That will be an open process. Everybody will be permitted to have their say. Members of Congress here who are complaining, all of their constituents, any industry, you name it, can all have their say in that process. It is going to be a thoroughly open process.

Now, there are going to be environmental problems whatever course we take. We can leave this nuclear waste out where it is. It is in pools. It is in neighborhoods in your districts and mine. We can leave it there, and it is going to create these problems for generations to come. We can set up some other alternatives such as dry cask storage, and that is going to make nuclear problems, and they are going to remain in your neighborhoods and in your backyards. Right now, I am not an advocate of putting this anywhere. I am not an advocate of putting it in Yucca Mountain or not putting it in Yucca Mountain. I am simply an advocate of this Congress functioning responsibly, to come to a decision on a major problem which we have, a major energy problem, a major environmental problem, a major land use problem, a major concern to the people of this country. We are producing nuclear waste at nuclear power plants and we are producing this waste. It is now in connection with our defense activities. That nuclear waste is going to go somewhere. Right now it is scattered around the country in all kinds of places, and it is a hazard to your constituents and mine.

We have got to have some resolution to this problem of nuclear waste storage, and it has got to be reasonable, intelligent, and we have got to come to the best solution we can.

I mentioned we already spent $7 billion to characterize this site, and we will have to spend a lot more. I do not know what the licensing process is going to cost, but it is going to be plenty. As I mentioned, it is going to be open. Ultimately, we have to address the problem.

Whatever we do is going to create environmental difficulties. It will be the responsibility of the Committee on Energy and Commerce and of the Congress and of the NRC, of the executive departments of government, of EPA and all of the other agencies, to see that the process is conducted in a way which is safe, which creates a minimum of hazard, to see that the transportation is done as safely as it can be done with as little risk as possible to the community and the people through which it passes.

It will also be our responsibility to see that all of the questions which remain to be answered are answered. That will be a part of the licensing process, which is going to go on for something like 4 to 6 years after we conclude this. The probabilities are that the decision will not be made until some time around 2010 or perhaps even later.

I think it makes good sense that this body should exercise ordinary responsibility. We have a duty to the people to resolve this question. We are setting about taking another step towards the conclusion of an open process to arrive at a decision, followed by the licensing process which will take place at NRC and, as I mentioned, that will be fully open. EPA will be participating in this, every other citizen who has a concern will.

My advice to this body is proceed. We are simply taking a step forward. Let us take that step forward and make the process work in an open fashion for the benefit of all of us. Let us resolve the question today. Vote aye.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD), a member of the committee, who is so articulate and so knowledgeable about this.

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

Mr. Speaker, as an original co-sponsor of this, I rise in very, very strong support of this resolution. The selection of Yucca Mountain as a permanent nuclear waste repository is probably one of the most important questions that can face this Congress and for years to come. As we all know, and it has been said over and over again, over 40 nuclear reactors are currently scattered across the country in some 70-plus sites across our Nation. Clearly, clearly, it is in the American public’s best interest to construct one permanent, highly secured repository for this waste. And, hopefully, one day a lot less of the waste as we get our mixed oxide fuel plants built and we can reduce the volume of this waste, which is where I hope we are going.

Twenty years ago the Nuclear Waste Policy Act set a policy in motion. Twenty years ago. The DOE has now spent over $6.7 billion on characterization and development activities at Yucca Mountain. Now, part of this debate really ought to be why in the world has it taken 20 years to solve this problem after spending $7 billion, not to speak of the millions of dollars that ratepayers have spent?

Having been to Yucca Mountain, I believe the dollars spent have yielded credible research and development activities. And, in fact, Yucca Mountain is a permanent nuclear waste repository which justifies this Congress moving to the next step. The vote today does not lock us in forever and
Mr. MARKEY. Mr. Speaker, I yield 2½ minutes to the gentleman from American Samoa (Mr. FOLEMAVAEGA).

Mr. FOLEMAVAEGA. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. MARKEY) and the gentlewoman from Nevada (Ms. BERKLEY) for their leadership roles in this debate.

Mr. Speaker, why are we so bent on storing nuclear waste at Yucca Mountain? Is it because the U.S. has already conducted more than 1,000 underground nuclear bombs in the deserts of Nevada? How fair is it to ask the good people of Nevada to also be the sole keeper of our Nation’s highly radioactive nuclear waste? How fair is it to transport nuclear waste across America’s farm lands, which are easier target for terrorist nuclear bombs.

The fact of the matter is the largest concentration of nuclear reactors lies east of the Mississippi, and the risk of transporting highly radioactive spent fuel from these nuclear plants is a risk this Nation just cannot afford to take.

Mr. Speaker, highly radioactive spent fuel or nuclear waste is one of the most toxic and dangerous substances known to mankind. For 10,000 years, highly radioactive spent fuel is dangerous to human life. Visit the Marshall Islands if my colleagues want to see the residual effects of some 66 nuclear bombs that were exploded in Micronesia. The reason why we discontinued testing nuclear bombs is that our Nation is but cause we found strontium 90 in milk products in Minnesota and Wisconsin.

Visit the islands of Moruroa and Fangataufa in the South Pacific and ask the French Government if after detonating thousand bombings, that nuclear contamination is now leaking into the ocean in the Pacific Ocean, despite assurances from the French Government officials that this process is okay and is good for 1,000 years. Give me a break.

I fear the good people of Nevada are going to experience the same thing. If the Congress approves this project, the Department of Energy suggests there will be as many 108,500 surface shipments of nuclear waste making its way across the heartland of America. Another 3,000 shipments will make their way by barge across our waters.

Mr. Speaker, whether we spend $1 or $100 billion, can our Nation’s nuclear waste, any amount of money can never be equal to the life of any human being.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Illinois. (Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I rise today in further support of H.J. Res. 87, as all of my colleagues know, that provides for the development of Yucca Mountain as a permanent repository.

I think, though, first a word to those who oppose this resolution. They have done so honorably, steadfastly, and to be Texas plain with them, they have done so doggedly and working and speaking for the care of their constituents. For those who oppose it, I simply differ with them, and I differ with them for these reasons.

I think, first, that it has an unparalleled safety record in transporting nuclear fuel. That is necessary. That is first; and, second, the long open public licensing process will be 15 years of experience and 3,000 successful shipments of used nuclear fuel within the United States demonstrates that this material can be safely transported to Yucca Mountain by rail and by barge. No radiation release, no fatalities, no injuries or environmental damage has occurred because of the radioactive activity of the cargo.

The containers used to ship nuclear fuel are leaktight, engineered, robust steel containers that have undergone rigorous testing and can withstand extreme conditions including long-lasting fires, high-speed crashes, even submersion in water. The maintained integrity of the containers ensures the health and safety of the public and environment during transportation of spent nuclear fuel.

Mr. Speaker, upon site approval, a three step nuclear regulatory commission licensing process will be initiated and verify DOE’s scientific work in a highly rigorous public process. The scientific work will continue throughout the licensing period and operation of the repository so that the government will always be governed by the most recent science.

Again, I admire and respect those who defend their constituents. I urge my colleagues, however, though, to support H.J. Res. 87, move this bill on and get it behind us.

The SPEAKER pro tempore (Mr. ISAKSON). The gentleman from Virginia (Mr. BOUCHER) has 2 minutes remaining. The gentleman from Massachusetts (Mr. MARKEY) has 30 minutes remaining. The gentleman from Louisiana (Mr. TAUZIN) has 22 minutes remaining.

Mr. BOUCHER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from North Carolina (Mr. BURR), the vice chairman of the Committee on Energy and Commerce.

Mr. BURR of North Carolina asked and was given permission to revise and extend his remarks.

Mr. BURR of North Carolina. Mr. Speaker, I thank the chairman of the full committee for yielding me the time.

I was struck earlier when the gentleman from Michigan (Mr. DINGELL) got up to speak because all of the sudden, after my lunch partner today who
was our former colleague, ranking member on the Commerce Committee. Jim Broyhill, I began to realize that between the gentleman from Michigan (Mr. DINGELL) and Mr. Broyhill and our current chairman, they were here in 1986 when the energy policy act was, in fact, not only considered it through, and it really did start the process rolling.

For 20 years from then we are now here today trying to make sure that a process continues to move forward, and I found myself striking that Senator Broyhill looked at me and said we envisioned that this would only take 10 years. Well, it has taken 20 now; and the question, as the gentleman from Michigan (Mr. DINGELL) so appropriately raised, are we going to allow it to go to the next step?

This is not about shipping waste tomorrow. This is about allowing a process to go to the next step where in the licensing phase we may learn more. To stand up and suggest that science has not been applied to this project is only to say that under the definition in Webster’s there is one area that we have not covered, whether it is applicable or not, but every study that people have suggested has been done on this site.

The gentleman from Michigan (Mr. DINGELL) strongly worried across this country today we store in our communities, in our backyards waste today, waste that we eventually we are committed, as the Federal Government and as stewards of the trust fund with the rate payer money, to make sure that it has been used in a way that is effective long term.

To my colleagues today I would urge them, this has been studied and we will continue to study it; but the way to continue to study it is not to stop the process. It is to let the process go forward. It is to make sure, in fact, that we are on the other hand in the licensing process as well as our understanding of the transportation challenges that we will be faced with.

I am confident that the 400 trillion BTUs that North Carolina receives in low-cost energy from nuclear is something we have to have in the future. Do not cut this out by making sure nuclear is cut out because we have nowhere to store it. I urge passage.

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

Mrs. CAPPS. Mr. Speaker, I rise in strong opposition to this bill. The environmental questions surrounding the Yucca Mountain site have not been adequately answered and a decision with a long-term impact should not be made with questions hanging.

Our Nevada colleagues and the constituents they represent have spoken about the hundreds of questions regarding the safety of a site which is in their backyard. They deserve an answer to these questions.

Of course, Yucca’s supporters claim that if the licensing process indicates that testing and environmental problems may occur, plans could be changed or reevaluated; but we all know this is Washington, and a project like Yucca takes on a life of its own, and I have grave concerns about transportation plans for all this nuclear waste.

The recent terrorist attacks raise questions about security at nuclear power plants and DOE facilities across the country. In my district, local power plant officials and the nuclear regulatory commission are issuing conflicting statements about how vulnerable Diablo Canyon nuclear power plant is to an attack. My constituents were understandably unsettled by the obvious lack of coordination and planning for this facility in their own backyard.

Against this backdrop we add the problem of protecting shipments of dangerous nuclear waste. This scenario of thousands of nuclear waste-laden trucks and barges careening across our roads and waterways should give us all pause.

In my district, DOE wants to load tons of nuclear waste on barges and bring the barges through the Santa Barbara Channel, but I question some of the science here. Let me cite just one example.

The dry cask storage containers that will carry this waste are tested to withstand submersion in water, but I do not believe there has been submergence at anything like the depths found in the Santa Barbara Channel. So what happens if there is an accident and a number of these concrete containers end up at the bottom of the channel? Will they be able to withstand the extreme depths? Can we retrieve them?

If the answer is no to either of these questions, what then happens to the fishing industry, the other ships that use the channel? How safe does this channel and the surrounding area then become?

In closing, I do not believe we should pass this bill. I do not have faith that the studies behind Yucca are safe and complete, and I do not have faith that the project can be carried out safely and effectively.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia (Mr. RAHALL), the ranking member of the Committee on Resources.

Mr. RAHALL. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MARKEY) for yielding me the time. I want to commend the leadership of two of our colleagues from the State of Nevada on this important issue, the gentlewoman from Nevada (Ms. Gibbons), a member of our Committee on Resources, and the gentlewoman from Nevada (Ms. Berkley), who is a very valuable member of our Committee on Transportation and Infrastructure.

Mr. Speaker, for opposing the pending resolution, it but boils down to this. There is no rock-rubbed, iron-clad, copper-riveted guarantee that the interment of high-level nuclear waste at Yucca Mountain would be the safest course of action over both the near- and long-term.

It is no secret that there is a multitude of scientific questions regarding this site and the questions have been gone into by previous speakers, but the GAO report noted that there are about 300 such questions and concluded that this site approval is premature.

There is one very important reason that I would like to mention that I do not believe has been mentioned thus far in this debate as an additional reason for opposing the pending resolution, and that is that Yucca Mountain is located within the aboriginal area of the western Shoshone Indian Nation. The mountain is sacred to them and it holds a powerful spiritual energy for two Indian tribes in particular.

In fact, the Ruby Valley Treaty of 1863 explicitly stated that this area belonged to the Shoshone. Yet in arrogance, and that is what it is, arrogance this administration determined that this particular sacred site is a pretty good place to put a nuclear waste repository. That is desecration, plain and simple. It is desecration to the Shoshone Indian Nation. Whether or not my colleagues subscribe to it, know this: Dumping nuclear waste at Yucca Mountain is akin to dumping nuclear waste at your own house of worship.

I urge the defeat of the pending resolution.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume to just tell the gentleman that that was a beautiful statement.

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding me this time, and I also want to commend the gentleman from Massachusetts for his leadership, as well as the gentlewoman from Nevada for really raising the very dangerous implications of what we are doing today, and I rise in strong opposition to H. J. Res. 67.

Now, this resolution, as we have heard today, would require 77 tons of nuclear waste across our Nation’s highways, through our streets, and past our homes. Every hour of every day for the next three decades, trucks and railcars full of radioactive waste would be rolling past. Every mile along the way they would be exposed to the risk of both terrorists and simple accidents. This is very, very scary. This cannot be the answer.

We must seek out scientifically sound mechanisms to hold, store, and treat existing nuclear waste and must shift to a safer energy technology. We cannot keep producing nuclear waste that we clearly cannot manage safely.
Nuclear waste cannot continue to proliferate. Transporting tons of waste to Yucca Mountain will not eliminate the piles of waste sitting at reactor sites across the country. It will barely make a dent in them for years to come. Instead, it will expand our risk every mile traveled.

Finally, transportation aside, Yucca Mountain is not the solution. With threats of earthquakes and ground-water contamination, it is an environmental disaster waiting to happen. I urge my colleagues to oppose this resolution.

I want to again thank the gentleman from Massachusetts and the gentlewoman from Nevada for making sure that we are fully aware of the implications of what we are doing today.

Mr. MARKEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. OBERSTAR).

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

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to the Yucca Mountain Repository Site Approval Act.

Our Committee on Transportation and Infrastructure just recently had a hearing on this issue. It was clear from the hearing there are too many uncertainties, too many unresolved issues, and the risks are too high for us to support this resolution.

This is not the first time, this is the second time around on this issue of transporting nuclear waste. And our committee addressed this issue in 1982 during the consideration of the surface transportation bill when there was an amendment to prohibit the transportation of nuclear waste through major urban areas. What about the folks in the rural areas? They should be exposed because people in the urban areas should not be? We defeated the measure.

In 1987, the same group that is telling us that Yucca Mountain is a great place came to us in northern Minnesota saying it was a great place to locate nuclear waste at the headwaters of the Great Lakes. One-fifth of all the fresh water on the face of the Earth, and they wanted to deposit this most toxic substance known to mankind right there so we could poison one-fifth of that. In the worst possible place then, and Yucca Mountain is the second worst possible place.

The General Accounting Office submitted to our committee a report showing that there are 293 scientific issues and technical questions not yet resolved that have to be answered before the DOE could even apply for a license. This is not the time. We have plenty of time. It will not be until 2006 before they are even ready to submit an application. Let us defeat this now and give it more substantive consideration.

Mr. Speaker, I rise in opposition to H.J. Res. 84, the Yucca Mountain Repository Site Approval Act, which authorizes the development of a nuclear waste depository at Yucca Mountain, Nevada. As was made clear during a joint hearing of the Subcommittees on Railroads and Highways and Transit of the Committee on Transportation and Infrastructure, there are too many unresolved issues—and the risks are simply too high—for me to support this resolution.

At the hearing, we heard a great deal of evidence about the failures of the Yucca Mountain proposal. We learned that the Department of Energy’s Nuclear Regulatory Commission was supposed to study the environmental effects of transporting nuclear waste from 131 sites around the country, including only 77 sites in its final environmental impact statement for Yucca Mountain. In other words, DOE omitted any evaluation of nuclear waste sites it was supposed to study—from its analysis.

In addition, the General Accounting Office issued a report just this past December that noted 293 outstanding scientific and technical questions that must be resolved before DOE can even apply for a license for the Yucca Mountain site. Bechtel, DOE’s own contractor, has stated that DOE would not be in a position to submit a license application for Yucca Mountain until those questions are resolved.

Some of the most troubling aspects of the Yucca Mountain project are the uncertainties surrounding the transportation of nuclear waste across the country. The method and routes for transporting all this spent fuel from 131 sites as well as the cost of the additional nuclear waste sites that have been determined. There are proposals; there are ideas about how to best ship the spent nuclear fuel, but there is no definitive plan for its transportation. What we do know is that this highly toxic material will be shipped over our Nation’s highways, railways, and waterways, and will most likely travel through more than 40 states and the District of Columbia. And we know that, regardless of the specific routes ultimately chosen, this nuclear waste will be shipped through our communities in close proximity to major metropolitan centers.

Yet, we are told simply to accept the fact that by the time this fuel is ready to be shipped, the Administration will have figured out an acceptable plan for shipping it. Mr. Speaker, just as the real issues should be explored and decided before we chose a nuclear waste depository—before we agree to ship nuclear waste through our communities in close proximity to major metropolitan centers. This makes no sense.

Proponents of the Yucca Mountain site point to the safety record in transporting nuclear waste over the past 35 years. But what they don’t say is that there have been, on average, just over 90 such shipments each year, mostly by truck. If we were to transport the 46,000 tons of materials now being stored around the Nation as well as the additional nuclear waste that will be generated before the Yucca Mountain site reaches capacity, it would require approximately 2,800 cross-country truck movements each year for 38 years. This does not take into account that most of the shipments will be by rail. But there is currently no railroad to the Yucca Mountain site. Further, many of the nuclear sites where waste is currently stored are not directly connected to a railroad. In addition, there are no federal regulations that govern the routing of these shipments by rail.

Tellingly, the railroads disagree with DOE over the safest way to ship this spent nuclear fuel. The railroads believe that dedicated trains are the safest way to move this material. First, dedicated trains do not require any switching of the railcars. Switching increases the handling of railcars and thereby increases the risk of an accident. Second, the disparity in weight of the different nuclear waste and the railcars carrying other freight in a mixed freight train may cause instabilities that could lead to a derailment. Third, dedicated trains are necessary for the train to be equipped with electronically controlled brakes. These brakes can provide greater safety through advanced braking capabilities and an advanced communications system that alerts the crew of the condition of the train’s wheels.

DOE’s regulations, however, call for spent fuel casks to be shipped in mixed general freight trains. Unfortunately, DOE’s regulations appear to be “market driven” in that mixed freight trains are cheaper than dedicated trains. I would submit that the safe transportation of these highly toxic materials should take precedence over making a buck.

At the subcommittee hearing, many of my colleagues on the Transportation Committee voiced a great deal of concern over the possibility of a train accident similar to the one in Texas. The Baltimore rail tunnels were washed out for three days with temperatures rising above 1,500 degrees F. That is higher than the temperature that the spent fuel casks are designed to withstand. If a single rail car with spent nuclear fuel had been on-board that train, it could have released enough radiation to contaminate a 32 square mile area. It would have cost nearly $14 billion to clean up such a catastrophic accident if it had involved nuclear waste. What is shocking is that the Nuclear Regulatory Commission (“NRC”) has not done any tests on the stability of the casks in a similar scenario. The tests they have done assumed a fire burning at 1,475 degrees F for 30 minutes. We now know that fires from such a train accident can extend far beyond the NRC’s assumptions. Terrorism also poses a significant threat to any safe transportation of spent nuclear fuel. Whether transported by truck, rail, or barge, these shipments will be slow moving and could potentially be the target of a terrorist attack. The Administration has only begun to examine the real and pressing security concerns inherent with the transportation of this fuel. While the casks are designed to withstand a great deal of damage, some of the sophisticated weapons available today could penetrate them.

The subcommittee hearing brought to light a whole host of issues surrounding the transportation of nuclear waste material that should be addressed before we accept any plan to ship spent nuclear fuel across the country. Unfortunately, the Administration has elected to force the issue before all these concerns can be sufficiently addressed. The Nuclear Waste Policy Act states that the President’s recommendations start a process that leads ultimately to the Congress having to accept or override a veto by the Governor of the State of Nevada. I believe we should sustaint Gov- ernor Guinn’s veto.

It may be hard to accept the consequences of sustaining the veto, but not as hard as making the wrong decision on this critical national security and transportation safety issue.

I urge my colleagues to oppose H.J. Res. 84.
Mr. BOUCHER. Mr. Speaker, I reserve the balance of my time.

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

Mr. KNOXLENBERRY. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in very strong support of H.J. Res. 87, a resolution to approve the site of Yucca Mountain, Nevada.

I am pleased we are finally at this step in this long process. We know that something must be done with the thousands of tons of radioactive fuel currently sitting in spent fuel pools across the country. Billions of dollars and multiple studies later, we know Yucca Mountain is the place to put it. It is safe and suitable.

It is a simple fact that to get nuclear waste to Yucca Mountain we are going to have to move it, move it from many nuclear power plants across the country. Opponents to Yucca Mountain have spun tall tales of the dangers of sending nuclear waste through our hometowns on the way to Nevada. Mr. Speaker, these arguments are nothing but a red herring.

A wise man once said everyone was entitled to their own opinion but that everyone was entitled to only one set of facts, and, Mr. Speaker, we have the facts. Let me assure my colleagues that the transport of spent fuel along the Nation’s highways and railways is safe. Over the last 30 years, as we have heard, more than 2,700 shipments of spent nuclear fuel have taken place, more than 1.7 million miles, and they have taken place without a single release of radioactive material harmful to the public or the environment.

The Federal Government takes numerous precautions when transporting nuclear materials, such as routing, security, tracking of progress, coordination with State officials, and any emergency preparedness training that is needed for State and local responders. The majority of these precautions, most of which are highly classified, are very impressive.

Certainly, shipping nuclear waste has the inherent risk of accident or attack, but that risk is there for the last 30 years as well and it will be there as long as we ship any nuclear waste. The far greater risk, in my mind, is to leave that waste in our backyards, on our lake shores, and in our communities in the United States where it currently is stored.

For years, I have worked with my colleagues in the House to ensure we address the issue of nuclear waste in an honest and professional way. It is honest to tell the American people we have done it and will continue to do it. In fact, shipments are likely taking place right now as we speak. Our record on transporting nuclear waste is not an argument against Yucca Mountain. Indeed it speaks strongly in favor of it.

Mr. Speaker, the facts back it up. I strongly urge all my colleagues to vote for a permanent repository for high level radioactive waste and spent nuclear fuel. Support, I repeat, support this move.

Mr. MARKEY. Mr. Speaker, I yield myself 3½ minutes.

A congressional expert is an oxymoron. There is no such thing. Congressmen are only experts compared to other Congressmen. They are not experts compared to real experts in any field.

Here, what we have is a decision made by congressional experts, us, to pick Nevada because they have the smallest delegation. That is why it happened. And now, unsurprisingly, the security and environmental issues related to a group of Congressmen picking the site to bury all nuclear waste in the United States for the next 10,000 years. Now, Members of Congress are different in many ways, but one of the things they pretty much have in common is a very limited scientific background, and so it is no surprise that all of these issues remain unresolved.

Now, what do we have on our hands, then? We have a thermonuclear Ponzi game. The generation that in fact enjoyed the benefits of nuclear power, and by the way there has not been a new nuclear power plant ordered successfully in the United States since 1974, we are coming up to the 30th anniversary, wants to pass on the risks to the next generation. It’s a Ponzi game. We are dumping it on the next generation. Let them figure out what the environmental, health and safety problems are. We are getting it off our hands right now. We are congressional experts.

Now, what is the complication? Well, since September 11, in addition to all the businesmoneering lies, we have the problem now of al Qaeda. Now, what have we learned in the caves and the computers of Afghanistan? What we have learned is that al Qaeda has placed nuclear at the very top of their terrorist list, and what we know is that the security that is going to have to be placed around the transportation of all of this nuclear waste must be much higher than anyone anticipated before September 11. Have we pressured hearings on that subject? Have we determined what the cost of that might be?

Here is what we also know. There have been two major rail accidents in the United States over the last 3 weeks. Now, what if it was a nuclear waste shipment? And what if the train was deliberately derailed by al Qaeda? Have we pressured the Department of Transportation to ensure the safety of the nuclear waste, a dirty bomb was exploded? Is that possible? Well, post September 11, in addition to all of the dangers inherent in storing it in Nevada and transporting it on the roads and railways of this country.

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

Mr. TAUZIN. Mr. Speaker, I am honored to yield 3 minutes to the gentleman from Alabama (Mr. CALLAHAN), the distinguished cardinal from the Committee on Appropriations, the chairman of the Subcommittee on Energy and Water Development, who, unfortunately for all of us, has announced his retirement from Congress this year and whom we will sorely miss. (Mr. CALLAHAN asked and was given permission to revise and extend his remarks.)

Mr. CALLAHAN. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind words.

As I announced to the gentlewoman from Nevada (Ms. CALDERON) and the distinguished gentleman from Massachusetts, let me tell him that we all know he is one of the most eloquent Members of this House. He always makes his points and makes them so eloquently. But I would like to remind the gentleman from Massachusetts that he is not the only one who has made his points eloquently.

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

Mr. CALLAHAN. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, I would advise the gentleman that it started in my district, which is why I am an exponent of it.

Mr. CALLAHAN. Reclaiming my time, Mr. Speaker, I understand that.

And the gentleman also mentioned earlier in the well of the House today that one of the reasons we are here debating this issue today is because of the ineffectiveness and the smallness of the delegation from Nevada. The gentlewoman from Nevada (Mr. GIBBONS) and the gentlewoman from Nevada (Ms. BERKLEY) are two of the most articulate, effective Members of this body. And the very fact that they are short in numbers does not at all forgive the fact that they are outstanding and outstanding Members of this body.

I would also like to remind the gentleman from Massachusetts that the last time I checked this same issue passed the Senate of the United States. And if I am not mistaken, the State of Nevada has more people in it than the people from Nevada have two Senators, an exact parity, at least in the Senate.
So the fact that this project wound up in Nevada had nothing to do with either the ineffectiveness or the smallness of the delegation, but rather out of scientific knowledge that this was the right direction to go.

The committee on Energy and Water Development has already appropriated over the last 12 years nearly $8 billion to ensure that this site is the safest site in the world in which to perform this storage. So there is no doubt in my mind, and I have visited the facility, and I encourage the gentleman in my mind, and I have visited the facility and I have visited the facility from Massachusetts (Mr. Markey) to visit and see for himself that these products are going to be stored in such a safe manner that we are not talking about any danger to the citizens of Nevada, or anywhere else.

It is going to be a safe facility because of the $8 billion we have already spent. Besides that, we are probably going to have to spend another $8 billion in the next 5 years to make further absolutely certain that it is safe with respect to the deficiency of the 209 indications that the gentleman says we have last year. And I would like to secure the gentleman’s commitment this year, if the gentleman will vote for an appropriation, I will give them the money to do these 209 studies. But, instead, last year when President Bush sent the request over for the additional money to do the additional studies, when it got to the Senate, a member of the Senate from Nevada reduces the appropriation, nouvelle the possibility that we would be able to fulfill all of the new studies.

Mr. Speaker, I encourage all Members to join with me in this year in appropriating a sufficient amount of money to make absolutely sure that all of the studies are going to be fulfilled. I am certain that the studies will prove that we are right, and this resolution, in my opinion, should pass.

Mr. Speaker, I yield 11 minutes to the gentleman from Nevada (Mr. Gibbons).

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Nevada (Mr. Gibbons).

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

Mr. Speaker, I come to this body to speak on the floor to make one final plea that we consider a safer, more cost-effective solution to the disposal of our Nation’s high level nuclear waste than simply burying it in a hole in the high desert mountains in the State of Nevada, my home district.

Just as Members from Nevada and the public to review a GAO report which called the Department of Energy’s Yucca Mountain project “a failed scientific process.” The GAO’s independent, highly critical study of the Yucca Mountain project should be enough to not even come up to the level of the DOE, the thickest nuclear industry smoke screen. And now, almost 5.5 years after I brought this issue to our attention, I implore this body and the DOE to abandon this misguided Yucca Mountain project.

Consider the following: Is Yucca Mountain suitable for storage? Just listen to the proponents of the Yucca Mountain project. Time and again they will tell us the number of years and the billions of dollars that they have spent by this government to move this process forward is suitable for making this decision. We will hear it throughout today’s debate, and we have heard it throughout. But this argument is flawed, as is the DOE policy. Spend all we want, we cannot make a volcanic, seismically active mountain geologically sound. Whether it is $8 billion, $10 billion, $20 billion, $100 billion, there will be earthquakes, water will percolate through the mountain, and corrosion of these casks will occur.

Where is our sense of fiscal discipline in this body? Where is our restraint? Why are we willing to just throw our money to the wind, and conclude, well, we have already spent billions of dollars, so I guess we should just proceed? Where are my colleagues who are advocates for States’ rights, local control and fiscal discipline?

Nevada is currently fighting the DOE in Federal court to protect our water rights. That may not mean much to Members east of the Mississippi, but out West, water is very hard to come by.

For local control, what are our governors going to do the first day rigs and railcars start traveling through Members’ States carrying thousands of tons of high level nuclear waste? I think I have a pretty good idea. Ask the governor of the State of South Carolina.

The DOE and the nuclear industry tells us that bringing up accidents is simply a scare tactic. But wait, it was not Nevada, it was the DOE that said we should expect around 400 accidents during the 38 years of transportation that this waste must cross America. We did not bring it up. Nevada did not bring it up. We did not arbitrarily come up with those numbers; the DOE did.

What will a State trooper, an off-duty fireman, an EMT do when they are required to be the first to respond to a nuclear waste accident? Before Members vote today, perhaps they should talk to them. Ask them, and they will probably say they do not know because nobody is trained or prepared to deal with an accident on a highway dealing with this high level nuclear waste.

The DOE begs us to consider the fact that they have safely transported waste in the past without incident. Well, maybe there have been no major accidents where radioactive materials were released, at least not yet. But add up every single shipment of waste thus far, and even come up to the level of 1 percent of the total amount of waste shipments that will be put on our streets, near our homes and communities, and probably through the communities of our constituents in the years to come.

If the waste is not coming through our population centers by truck, it will come by train. Let me remind Members of some of the recent stories in advising train accidents around this country. We can see Los Angeles Times, 260 People Injured, 2 Dead; Baltimore, Toxic Cargo Shuts the City Down, Firefighters Stymied, on and on the stories continue.

I ask Members to look at page A8 in today’s Los Angeles Times which indicates that storage of waste at Yucca Mountain is not safe. It will leak. What does this policy that we have before us today as a Nation say? It would lead us to believe that the world has no innovation and no technology, and that we do not have scientific and medical achievements capable of dealing with high level nuclear waste. Yucca Mountain project should be cemented by a DOE policy that tells us the best our Nation can do is put this high level nuclear waste storage is simply to dig a hole and bury it in the ground and walk away. This, while nations across the world are advancing technologies in processing and recycling this waste.

We have the ability in this country to reduce the amount of waste, to lower its toxicity, to eliminate plutonium, and make the waste completely nonproliferative, but not with this current policy. All we want to do, according to this policy, is hollow out a mountain, fill it with waste and walk away. If I am totally honest, I am totally unsatisfied.

Another question. What problem do we solve by moving forward with the Yucca Mountain project? The answer, none. As a matter of fact, we create one. If we look at this chart, there are 131 locations of nuclear waste around this country. Moving forward when we create Yucca Mountain with this policy, what are we going to have? We are going to have 132 sites in this country where nuclear waste is stored, one added one in South Carolina. That is right. Look at this map. There are 132 sites for nuclear waste. We do not, we will not, we cannot remove the waste from all of these States.

Mr. Speaker, spent fuel rods have by requirement to sit in a cooling pond for a minimum of 5 years before they can be shipped. The DOE myth is that we are relieving these reactors of on-site storage, and we are somehow preventing the possibility of terrorist attack on one of these 131 sites. That logic does not fly. All we are doing is going from 131 project sites to 132.

Mr. Speaker, let us assume for a moment that there would be no accidents, no derailments, no train derailments to jackknife over a bridge or some waterway, not one accident to occur in 38 years. Not likely, but we will pretend, anyway, that it may happen. What about the terrorists? Are we not currently preparing ourselves to spend billions of dollars on homeland defense? Are we not briefed every day by Federal officials as to the potential threats of the terrorists? Are we not preparing ourselves to spend billions of dollars on homeland defense? Are we not briefed every day by Federal officials as to the potential threats...
we face within our borders? Americans are getting a civics lesson every day in what a credible threat means. The chairman of the Senate Committee on Intelligence spoke out about terrorist threats within the United States. He said the terrorists are here in high numbers and ready and capable of attacking the United States. That begs the question, what next? What exactly is the al-Qaeda craving next? According to DOE, on-site dry cask storage can continue for the next 100 years. DOE has invested $25 million in just 1 year lobbying the 2000 election cycle. They have not been able to spin the facts into a myth. The nuclear waste will be stored in a secure and safe facility. DOE has not built anything like this before. The technical basis for projecting the long-term performance and the project’s base case repository design has critical weaknesses.

They further said that the DOE has not presented a clear and persuasive rationale for going forward with the site recommendation. We have numerous statements that support this concept about the weakness of the Yucca Mountain location. DOE, the NRC, the Nuclear Regulatory Commission and the Congressional Nuclear Waste Technical Review Board have all said that the technical basis for projecting the long-term performance and the project’s base case repository design has critical weaknesses.

Mr. Speaker, I certainly hope so. After all, one does not have to be a terrorist to jump a train carrying high level nuclear waste. Just a few weeks before carrying high level nuclear waste was boarded by one or two escaped inmates from a North Carolina prison who were trying to escape from an inmate work program. We believe that bin Laden was seeking to acquire or develop a nuclear device. Al Qaeda may be pursuing a radioactive dispersal device, what some call a dirty bomb.

Just last month CNN reported that Abu Zubaydah, the most senior al Qaeda leader in the United States, has told investigators that terrorists were producing a radiological weapon, a dirty bomb, and knew how to use it. Mr. Speaker, I want them to know that we are fighting this in every community in this country and, tragically, we have witnessed the amount of destruction they are willing to bring. Yet we are to believe that every one of these nuclear shipments will be safe for the next 4 decades, that they will be completely safe from any potential foreign or domestic terrorist attack.

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They further said that the DOE has not presented a clear and persuasive rationale for going forward with the site recommendation. We have numerous statements that support this concept about the weakness of their case. Mr. Speaker, we can and we could do much better than this. We can and we should offer a more viable and safer alternative to this problem. We can and we should continue to support nuclear power as an alternative to fossil fuels. But you do not need one just to have the other. Yucca Mountain is not safe.

I, Mr. Speaker, in conclusion would say that many of my colleagues have never looked their constituents in the eye on this issue. But I represent the dairy farmer in the Armagosa Valley that is near Yucca Mountain, and I represent the alfalfa farmers that are there as well. They are watching today. I want them to know that we are fighting for them against this Yucca Mountain project.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON of Georgia). In the House of Representatives, it is resolved, by unanimous consent, that the Members be excused for any votes which may be taken by the passage of this resolution. If the process set forward by the passage of this resolution was to stop, many good family wage jobs would disappear and a great number of jobs would never be created.

I urge you to support this resolution and permit this process to go forward.

Sincerely,

EDWARD C. SULLIVAN,
President.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK). Mr. Speaker, as chair of the Nuclear Fuel Safety Caucus here in the Congress, I would remind everyone that in the shuttered Zion nuclear power plant just 100 yards from Lake Michigan lies a thousand tons of highly radioactive nuclear waste stored next to Lake Michigan. This is not unique to my district. The Great Lakes have another 31 coastline sites where nuclear waste is stored. Twenty percent of the world’s fresh water is found in the Great Lakes. Thirty million Americans depend on the Great Lakes for fresh water. Not one scientist or scientific study claims that storing nuclear waste next to the world’s largest lake is environmentally sound. Moving nuclear waste from 131 temporary storage sites around the Nation to one secure location where America has already tested dozens of nuclear weapons is the goal of the Nuclear Fuel Safety Caucus. We must move nuclear waste from the Great Lakes.

Why Yucca Mountain? Because without Yucca Mountain, we would have to construct 131 permanent storage facilities for nuclear waste in 39 different States. These storage facilities are close to groundwater, earthquake zones and in close proximity to major cities, including San Francisco, Boston, New York and Chicago. Without Yucca Mountain, 161 million Americans would have to clean up their entire lives within 75 miles of a nuclear waste site.

And then there is the cost. According to the government’s own study, the cost of building 131 permanent storage sites would be over $31 billion. To cover this cost the Federal Government would have to borrow from Social Security or raise taxes. Perhaps we could reinstitute the death tax, but we would
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have to double it to pay for the cost. And that would not cover the lawsuits which would total over $56 billion for renegeing on the promise to provide a nuclear waste storage site.

A vote for this resolution is a vote to protect us from further terror attacks. Removing nuclear waste from 131 sites to a single repository buried deep inside a mountain range 100 miles from a population center is much safer from sabotage or terrorism. I urge aye on this resolution.

Let us wipe clean the terrorist shooting gallery of 131 sites located around the country and vote for this resolution for a secure environmental future.

Mr. MARKEY. Mr. Speaker, I yield 5 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I have listened very carefully to the debate and I have to say that I was appalled when one of the speakers said that if we passed this resolution, Nevada will be able to continue its nuclear legacy. Nuclear legacy? Nevada does not have a nuclear legacy.

Let me tell you what transpired in the 1950s in the State of Nevada when there were less than 100,000 people in the entire State. The Federal Government came to us and said that it was going to do above ground atomic testing of atomic bombs but that it would be perfectly safe, that you could watch it, bring your families there, work there safely. All you had to do was go home and take a shower. So thousands of people went to work at the Nevada test site. I must say I have friends that share with me the times that their parents took them up to the Nevada test site with a picnic lunch and they watched the atomic bombs going off in the Nevada atmosphere.

Let me tell you what has happened to those Nevada test site workers, those brave souls who thought that they were doing their duty for their country, but safely, at the promises and assurances of the Federal Government. Those Nevada test site workers, if they are not dead, they are dying. Those people that observed those tests and watched as they ate their bologna sandwiches, they are dying, too. They are all dying of unexplained cancers.

Those downwinders in Utah and in Nevada to be paid to be caught living downwind of these atomic tests, they are all dead, too.

It is very difficult for me, after having lived through those experiences, to believe the Federal Government now when they tell us that the transportation and storage of 77,000 tons of toxic nuclear waste in a hole in the Nevada desert is safe. It was not safe then and it is not safe now.

In addition, we keep hearing about the $7 billion that has already been spent on characterization. But if you spend 7 cents or $70 billion, it does not make that site any safer. We are talking about an area of our country that has seismic activity, volcanic activity. It has groundwater problems.

If I could direct your attention to a Los Angeles Times article that appeared today, this is the headline: ‘‘Nuclear Dump Site Will Leak, Scientists Say.’’ The little message underneath the picture says, ‘‘Despite the dry appearance of the proposed Yucca Mountain nuclear waste disposal site, the Nevada desert, there is water in its environment. Scientists say that that vulnerability will eventually allow radioactive material to leak. At issue is only how long.’’

Then they point out paragraph after paragraph. I point out, and I am quoting, other nuclear sites that officials—these are government officials—one said would be leak-free for hundreds or thousands of years: In Pocatello, Idaho and the Hanford site in eastern Washington. Quite, both are leaking already, and radioactive material could make its way into groundwater in just 10 years. That is according to a report by the National Research Council.

You are telling me this is sound science? This is what appeared today in the L.A. Times. It talks about Yucca Mountain.

‘‘About 12.3 million gallons of water flow through the disposal area per year. Traces of chloride 36, which is produced only by nuclear bombs, was recently discovered inside Yucca Mountain.’’ That means that through the groundwater, radioactive material gets into the rocks, and into the groundwater in as little as 40 years. And you are telling me there is sound science? I do not think so.

I have also heard some of my colleagues say this is really not a Yucca Mountain vote, this is not a transportation vote, that this is not really a vote to ship our lethal waste here. Let me beg to differ. This is the only time we will have to vote on this issue. So do not tell me this is not a vote on the transportation of nuclear waste across our country. It is the vote.

I have listened to this debate. There is no doubt, on both sides of the aisle, we have huge problems. We have a huge problem with nuclear waste. We have an energy source in this country, nuclear energy, that produces a dangerous by-product, nuclear waste. This Nation has never figured out what to do with it. Not any alternative that I have heard is good enough for the people that I represent and good enough for the people you represent, too. If we go ahead with this foolhardy plan, we will never, ever figure out what to do with it. Not any alternative. Because once Yucca Mountain is filled up, we will still have the exact same problem. It is time that we take care of that problem and let us take care of it today.

Mr. Speaker, I include the L.A. Times article for the RECORD.

The material referred to is as follows:

[From the Los Angeles Times, Wed., May 8, 2002]

NUCLEAR DUMP SITE WILL LEAK, SCIENTISTS SAY

By Gaye Polankovitz

YUCCA MOUNTAIN, Nev.—The Bush administration prepares its push to win congressional approval for the Yucca Mountain nuclear waste burial site, scientists agree on one key conclusion: Yucca Mountain will leak. The question is how long it will take.

Rising one mile from the desert floor, the mountain looks as plain and parched as the rest of southern Nevada’s ranges. Despite the arid appearance there is water here, and even the scientists who have dismissed the repository as vulnerable to moisture will allow radioactive material to eventually leach into the environment.

Time is the key. Highly radioactive nuclear waste remains dangerous for hundreds of thousands of years. Half of the plutonium stored in the mountain, for example, will still be radioactive 300 million years from now.

Just one-month of an once of plutonium is enough to vaporize a person in someone who comes in contact with it.

As Congress considers whether to override Nevada’s opposition to housing nuclear waste here, opponents argue that the Bush administration is pushing through a flawed solution that will create radioactive risks for thousands of years.

Government officials say they have designed a burial site that will be free of leaks for at least 10,000 years. Critics, armed with a raft of scientific studies, say that can’t be guaranteed. They point to two other nuclear sites that officials once had said would be leak-free for hundreds or thousands of years: the Idaho National Engineering and Environmental Laboratory near Pocatello and the Hanford Site in eastern Washington. Both are leaking already, and radioactive material could make its way into groundwater in just 10 years, according to a report by the National Research Council, an arm of the National Academy of Sciences.

Even if a 10,000-year leak-free promise could be guaranteed, critics of Yucca Mountain say society has a responsibility to civilize its far in the future not to expose the nation’s lethal waste to further risk.

But the alternative to putting nuclear waste here is to leave it accumulating in 131 different places in 38 states, much closer to people and potentially vulnerable to terrorist attack, the Department of Energy warns.

The waste piled up around the country comes from nuclear aircraft carriers and electrical plants, bomb factories and university labs. Over time, it will emit thousands of cancers. More recently, waste was released at Chernobyl and millions of times more than the Hiroshima bomb.

‘‘There is no more [storage] space, there are deteriorating storage conditions, and you have the challenge that so much of it is located near population centers and waterways,’’ said Secretary of Energy Spencer Abraham. ‘‘No one believes you can bring in a David Copperfield, wave a wand and it all goes away.’’

‘‘We have tried to take into account as many uncertainties of the future as can be assessed,’’ Abraham said. ‘‘I am convinced that the site is scientifically suitable—in a word, safe.’’

Yucca Mountain is not a done deal yet, but converting this forlorn peak into the world’s first high-level nuclear waste dump is closer to happening than ever. The President Bush has chosen the site, but Nevada challenged that decision. Congress is
considering whether to overturn Nevada’s veto, and opponents of the dump acknowledge they probably do not have the votes to stop it. (A House vote might occur as early as today.) If the Yucca Mountain plan survives Congress, the Nuclear Regulatory Commission will consider issuing a license, and the dump could open by 2012.

Exploiting the need for deep, geological disposal of radioactive waste, yet it is unknown whether any system can be devised that could keep highly radioactive waste isolated for such an immensely long period.

“We nuclear people have made a Faustian bargain,” said Jared Cohen, former director of the Oak Ridge National Laboratory in Tennessee, where plutonium was tested for one of the nuclear bombs dropped on Japan. “We offer an inexhaustible and nonpolluting source of energy, but we require a level of detail and discipline that we’re unaccustomed to in handling the waste.”

“Nobody really knows if we can do this. Trying to project what’s going to happen in thousands of years, tens of thousands of years, is impossible,” Weinberg said.

Today, Yucca Mountain is an island in a desert. It is surrounded by the Nevada Test Site, where the government once tested nuclear bombs. Problems began to emerge years ago when tunnels bored deep into the rock revealed that conditions inside were wetter, and the geology more complex than initially thought. Those discoveries are at the center of the controversy today.

Originally, the volcanic ash where the waste would be entombed was believed to be so tightly compressed that rainfall could not penetrate. Secretary Abraham said in February that 1,000 trucks a day would take the 800-foot journey through rock to the disposal zone and longer still before radioactive activity could be carried to groundwater. He does not believe leaks are a significant concern.

Yet inside the mountain, government studies have found that the rock is laced with fissures, some that move water the way capillaries carry blood, some that flow like a garden hose. About 12.3 million gallons of water a year flow through the 2,500-acre disposal area per year, government studies show.

Traces of chlorine 36, which is produced only by nuclear bombs, were recently discovered at Yucca Mountain. Since some test nuclear bombs were detonated above ground at the Nevada Test Site in 1962, the finding indicates rainfall can carry radioactive material deep into the rock in as little as 40 years.

Once the presence of water was established, the government’s plans now call for double-layer disposal containers of stainless steel and a nickel-based material called Alloy 22 to keep the waste isolated. The containers would be covered with titanium “drift shields” to keep waste dry. Canisters could be packed close together too, so heat would boil water and drive away steam.

But engineers do not know yet how to build a container that outlasts radioactive waste.

“The materials like Alloy 22 haven’t been around long enough for experts to be able to assess how they will perform over centuries.”

Given all of the uncertainties, some of the nation’s leading experts say President Bush’s decision to proceed with Yucca Mountain is premature.

“There are a lot of issues that remain unresolved that could affect the safety of human and the environment.” said Allison Macfarlane, a geologist and the director of the Yucca Mountain project at MIT. “We should not rush.valueOf(1500)

We respect our friends in opposition. But this is the right thing to do for the United States of America for many years to come.

The SPEAKER pro tempore (Mr. WAMP) asked and was given permission to revise and extend his remarks.

Mr. WAMP. Mr. Speaker, I thank the distinguished chairman for yielding me this time, and I want to bring a little bit of common sense from the South to this issue. We heard from New Jersey. In the southeastern United States in the Tennessee Valley region, we are heavily dependent on coal-fired plants. I think the environmental community is trying to reduce the emissions of these fossil-fired plants. We also have in the Tennessee Valley Authority region five nuclear reactors on-line. They happen to be the most economically efficient generators of electricity in the TVA system. They are the most environmentally responsible and clean sources of electricity in the region. There is only one hurdle in our way of having a clean, safe alternative to the fossil-fired problem, and that is this waste issue.

This administration, to its credit, has the guts to step up and do what is necessary to provide the alternative. I would say to my friends who protest dirty air and then protest Yucca Mountain, you cannot have it both ways. You cannot eliminate the alternative and then complain about fossil emissions. You cannot do it unless you want our country to be totally dependent on the rest of the world for our energy sources, and I want that to sacrifice our freedom.

Mr. Speaker, we have got to do the right thing. I appreciate the parochial eloquence, defending your own turf, but for the good of our Nation we have got to place this nuclear waste in a safe repository. My master’s is in common sense. Common sense says you have got to do this in order to have clean air and clean water into the future and energy independence for the United States of America. National security hangs on this decision. This is an important decision and one that is not easy to make because we respect our friends in Nevada.

We respect our friends in opposition. But this is the right thing to do for the United States of America for many years to come.
Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Virginia (Mr. Boucher) has 2 minutes remaining.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from Texas (Mr. Barton), the distinguished chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

Mr. BARTON of Texas asked and was given permission to revise and extend his remarks.

Mr. BARTON of Texas. Mr. Speaker, in 1981 and 1982, I was a White House Fellow in the Department of Energy and served on a very low-level on the task force that developed the recommendations that later became the Nuclear Waste Policy Act of 1982.

Today, I stand on the floor as one of the chief sponsors of this resolution, along with the resolution from Virginia (Mr. Boucher), my good friend. If the Lord shines upon me, I may be fortunate enough to live long enough to be alive the day we ship the first shipment of high-level nuclear waste to the repository, which will probably be sometime in the year 2015 to 2022. If that happens, I will have spent almost 40 years of my adult life in some way or the other addressing this issue.

I think it is time to send this resolution to the floor of the other body for a vote. The Nuclear Regulatory Commission receive an application from the Department of Energy in the next 2 years about this license application.

The money has been put into the trust. The solution does not deal with any of the transportation issues; we will deal with those later. There is absolutely tremendous bipartisan support. The time has come to stop talking about this and to vote on it. I hope that we will vote the affirmative at the appropriate time.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. Gephardt), the leader of the Democratic Party of the House.

Mr. GEPHARDT. Mr. Speaker, I rise to urge a vote against the Yucca Mountain approval resolution. I hope this resolution will not be passed.

I commend the courageous people fighting against it, led by the gentlewoman from Nevada (Ms. Berkley) and Dario Herrera. I am sorry that the Bush administration went back on its word approving this untested, dangerous measure.

Whether or not to allow storage and transportation of waste is a decision with important consequences for people in my district and across America. It is our responsibility to our constituents and our country to debate whether Yucca Mountain is safe. The General Accounting Office a few months ago said that storing waste at Yucca could infect water supplies and release deadly toxins into the surrounding air. It has 293 scientific questions for which the Federal Government has no answers. Even if we begin shipping this waste today, we will still have nuclear waste stored all over this country decades from now.

But my biggest concern is that it makes no sense to store this material traveling across the country by truck and rail. We have seen just in the last month a number of tragic rail accidents. Even the Energy Department says that inevitably there will be derailments of trains headed to Yucca Mountain. I had a train derailment in my district a year ago in Webster Groves, Missouri, where a whole train turned over. Luckily, it was only coal; but it could have no resource for dealing with such a derailment in St. Louis. We have only one hospital bed in the entire metropolitan area to treat severe radiation exposure.

This is not a question about isolating the risks. Yucca Mountain, in reality, simply spreads it around.

I know there is no perfect solution, but we can begin now to invest in better ways to store waste at the sites we currently use. Authorities in Pennsylvania have an approach that puts an emphasis on technology and innovation, an approach that avoids having to cart and haul this waste all the way across the United States. It puts the waste in reinforced facilities. It benefits people in Pennsylvania, and it benefits all Americans.

I simply think, in conclusion, that science and logic is on the side of leaving this hazardous material on site until we find a better solution. I hope Yucca Mountain will be rejected.

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. Tauzin) has 5½ minutes remaining; the gentleman from Massachusetts (Mr. Markey) has 1 minute remaining; and the gentleman from Virginia (Mr. Boucher) has 2 minutes remaining.

Mr. Boucher. Mr. Speaker, for the purpose of closing on our side, I yield myself the 2 remaining minutes.

Mr. Speaker, the measure before us makes the process forward and enables the taking of the next step in evaluating the Yucca Mountain site. We have no realistic alternative to a secure, central repository for the permanent storage of high-level nuclear waste. The waste is now stored at 72 dispersed reactor sites around the nation. Leaving the waste in its current storage poses threats, both to the environment and to national security. Permanent dry-cask storage at these 72 sites is not a realistic alternative to a central storage facility.

The resolution before the House enables the taking of the next essential step in achieving the secure central storage, which is the best option before the country at this time. After the resolution passes, construction at the site could not begin until the Nuclear Regulatory Commission conducts a thorough scientific and technical analysis and issues a construction license.

I urge that the resolution before the House be approved as a signal that the NRC can begin its work, so that the scientific and technical studies can go forward, and so that the Nation’s best option, a
secure, central repository for high-level nuclear waste, can be pursued.

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

Mr. MARKET. Mr. Speaker, I yield
myself the balance of the time to once
again ask the question, which are at a
much more critical juncture, that we should not be making
this decision with 293 unresolved envi-
ronmental issues. We owe the Am-
erican public, we owe the next genera-
tion a higher standard of care than rushing
to this decision.

Mr. Speaker, I yield the final time
remaining to the gentlewoman from
Nevada (Ms. BERKLEY), the heroine who
has been championing this issue to pro-
tect her people.

Ms. BERKLEY. Mr. Speaker, I would
like to thank the gentleman from Mas-
sachusetts (Mr. MARKET) for having
done a stellar job over the last 20 years
to protect the people, not only in my
own home State, but in the entire
United States of America.

I have been profoundly involved with
this issue for the last 20 years, ever
since it was passed in 1982. This is a
horrible piece of legislation. It is a hor-
rible idea. Even if Yucca Mountain is
passed, we still will not have solved a
very real problem in our Nation, and
that is what we will do with the
nuclear waste for generations to come.

Mr. Speaker, I urge us, before we
spend billions of dollars more, to take
this money, put it into research and
development of renewable energy
resources. Let us harness the sun, let us
harness the wind, hydrocells, geo-
thermal; and let us truly become en-
ergy independent, away from foreign
oil sources and away from an energy
source that produces a by-product that
is so deadly that none of us, none of us
want it in our backyard.

Mr. TAUVIN. Mr. Speaker, with the
consent of my colleagues, I would like
to do what I think is the fair thing to
do at this point, and that is to yield 11
minutes to the gentleman from Nevada
(Dr. GIBBONS), our friend, for an op-
portunity to close his arguments on behalf
of the State that he loves so dearly and
represents here in the Congress.

Mr. GIBBONS. Mr. Speaker, I thank
the chairman for his generous use of
time and for allowing me to make a
few final remarks as we close this de-
bate on one of the most important
issues that the State of Nevada has
caced.

Mr. Speaker, there are no nuclear
generating facilities in Nevada. If we
looked at all of the debris as a result of
the nuclear testing that Nevada con-
tributed as its share of obligation to
this country, the national security of
this country for 20 years or decades, it
is less than 4 tons. We are going to be
sending 77,000 tons of the most deadly,
toxic substance known to man to be
stored in the State of Nevada for thou-
sands of years, and we have a duty to
prove that says that Yucca Mountain is
either qualified or suitable
to store this nuclear waste in Yucca
Mountain.

We have talked about the science. We
have talked about the dangers. We
have talked about the continual ex-
penditure of billions of dollars trying
to make that square peg fit a round
hole. Mr. Speaker, it is not going to hap-
pin. There will not be the geol-
ogy of Yucca Mountain will ever meet
the requirements of the law that was

We have taken our science and shown
that Yucca Mountain is not suitable.
They are required now to have engi-
neered barriers just so they can make
the excuse, well, if the geology does
not work, we will engineer it to be
safe. If that is the case, they can engineer it
to be safe in any place in this country.

Mr. Speaker, I rise in strong oppo-
tion to this resolution, and urge all of
my colleagues to oppose it.

Mr. TAUVIN. Mr. Speaker, I yield
myself the remaining time.

Mr. Speaker, I respect my friends,
the gentleman from Nevada (Mr. GIB-
BONS) and the gentlewoman from Ne-
vada (Ms. BERKLEY), and I appreciate
the fight they are making on the floor
today. I believe it is important for every-
one's home State and for this decision.

Outside of that, the opposition to this
resolution basically comes from those
who oppose nuclear energy.

When we ask those Members what
other source would you use, rather than
support, we get some strange answers. If we sug-
gest coal, they say, oh, coal can be
pretty dirty, you know. You have to
scrub it. Even if you scrub it, it pro-
duces CO2 and that may contribute to
global warming, and, golly, we had bet-
ter not burn coal in America, even
even though 40 percent of our electricity
comes from coal.

Or we might say, would you support
oil and gas development? And they say,
no, wait a minute, the land is too pris-
time, and certainly not off my coast.
Go do it in Louisiana, maybe, but do not
do it anywhere else, please. Certainly
do not do it in my State, off my coast
or in my national wildlife preserve,
even though you are willing to do it in
your national wildlife preserves in Lou-
isianna with no consequences, and, in
fact, with good consequences. They
do not like that. They do not like oil and
gas.

We ask, what about refineries for
gasoline for electric generation facili-
ties? The answer is, not in my back-
yard. If you are ready to do it in some-
body else's backyard, hopefully out of
this country somewhere else and ship
it in over here, but for heaven's sake do
not build a plant in America, nor where I
live. We would rather run out. We
would rather go through a California
crisis than authorize another refinery
or another electric generation plant in
our backyard.

So we ask them about nuclear. We
say, well, nuclear is pretty clean. Nu-
clear plants produce 20 percent of the
Nation's electricity, a critical compo-
nent of the Nation's energy supplies. It
is pretty clean, you know. It does not
produce all the emissions we are con-
cerned about with global warming, or
the emissions we have to regulate with
coal-fired plants, or gas, or even oil-
-fired plants. What about nuclear?

They say, oh, but you do not have a
plan to deal with the waste, so do not
build any more nuclear plants until
you settle that waste issue. That is the
tail wagging the dog. Unless you
settle that waste issue, do not dare li-
cense another nuclear plant, and cer-
tainly not in my backyard in any way.

So we wonder what kind of energy
supplies do these Members support. I
think the answer is pretty clear. They
would like us to get it all from the sun,
I suppose, or they would like us to get
it from winds, provided we do not hurt
any birds in the context of getting
wind power going.

And they certainly would like us to
get it from somebody else, because that
is what is happening in America. Sixty
percent of the oil we burn in this coun-
try comes from some other country. And
check the countries, check where it is
coming from.

Fifty percent of the reformulated gasoline comes from Venezuela right now, where there is a pretty bad problem going on; Venezuela, which rescued us from the last oil embargo, where there are some pretty bad problems going on. Where else is it coming from, countries like Iraq, Iran, where it is coming from, countries which are teaching their children to hate us and to come to this country and take our planes and crash them into our buildings in suicide attempts. Those are reliable friends. Those are reliable sources for energy in America. Boy, that is real national security.

So after 20 years, after 20 years of an
effort that started in 1982, after billions
of dollars of expenditure, after sci-
entific research that even tested the ef-
capability of a glaciated age in Nevada
to make sure that this was the proper site
to bring those nuclear wastes to per-
manent storage, we come to this point
where we are about near the end.

If we can push this process one more
step, if the scientists can answer the
last questions that remain, we can set-
tle the waste issue. Guess what, all
these folks say, for heaven's sakes, do
not settle the waste issue. Mr. Speaker,
today is a chance to move 16 inch closer
to the final in. Let's settle the waste
issue and we help secure America. It is time to vote yes for this
country for a change.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in
opposition to House Joint Resolution 87.
President Bush's decision to ship 77,000 tons
of nuclear waste to Yucca Mountain in Nevada
is wrong. This attempt to force Congress to
adopt an ill-conceived, premature proposal is
irresponsible and dangerous. It is our duty
to protect those we serve from a proposal that
will surely threaten our national security and
those of our fellow Americans in their own
homes and communities.

At a time of heightened security and terrorist
threats, this Administration is proposing to ship
tens and thousands of highly radioactive and deadly materials through our towns and neighborhood. And as fast as they get the waste out of the plants, nuclear facilities will ramp up production, create more waste and start shipping it to Nevada—right through our towns once again. If Congress passes this resolution and orders the type of foot dragging that seems to be the hallmark of government action, millions of American lives will be in danger. The President’s Yucca Mountain proposal would ship radioactive waste to Yucca Mountain from nuclear power plants through 43 states. Nearly 161 million people live within 75 miles of nuclear facilities. I find it unconscionable that the Bush Administration would hastily force us to accept this proposed solution. The fact is that we need more time, not only to find a safe place to store the waste, but to figure out ways to treat it and make it less dangerous.

I believe we should implement a plan that would remove waste from reactors without the safety and security risks of thousands of nuclear transports traveling on our highways, railways, and waterways. There are currently plans that would increase security and safety at current sites, provide storage for up to 100 years, and provide time to find better alternatives. Widely implementing these kinds of plans would eliminate the security concerns surrounding the potential 108,500 shipments of spent nuclear fuel across the country each year. The Yucca Mountain proposal is deceitful from its core because it promises to remove above-ground nuclear waste storage facilities. The truth is that, although the proposal will fill our highways and railways with nuclear HAZMAT trucks that are in danger of being involved in accidents, the Yucca Mountain project could be better spent investing in securing nuclear energy all the best in their pursuit of a safe and effective nuclear waste repository. I ask my colleagues to join me in support of H.J. Res. 87.

Mr. NETHERCUTT. Mr. Speaker, I rise today to offer my support for H.J. Res. 87, the Yucca Mountain Repository Site Approval Act. This is an important vote for Washington State. If we do not relocate our nuclear waste from Hanford to a repository as prescribed by the Department of Energy, we will be forced to reconsider other sites previously discussed. One of those previously considered sites is Hanford, Washington. Without passage of H.J. Res. 87, 42,000 metric tons of spent nuclear fuel will remain at Hanford. This fuel, containing the most dangerous material to the surface of the sun. After analyzing and giving credence to all options, disposal in a mined geologic repository emerged as the preferred long-term environmental solution for the management of these wastes.

Almost 25 years ago, the United States began to study Yucca Mountain. Even before the passage of the Nuclear Waste Policy Act of 1982 the Department of Energy recognized the importance of finding a site to deposit nuclear waste and began to study areas that might have potential for holding such waste. When the Nuclear Waste Policy Act of 1982 was eventually passed, the Department of Energy was already studying 25 sites around the country as potential repositories. The Act provided for the siting and development of two; Yucca Mountain was one of nine sites under consideration for the first repository program.

In 1986, Secretary of Energy John S. Herrington found three of these sites suitable for site characterization, and recommended these three, including Yucca Mountain, to President Reagan for detailed site characterization. The very next year Congress then amended the Nuclear Waste Policy Act of 1982 making Yucca Mountain the single site to be characterized. Since this time Yucca Mountain has been developed and tested in accordance with the requirements of the Nuclear Waste Policy Act of 1982 and in accordance with sound scientific principles.

Mr. Speaker, as a Member of Congress who represents an area with the Three Mile Island nuclear facility in my district, I have followed the development of Yucca Mountain closely for quite some time. Pennsylvanians get 36 percent of their electricity from nuclear power from five sites around the state. I believe that nuclear power is a reliable source of clean energy and has served the Commonwealth of Pennsylvania and the United States well over the years. However, costs for the electricity have been paying for the development of a nuclear waste depository every time they flip the switch. We now have to assure them that the nuclear waste produced while generating needed power is put somewhere it will be safe and out of harms way for thousands of years to come. Mr. Speaker, Yucca Mountain is this site. Currently 162 million Americans live within 75 miles of nuclear waste, many of them in Pennsylvania and in my district. It is time to act to provide for safe, permanent processing of this waste.

Mr. Speaker, I support H.J. Res. 87 and wish the dedicated scientists and workers at Yucca Mountain and the Department of Energy all the best in their pursuit of a safe and effective nuclear waste repository. I ask my colleagues to join me in support of H.J. Res. 87.
permanently store nuclear waste on the shores of the Great Lakes, the Long Island Sound, the Atlantic Ocean, the Pacific Ocean, the Gulf of Mexico, or any other body of water. The Yucca Mountain site will minimize these risks. I believe that creating a permanent repository for spent nuclear fuel is the right thing to do, and that is why I will vote yes today.

The vote today is another step in what has been a 20-year process. Supporting this resolution allows the Department of Energy to file an application for a license at the Nuclear Regulatory Commission (NRC). It is up to the NRC to ensure the site will adequately protect public health and safety, and to make a decision to grant an operating license for the facility. The licensing process will take many years, will require many additional scientific studies, and will continue to provide for public input at every step along the way. Transportation plans will continue to be updated during this process and the earliest shipments would not start for Yucca Mountain until 2010.

I understand that the transportation of spent nuclear fuel is a concern, and we must address this issue thoroughly. There is no question we will need to ensure that there is a well-trained and certified workforce to handle and transport waste. For decades now, spent nuclear waste has been shipped in small quantities with no obvious harm to the public. If it becomes apparent that the waste cannot be transported safely and effectively, I would support revising the status of the Yucca Mountain repository.

Mr. Speaker, by voting yes today we are taking a prudent step for the future of this country. For all of these reasons, I support H.J. Res. 87.

Mr. KOLBE. Mr. Speaker, I rise in strong support of the Yucca Mountain Repository Site Approval Act (H.J. Res. 87).

I believe that Americans must come to grips with the offensive fear of nuclear energy. Nuclear power supplies 20 percent of our nation's electricity, but no nuclear power plant has been built in the U.S. in approximately 30 years. That means our generation of electricity is increasingly dependent on fossil fuels. By contrast, once uses nuclear power for more of its electricity requirements. Even Japan, the only nation to be attacked with nuclear weapons, uses nuclear power for more of its energy needs than the United States. Greater reliance on nuclear power—and I believe it is safe—would free us from our dependence on OPEC products.

However, we must also address the safe transportation and disposal of nuclear waste. The Yucca Mountain Repository Site Approval Act approves the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel. We need to have a single, consolidated site that can be appropriately secured.

Currently, temporary nuclear waste sites are scattered all over the country. More than 161 million people currently live within 75 miles of a temporary nuclear waste site, and these sites are near major waterways. In addition, 40 percent of the U.S. Navy's ships and submarines are nuclear powered. We simply need to bring all this nuclear waste into one repository that can safely store the spent nuclear fuel for several thousand years. The site at Yucca Mountain is designed to do just that.

I urge Members to support this joint resolution.

Mr. LEVIN. Mr. Speaker, I rise in support of the resolution.

Today the House is confronted with the unpalatable choice of whether to take the necessary step in the progress of ultimately shipping 70,000 tons of hazardous nuclear waste across the country and bury it at the Yucca Mountain repository, or leave the waste where it is at more than 130 sites around the country. In truth, the question of what to do with the nuclear waste is an issue we've been avoiding since the dawn of the nuclear era more than half a century ago. We can't keep putting off this decision.

In justice to those who oppose this resolution, moving 70,000 tons of nuclear waste across the length and breadth of the United States and burying it in Nevada is by no means a perfect solution. Yucca Mountain has a number of desirable attributes. It is isolated in an arid location, far from population centers, and the proposed repository is protected by natural geological barriers. All that said, claims that the repository is in place at Yucca Mountain guarantee that the waste will remain isolated from the environment for more than 10,000 years have to be viewed with skepticism. In addition, the issues surrounding the transportation of so much hazardous material are additional work.

At the same time, leaving the waste where it is at more than 130 locations in 39 states is not a viable option. None of these sites were intended or designed for long-term storage of high-level radioactive waste, and most are located near population centers across rivers, lakes and seacoasts. The nuclear waste doesn't go away or become any less of a problem if we ignore it.

My understanding is that the repository at Yucca Mountain can be kept open for as long as 300 years, allowing the Department of Energy to monitor the underground storage areas and even retrieve the waste packages. When one considers the amazing scientific breakthroughs of the last three centuries, there are good grounds for optimism that over the next 300 years, we can develop technologies that make it possible to engineer a better solution to this problem. In the meantime, we shouldn't put off the decision on whether to move forward with the process of consolidating the waste at Yucca Mountain. Even if we start today, and all the remaining technical issues are resolved during the licensing process, it will still be at least ten years before the repository is ready. Yogi Berra once observed, "When you come to a fork in the road, take it." For more than 50 years, the United States has put off making a decision about what to do about the nuclear waste. At long last, it's time to face up to this problem and move forward.

Mr. BLUMENAUER. Mr. Speaker, this debate has become far more political than technical. The bottom line is that the Federal Government made yet another commitment it can no longer keep. Following decades of rosy predictions and assurances to the public, we explicitly promised to properly dispose of the nation's nuclear waste. Twenty years and $8 billion dollars later, we are still not prepared to do so. This is not acceptable. We need to keep our word and consolidate the nuclear waste into a single, consolidated site that can be appropriately secured.

Mr. Speaker, every Member of the Nevada delegation, with one exception, has opposed the Yucca Mountain site. They do not believe that the Department of Energy's recommendation was based on sound science and neither do I. The Congress created the
Nuclear Waste Technical Review Board to provide oversight to the Department of Energy (DOE) to ensure that the Yucca site would be based on sound science. This Board is made up of nationally recognized scientists. A recent review of the DOE’s scientific review was graded “F.”

There has not been enough scientific research on issues relating to the storage of nuclear waste. The Congress acted hastily in 1987 by limiting the consideration of potential sites to only Yucca Mountain. This way, no matter what science said or what potential health hazards should arise, Yucca Mountain was going to be the site of the repository. This is a State’s Rights issue. The people of Nevada do not want the nuclear waste and the Congress should not force the waste upon them. I urge my colleagues to vote “no” on H.J. Res. 87.

Mr. SIMMONS. Mr. Speaker, since coming to Congress in January 2001, protecting the environment has been one of my top priorities. I am proud to have authored the law granting federal “wild and scenic” status to Connecticut’s East Coast rivers. I am proud of my pro-environment votes, including voting against weakening our nation’s arsenic standards; and proud of my appointment as Co-Chair of the Long Island Sound Caucus.

Out of all of my efforts to protect Connecticut’s environment is more important than today’s vote to establish a permanent high-level nuclear water storage facility at Yucca Mountain, in the Nevada desert.

Eastern Connecticut is home to four nuclear power plants—Millstone 1, 2 and 3 and Connecticut Yankee nuclear power plant in Waterford sits on Long Island Sound. On Millstone’s 500 acres sits tons radioactive waste. Just north of Millstone, on the banks of the Connecticut River, is the Connecticut Yankee nuclear power plant on Haddam Neck. There, 22 years of spent nuclear fuel sits in a cooling pool waiting to be removed. All told, there is more than 1,500 metric tons of spent nuclear fuel at those two sites.

Establishing Yucca Mountain will begin the process of removing nuclear waste from these two facilities. Why is that important? Imagine an accident involving the spent fuel pools at Millstone in Waterford. Imagine nuclear water seeping into the Long Island Sound. What would happen? Connecticut’s shellfish industry—decimated; Water skiing and recreation in the Sound—forget about it. The entire Long Island Sound ecosystem would be destroyed for generations. This is why a vote for Yucca Mountain is a vote to protect Connecticut’s environment.

What about an accident at Connecticut Yankee? Imagine an accident involving the spent fuel pools at Millstone in Waterford. Imagine nuclear water seeping into the Long Island Sound. What would happen? Connecticut’s shellfish industry—decimated; Water skiing and recreation in the Sound—forget about it. The entire Long Island Sound ecosystem would be destroyed for generations. This is why a vote for Yucca Mountain is a vote to protect Connecticut’s environment.

Mr. Speaker, clearly, establishing Yucca Mountain is critical to Connecticut’s environmental needs. But if you have another reason to support H.J. Res. 87, let’s look at the issue from a national security perspective. Make no mistake—spent fuel in a permanent repository for storage is less susceptible to terrorist attacks than spent fuel in temporary sites, especially when the Yucca site is isolated and the temporary storage facilities are often close to population centers and waterways.

In fact, today more than 161 million people currently live within 75 miles of one or more nuclear waste sites, all of which were intended to be temporary. These sites are also located near 20 major waterways that supply water to more than 30 million Americans. Highly radioactive nuclear waste is currently stored in more than 131 sites in 39 states. A coordinated attack, similar to those on September 11, on two or more of these sites would be catastrophic.

There is no question that keeping this hazardous waste in miles of tunnels beneath solid rock in the arid desert provides better security for storage and monitoring than leaving it along our undefended rivers and watercourses.

Access to the Yucca site is already restricted due to its proximity to the Nevada Test Site and Nellis Air Force Range surrounds the site on three sides, providing an effective rapid-response security force.

Establishing Yucca Mountain will begin the process of removing nuclear waste from these two facilities. Why is that important? Imagine an accident involving the spent fuel pools at Millstone in Waterford. Imagine nuclear water seeping into the Long Island Sound. What would happen? Connecticut’s shellfish industry—decimated; Water skiing and recreation in the Sound—forget about it. The entire Long Island Sound ecosystem would be destroyed for generations. This is why a vote for Yucca Mountain is a vote to protect Connecticut’s environment. What about an accident at Connecticut Yankee? Imagine an accident involving the spent fuel pools at Millstone in Waterford. Imagine nuclear water seeping into the Long Island Sound. What would happen? Connecticut’s shellfish industry—decimated; Water skiing and recreation in the Sound—forget about it. The entire Long Island Sound ecosystem would be destroyed for generations. This is why a vote for Yucca Mountain is a vote to protect Connecticut’s environment.

Mr. Speaker, certainly, establishing Yucca Mountain is critical to Connecticut’s environment. But if you have another reason to support H.J. Res. 87, let’s look at the issue from a national security perspective. Make no mistake—spent fuel in a permanent repository for storage is less susceptible to terrorist attacks than spent fuel in temporary sites, especially when the Yucca site is isolated and the temporary storage facilities are often close to population centers and waterways.

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Mr. Speaker, clearly, establishing Yucca Mountain is critical to Connecticut’s environmental needs. But if you have another reason
Today 161 million Americans live within 75 miles of at least one of these 131 storage facilities. The future security, efficiency and environmental advantages of storing spent nuclear fuel at the completed Yucca Mountain facility surpass those of any other viable alternative, including the continuation of the current system.

Consider the advantages of the proposed Yucca Mountain facility. Located on remote federal land, it would be more than 90 miles away from any major population center. In terms of safety, the facility would be buried 1,000 feet below the desert surface, the site is surrounded on three sides by the Nellis Air Force Range, the airspace above Yucca Mountain is restricted and the facility would be buried away from any major population center. In terms of security, the facility would be buried.

For example, the one experienced last summer. Storing spent nuclear fuel in a central, secure and remote location that minimizes the threat of contamination of water resources, the atmosphere and our nation’s wildlife is the most environmentally responsible policy possible under given conditions. The proposal to build a single storage site at Yucca Mountain will protect the environment and public safety better than building and maintaining smaller storage facilities throughout the United States.

The arguments of those who oppose the Yucca Mountain project revolve around the fear of uncertainty. These arguments point to the possibility of unforeseeable events that may not remain the case in the future. As such, the project is considered inefficient because it recycles spent nuclear fuel or even eliminates the need for new power plants.

Secretary of Energy Spencer Abraham has noted that existing nuclear waste storage facilities, like the one at San Onofre, “should be able to withstand current terrorist threats, but that may not remain the case in the future.”

Uncertainty, in fact, is a major reason why the Yucca Mountain facility should be built.
Mrs. KELLY changed her vote from “yea” to “nay.”

So the joint resolution was passed.

The result of the vote was announced as above recorded.

STOP THE SPREAD OF GAMBLING

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material on H.J. Res. 87, just passed.)

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. Res. 87, just passed.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Gambling has become a blight on our nation's cultural landscape. As religious leaders, we see the gambling-induced pain and devastation among many of those who look to us for spiritual guidance. Thus, we stand together not only in our concern, but in our commitment to oppose this predatory and destructive industry. We call on members of Congress to place America's citizens and families ahead of the false promises and hefty political contributions of the gambling industry, and to begin to address this rapidly growing menace to our national welfare.

Sincerely,

Dr. Mark Bailey, President, Dallas Theological Seminary
The Rt. Rev. Charles E. Bennison, Jr., Episcopal Diocese of Pennsylvania
Ron Black, Executive Director, General Association of General Baptists
Bill Bright, Founder and Chairman, Campus Crusade for Christ
David Bryant, Chairman, America's National Prayer Committee
Commissioner John Busby, National Commander, The Salvation Army
Dr. Gaylen J. Byker, President, Calvin College
Tony Campolo, Ph.D., President, The Evangelical Association for the Promotion of Education
Dr. Judson Carlbeg, President, Gordon College
Dr. Morris H. Chapman, President & CEO, Southern Baptist Convention, Executive Committee
Charles W. Colson, Chairman of the Board, Prison Fellowship Ministries
Dr. Clyde Cook, President, Biola University and Talbot School of Theology
Kenneth L. Connor, President, Family Research Council
Dr. James C. Dobson, President, Focus on the Family
David H. Engelhard, General Secretary, Christian Reformed Church in North America
Dr. Tony Evans, President, The Urban Alternative
Reverend Jeff Parmer, President, Open Bible Churches
Bruce L. Fister, Lt. Gen. USAF (Ret.), Executive Director, Officers' Christian Fellowship
Leighton Ford, President, Leighton Ford Ministries
Dr. Donald D. Gaede, President, Westmont College
Rev. Dr. Thomas W. Gillespie, President, Princeton Theological Seminary
Charles W. Graham, Acting Dean, Harvard Divinity School
The Rt. Rev. J. Clark Grew II, Bishop, Episcopal Diocese of Ohio
Bishop Susan W. Hasting, United Methodist Church, Boston Area
Rev. Paul Hirschy, Bishop, Church of the United Brethren in Christ, USA
Dr. David W. Holdren, General Superintendent, The Wesleyan Church
Clyde M. Hughes, Bishop, International Pentecostal Church of Christ
L. Gregory Jones, Dean and Professor of Theology, Duke Divinity School
Rev. Dr. Walter C. Kaiser, President, Gordon-Conwell Theological Seminary
Rabbi Benjamin Kamenetzky, Executive Director, Yeshiva of South Shore
D. James Kennedy, Ph.D., Senior Minister, Coral Ridge Presbyterian Church of Christ
Clifton Kirkpatrick, State Clerk of the General Assembly, Presbyterian Church (U.S.A.)
Dr. Richard Land, President, Ethics and Religious Liberty, Commission of the SBC
Rabbi Abraham S. Leffkowitz, Chaplain, Nassau County Convalescent
Dr. Duane Litfin, President, Wheaton College.
May 8, 2002

CONGRESSIONAL RECORD—HOUSE

Dr. Dennis H. Dirks, Dean, Talbot School of Theology at Biola University.

Dr. Davis S. Dockery, President, Union University.

Dr. Joseph L. Lapp, President, Eastern Mennonite University.


Dr. Daniel Lockwood, President, Multnomah Biblical Seminary.


Dr. Kevin Manning, Dean, C.P. Haggard School of Theology, Azusa Pacific University.

Colby M. May, Esq., Director, Office of Government Affairs, American Center for Law and Justice.

Dr. Kenneth M. Meyer, Chancellor, Trinity Evangelical Divinity School.

Bishop Rodney R. Michel, Garden City, NY.

Dr. Vinson Synan, Dean, School of Divinity, Regent University.

Dr. Art Taylor, President, Southwest Baptist College.


Dr. David Tiede, President, Luther Seminary.

Dr. Al Truesdale, Interim President, Eastern Nazarene College.

Paul Tehimihamba, Associate Pastor, First Presbyterian Church (Berkeley, CA).


Forrest L. Turpen, Executive Director, Christian Educators Association International.

John Tusant, Executive Director, The Greater Spokane Association of Evangelicals.

The Reverend David A. Dungee, Bishop, Evangelical Lutheran Church in America.

Dr. Larry R. Donithorne, President, Colorado Christian University.

Dr. Elia Dowden, President, Huntington College.

Dr. David E. Draper, President, Winebrenner Theological Seminary.

Ralph D. Dunbar, Bishop, West Virginia-Western Maryland Synod.

Dr. Maxie D. Dunnam, President, Asbury Theological Seminary.

Dr. D. Philip W. Eaton, President, Seattle Pacific University.

Bishop Marion Edwards, United Methodist Church, Raleigh Area.

Dr. Tom Elliott, President, First Southern Baptist Church (Del City, OK).

Bernard J. Evans, General Chairman, ELIM Fellowship.

Richard Lee M. Miller, Upstate New York, SYNOD/ELCA.

State Senator Patricia Miller (IN), The Confessing Movement within the United Methodist Church.

Bishop Rhymes H. Moncure, United Methodist Church, Nebraska Area.

Dr. Jack Meng, President, Abilene Christian University.

Dr. Charles W. Moore, President, Northern Baptist Theological Seminary.


Bishop William W. Morris, United Methodist Church, Nashville Area.

Susie Morrison, Bishop, United Methodist Church, Albany, New York Episcopal Area.

Rev. Duane Motley, President, New York City’s Family Research Foundation, Inc.

Dr. Bruce Murphy, President, Northwestern College in Iowa.

Leslee J. Unruh, Founder and President of Abingdon House.

Dr. Jon Wallace, President, Azusa Pacific University.

Dr. Charles Wasielski Sr., International Moderator, American Evangelical Christian Churches.

Peter D. Weaver, Bishop, The United Methodist Church, Philadelphia Episcopal Area.

Dr. C. Robert Wetzel, Emmanuel School of Religion.

Bishop Timothy W. Whitaker, United Methodist Church, Florida Area.

Dr. John H. White, President, Geneva College.

Bishop Woodie W. White, United Methodist Church, Indiana Area.

Bishop D. Max Whitfield, United Methodist Church, Northwest Texas/New Mexico Area.

Donald E. Wildmon, President, American Family Association.


Janet Folger, National Director, Center for Reclaiming America.

Richard J. Foss, Bishop, Fargo, ND.

Jeffrey R. Funk, Executive Director, Hospital Chaplains’ Ministry of America (HCMA).

Dr. Ira Gallaway, Institute of Religion and Democracy.

Bishop Blanca Galvan, The United Methodist Church, Seattle, WA.

Albert Mutti, Bishop, Methodist United Church, Kansas Episcopal Area.

David A. Noebel, President, Summit Ministries.

Bishop Alfred L. Norris, United Methodist Church, Houston Area.

Patrick Ortega, News & Public Affairs Director, Radio Nueva Vida Network.

Bishop Bruce R. Ough, United Methodist Church, Ohio West Area.

Dr. Roger Parrott, President, Belhaven College.

Dr. G. Craig Williford, President, Denver Seminary.

Sid Wright, Chief of Staff to the Chairman, Campus Crusade.

Michael Youssef, Ph.D., President, Leading the Way Radio and Television.

Dr. Carl E. Zylstra, President, Dordt College.

Celebrating Mother’s Day

The SPEAKER pro tempore (Mr. BROWN of South Carolina). Under the previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) was recognized for 5 minutes.

The SPEAKER pro tempore (Mr. RAMSTAD). Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) was recognized for 5 minutes.

Mr. RAMSTAD addressed the House.

Mr. Speaker, I rise today in celebration of Mother’s Day this Sunday, May 12, a day celebrated in the United States and many countries around the world to celebrate motherhood and express appreciation of our mothers.

Our Founding Father, George Washington, once said: “My mother was the most beautiful woman I ever saw. All I am I owe to my mother. I attribute all my success in life to the moral, intellectual and physical education that I received from her.”

The first celebration honoring mothers dates back to ancient Greece where spring celebrations were held in honor of the mother of the gods. During the 1600s, England honored mothers by celebrating the day called Mothering Sunday on the fourth Sunday of Lent, and it was in 1872 that the United States was introduced to the idea of Mother’s Day by Julia Ward Howe, a lyricist of the “Battle Hymn of the Republic,” with the intention of Mother’s Day being dedicated to peace.

Thirty-five years later, in 1907, a campaign led by Anna Jarvis of Philadelphia led to the establishment of Mother’s Day as a national holiday in the United States. On May 8, 1914, President Woodrow Wilson signed a joint resolution which dedicated the second Sunday in May as Mother’s Day to express our appreciation of the love and devotion of our mothers.

My own mother, Velma Porter, who is no longer with us in the presence but certainly in my life, in the spirit, has always been my inspiration. She was my teacher, my defender and a continual source of strength and wisdom; and although my mother and I were not blessed with material wealth, I attribute the happiness of my childhood to the enormous strength of my mother and the strength of the community where we live.

Today, there are an estimated 35 million mothers in the United States. In today’s world, mothers are faced with the challenge of not only raising children alone, but participating as successful equals of their male counterparts in all parts of life.

We often hear politicians especially bemoan the fact that there are too many single female heads of household, mothers, who are attempting to raise their children in the proper manner while they provide an economic and educational opportunity for their offspring. We often criticize women, mothers, who have been left to raise their families alone, not through any fault of their own, but through the premature demise of their husbands or through the total abandonment of their husbands and their children’s father.

According to the AFL-CIO, 72 percent of the women with children younger than 18, 78 percent of women with children between the ages of 6 and 17, and 65 percent of women with children younger than 6 were in the labor force in 1997.

Those of us who are affiliated with Christianity, the Protestant religion, recall very vividly how Jesus revered his mother when he was in the middle of dying and had all of the opportunity
to concentrate on his dying. He stopped in the middle of it and told John to be
hold his mother, and from the cross we are
reminded of the importance and the love and the strength of our mothers and
the kind of moral character that they have taught us to us.
I would trust that as we go forward with the congressional agenda that we will not invoke pain through policy and through measures on mothers who attempt in every way that they know how to care for their families, both spiritually and economically.

DOMESTIC VIOLENCE FOR MOTHER’S DAY
The SPEAKER pro tempore. Under a previous order of the House, the gentle-
woman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, I rise in honor of recognition of Mother’s Day 2002 and to acknowledge the importance of mothers and the critical job of parenting and mothering them.

I make these remarks today in memory of my own daughter, a wonderful
mother to two little boys before she died 2 years ago, and in honor of their fathers, who is doing a fab-
ulous job of parenting and mothering them.

The second Sunday in May is an op-
portunity for each of us to reflect upon the one who has nurtured us in the middle of it and told John to be-

To combat this problem, I have intro-
duced the Domestic Violence Vaccinating and Treatment Act, which would dra-
atically increase the scale of inter-
vention and prevention efforts. My legis-
lation is based on the message of the usual interest groups that express their views here every day. Rather, it is a message from our Nation’s moral and spiritual leaders. Not often do so many religious leaders from such broad per-
ferspectives speak out on any issue. But when they do, it is noteworthy.

Recall the issues of slavery, the civil rights movement, elderly and child poverty, the dangers of communism, South African apartheid, famine and humanitarian issues throughout the world. All these issues commanded the attention of the Nation’s spiritual leaders. The incredible spread of gam-
bling is also a call to arms for our Na-

tional leaders to op-

another high
level as well as the future of the world

The United States does not fare as badly as the developing world in terms of maternal health; but our country has its own set of problems, which in-
cludes high rates of violence against women. This epidemic, perpetrated against 31 percent of American women, is undeniably a serious concern; and while domestic violence is a criminal justice issue, it is really at its core a matter of public health.

Women experience 85 percent of vio-

We know that battered women com-
prise up to 30 percent of ambulatory care patients, but only one in 20 is cor-
correctly identified as such, and I hope my legis-
lation will help in clearly identi-
fying victims of violence in order to

We know that battered women com-

In short, while the explosion of var-
ious forms of gambling across America has generated revenue for States and for the gambling industry, it has left in its wake human misery that is only now beginning to be understood. This misery ends up costing the States more than they receive and creates a vicious cycle as the need for social services dramatically increases. Whether a State lottery, a casino or a “cruse to nowhere,” gambling is a losing bet for funding legitimate social needs.
Yet in State after State the gambling industry pours money into the coffers of political campaigns from both political parties in hopes of advancing their interests. The fact that gambling has not spread further is a tribute to the tireless, often few grass-roots activists in the States. These citizen-advocacy efforts, often oustaken by rates of 20 to 1, have held a levy against an even greater encroachment by the gambling industry into every community in America.

But the gambling industry has another card up its sleeve and has used it very effectively in the last decade. Instead of going through the normal legisliative channels, they have increasingly circumvented State grass roots resistance by going through our Native Americans. Indian casinos are the fastest growing form of gambling today. Our Federal policy toward our Nation’s first citizens is in a terrible state. A few tribes have done very well, but yet nearly 80 percent of all Native Americans receive nothing from gambling. Let me repeat: 80 percent receive nothing from gambling. The vast majority live in areas where casinos are simply not viable.

What has the spread of gambling meant for the country? Some 15.4 million Americans are already suffering from problem and pathological gambling, also called gambling addiction, which is devastating to the individuals and his or her family. The effects of this addiction are wide ranging and often profound. Perhaps no statistic better reveals the depth of despair associated with gambling addiction than this: One in four of those who become addicted to gambling will attempt to take his or her own life.

Legal gambling operations entice teenagers to delve into this dangerous activity. Many become trapped. Studies show that the rate of gambling problems among adolescents is dramatically higher than that for adults. Hundreds of thousands of teens regularly access casinos, lotteries, and other gambling venues despite age regulations to the contrary. Further, aggressive and omnipresent gambling advertising campaigns disparage the ethic of work, diligence and study while bombarding teens with the idea that gambling is the means to get rich quick.

Gambling has become a blight on our nation’s cultural landscape. As religious leaders, we see the gambling-induced pain and destruction among millions to look to us for spiritual guidance. Thus, we stand together not only in our concern, but in our commitment to oppose this predatory and destructive industry. We call on members of Congress to place America’s citizens and families ahead of the false promises and hefty political contributions of the gambling industry, and to begin to address this rapidly growing menace to our national welfare.

Sincerely,
Mr. Speaker, I provide for the RECORD a copy of the letter signed by these 220 religious leaders and all their names.

AN OPEN LETTER FROM 220 RELIGIOUS LEADERS TO THE PRESIDENT AND CONGRESS ON THE SPREAD OF GAMBLING

DEAR MEMBER OF CONGRESS: We, the undersigned, representing faith perspectives and religious beliefs, hold differing convictions regarding many of the most prominent issues of our day. Yet we are united in our opposition to legalized gambling. We believe it to be a moral and cultural cancer. Therefore, we respectfully urge Congress to begin to address the devastation that gambling has wrought on our children, families, communities and nation. Consider just the following sampling of gambling’s toll on America’s citizenry:

Gambling is America’s most popular vice. With the fewest financial resources, as both a multitude of studies and our own experiences in our individual faith communities confirm, a few months ago we were inundated with glowing press accounts of the Powerball winner from Kentucky who gambled part of his unemployment check to attain the jackpot. How many tens of thousands of others in similar circumstances squandered their meager income chasing this state-sponsored fantasy? How many millions more lose money every time the government’s so-called lottery tickets every year than any other income group.

Each of us—and the faith communities we represent—could provide countless stories of families shattered by gambling addiction. We are often the ones forced to pick up the pieces: broken marriages from divorce and domestic violence. According to a survey by the NGISC, gambling has been responsible, in whole or in part, for more than 2 million divorces in recent years. Broadly, alcohol and neglect are other effluents of gambling’s exploitive growth. In addition, research indicates that children of gambling addicts do more poorly in school and are more susceptible to gambling addiction themselves.

The gambling boom has made our communities more dangerous places to live. Gambling operations attract crime, and they create new criminals out of otherwise law-abiding citizens. Studies consistently show that half of gambling addicts will engage in illegal activities—everything from embezzlement to armed robbery—to fund their compulsion to gamble.

Gambling has subverted the rightful role of government as protectorate of the people. Our Nation, in particular, has put its trust in the gambling interests lavished $10.9 million on candidates and parties at the federal level alone. That does not include the multi-millions spent on lobbying, nor does it take into account that gambling interests have become the single most powerful force in a number of state governments. All of this influence comes at a terrible price that is paid for by the gambling industry’s multitude of victims.

The rapid increase in legal gambling opportunities has created a concomitant boom in the number of gambling addicts. According to the NGISC, more than 15 million Americans struggle with a significant gambling problem—and the losses are often profound. Perhaps no statistic better reveals the depth of despair associated with gambling addiction than this: One in four of those who become addicted to gambling will attempt to take his or her own life.

Legal gambling operations entice teenagers to delve into this dangerous activity. Many become trapped. Studies show that the rate of gambling problems among adolescents is dramatically higher than that for adults. Hundreds of thousands of teens regularly access casinos, lotteries, and other legal betting venues despite age regulations to the contrary. Further, aggressive and omnipresent gambling advertising campaigns disparage the ethic of work, diligence and study while bombarding teens with the idea that gambling is the means to get rich quick.

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Dr. Kirby Nelson Keller, President, Evangelical School of Theology.
Jay L. Kesler, Chancellor, Taylor University.
Bishop Hae-Jong Kim, United Methodist Church, Pittsburgh Area.
Bishop James R. King Jr., United Methodist Church, Louisville Area.
Jerry R. Kirk, Chairman, National Coalition for the Protection of Children and Families.
James M. Kuscher, Executive Director, Fellowship of St. James.
Max L. Staekehouse, Professor of Christian Ethics, Princeton Theological Seminary.
Bishop Ann B. Sherer, United Methodist Church, Missouri Area.
Randy D. Singer, Executive Vice President, North American Mission Board, SBC.
Bishop C. Joseph Sprague, United Methodist Church, Chicago Area.
Tim Surchno, Senior Writer, Christianity Today Magazine.
James R. Stuck, Bishop, Indiana-Kentucky Synod Evangelical Lutheran Church in America (ELCA).
Dr. Lee Snyder, President, Bluffton College.
Richard L. Spindle, President, MidAmerica Nazarene University.
Peter Sprigg, Senior Director of Culture Studies, Family Research Council.
David M. Spaggard, Associate Executive Director, Baptist General Convention of Oklahoma.
Charles W. Colson, Chairman of the Board, Prison Fellowship Ministries—Washington, D.C.
Dr. Paul R. Corts, President, Palm Beach Atlantic College.
Dr. William Proctor, President, Northwestern Seminary.
Glenn DeMots, President, Bethany Christian Services.
Bishop William W. Dew Jr., United Methodist Church, Houston Area.
Dr. Dennis H. Dirks, Dean, Talbot School of Theology at Biola University.
Dr. Davis S. Dockery, President, Union University.
Dr. Joseph L. Lapp, President, Eastern Mennonite University.
Dr. Daniel Lockwood, President, Multnomah Biblical Seminary.
Dr. Kevin Mannoa, Dean, C.P. Haggard School of Theology, Azusa Pacific University.
Colby M. May, Esq., Director, Office of Government Affairs, American Center for Law and Justice.
Dr. Kenneth M. Meyer, Chancellor, Trinity Evangelical Divinity School.
Bishop Rodney R. Michels, Garden City, NY.
Bishop Frank S. Miro, Dean of Divinity, Kutztown University.
Dr. C. Pat Taylor, President, Southwest Baptist College.
Dr. David Tiede, President, Luther Seminary.
Al Truesdale, Interim President, Eastern Nazarene College.
Paul Tehimihamba, Associate Pastor, First Presbyterian Church (Berkeley, CA).

May 8, 2002

CONGRESSIONAL RECORD—HOUSE

H2211

Patrick Ortega, News & Public Affairs Director, Radio Nueva Vida Network.
Bishop Bruce R. Ough, United Methodist Church, Ohio West Area.
Dr. Roger Parrott, President, Bellhaven College.
Dr. G. Craig Williford, President, Denver Seminary.
Tim Stafford, Chief of Staff to the Chairman, Campus Crusade.
Michael Youssouf, Ph.D., President, Leading The Way Radio and Television.
Dr. Carl E. Zlystra, President, Dordt College.

NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I wish to associate myself with the remarks made by the gentlewoman from Indiana (Ms. CARSON) and the gentlewoman from California (Mrs. CAPPS) relative to Mother’s Day and the role that mothers play in this country. And I also take the moment to pay tribute to both my maternal and paternal grandparents, as well as my own dear mother and my wife for the outstanding roles that they have all played in giving to the institution of motherhood.

Mr. Speaker, for the past 30 years, the President of the United States has issued a proclamation calling for the celebration of Small Business Week. I rise in support of the Small Business Administration and the designation of the week of May 5 through 11, 2002 as National Small Business Week. This celebration will honor the estimated 25 million small businesses in America who have created three out of every four new jobs and generate the vast majority of American business innovations.

Small Business Week recognizes outstanding small business owners for their personal achievements and contributions to our Nation’s economy. One outstanding entrepreneur is named to represent each State as the State’s Small Business Person of the Year, and from this group the national Small Business Person of the Year is chosen. I am very proud and pleased to be able to congratulate Ms. Diane MacWilliams, from my 7th Congressional District of Illinois, who is President of QuickSilver Associates, Incorporated, in Chicago, for being our State’s Small Business Person of the Year.

Armed with a brand new degree in fine and applied arts from the University of Illinois, Diane MacWilliams dove head first into a new career in graphic arts as a new hire in the audiovisual department with Arthur Anderson & Company. Over time, she performed her skills in photography and graphic arts and began taking on more special assignments, including a promotional slide presentation for the Reading Is Fundamental campaign.
The acclaim for that production convinced her to take the plunge and in 1976 start her own business, along with her husband. Thus was born Quicksilver Associates, Incorporated.

Diane’s work experience taught her that there was a real need for creative outsourcing corporate audiovisual support. With this in mind, she started calling on corporate 500 companies, such as Quaker Oats, CBS, and International Harvester. As a pioneer of smears, zooms, starbursts, and other new and innovative graphic techniques, Quicksilver provided corporate customers with the creativity needed to customize their own business presentations. In 1978, Quicksilver won an International CLIO Finalist Award for its promotional piece on International Harvester’s Scout, a sports utility vehicle apparently ahead of its time.

As a premier audiovisual production studio, Quicksilver employs approximately 30 people within its four divisions, New Media, Video Production, Meeting Production, and Planning and Creative Services, generates sales of approximately $4.5 million annually, and hosts a “who’s who” of corporate clients such as ARNAMCO Blue Cross/Blue Shield, Household International, and United Airlines.

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Mr. CUMMINGS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.

GUN AMNESTY ON MOTHER’S DAY

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. Mr. Speaker, Members are coming to the floor as we approach Mother’s Day. I am coming as well.

Many mark Mother’s Day in their own ways, very diverse ways. But if we ask the mothers of the Nation what would they most want for Mother’s Day, the choice of many would be gun safety legislation to protect their children. The proof, of course, is that 2 years ago on Mother’s Day, almost a million mothers and their families used Mother’s Day to come to their Nation’s capital to rally collectively for just such legislation. We do not yet have the gun safety legislation for our children these mothers so desperately wanted, but in recognition of Mother’s Day this year, I thought that it would behoove me to introduce a realistic piece of gun safety legislation to recognize in many ways this issue has been off the radar screen, to find a way to put it back on the national agenda. And so I have introduced the Nationwide Gun Back Act of 2002.

Mr. Speaker, hopefully this is the kind of gun safety legislation everyone can join in, whether pro or anti so-called gun control, because this is simply about how to help people voluntarily get illegal guns out of their own homes, and jurisdictions would, of course, participate only voluntarily.

My bill would provide $100 million in Federal funds, a real pittance in our budget, to allow cities across the United States, small towns, counties, to do gun buy-backs of the kind that were done so successfully just a few years ago in the District of Columbia and in other parts of the country.

The Bureau of Alcohol, Tobacco and Firearms would evaluate the proposals and distribute the funds. A jurisdiction would have to certify that it was capable of destroying the guns within 30 days of running an amnesty program, and of being fully capable of conducting such a buy-back program.

Lest we discount the why I think all Members would want to be for this, there are throughout this Nation millions of people who know there are illegal guns in their homes who cannot come forward to get rid of them without implicating a relative. They fear if they come forward and said take this gun out of my house before some relative uses it on another relative, or somebody commits suicide, they cannot come forward without implicating a son, a daughter, a grandson, and so they sit there knowing that gun is in the house and unable to get rid of it.

I want to say to those folks who want to get that gun out of the home, a gun illegally there, a gun for which there is no license, we will buy back the gun, usually for $50 or $100 to encourage people to come out.

We did this in the District of Columbia; enormous success. Long lines. Guns were turned in in three buy-backs. Not only did we do this in the District of Columbia, a number of other cities across the United States did the same thing. We did a kind of pilot program that showed that it could work. The notion that the hundreds of people standing in line waiting to give a gun to the cops is, I think, what all of America would like to see when it comes to gun safety for our children.

It is children, as we see, who get hold of these guns, who want these guns, who use these guns because that is a child-like thing to do. We need to get these guns out of our homes. After using almost $400,000 in forfeiture money, some HUD money, we had to stop collecting on guns because we no longer had funds to buy back the guns, for goodness sake, on Mother’s Day.

If we want to do something to keep youngsters from getting hold of guns, going into the classroom and shooting at their teacher or fellow students, doing God knows what with guns, let us find a noncontroversial way of reducing gun violence. This, it seems to me, is just that way. It simply says wherever Members stand on guns, they are for guns being only in the hands of those who use these guns because that is a child-like thing to do. We need to get these guns out of our homes. After using almost $400,000 in forfeiture money, some HUD money, we had to stop collecting on guns because we no longer had funds to buy back the guns, for goodness sake, on Mother’s Day.

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ACKNOWLEDGING MOTHER’S DAY

Ms. JONES of Ohio. Mr. Speaker, I rise this afternoon to join with my colleagues in celebration of Mother’s Day.

I particularly want to celebrate my mother. Yesterday was election day in the State of Ohio; and my mother, and I am so pleased to have the member representing the 12th District of Ohio, Mona Lase, here. I want to say that I have a wonderful mother and I am so pleased to have the opportunity to celebrate Mother’s Day with her this coming weekend.

She has been a guiding light and beacon in the lives of my family, not only my two sisters, one who lives in California and one who lives in Cleveland, but my husband’s family as well. I want to say to Mary Elizabeth Tubbs, my mom, happy Mother’s Day. I am counting on you to stand up on behalf of all of the 21st Senate District as the Democrat Central Committee woman in the State of Ohio.

After learning all of these wonderful things from my mother, I have to take a moment and say I am pleased to be a mother as well. Yesterday my son Mervyn LeRoy Jones, II, 18 years old, and a senior at Shaker Heights High School said, “Mom, I have a great Mother’s Day present for you, but it will be early.”

I said, “What is it?”

He said, “I am going to take you to school.”

I said, “That is good. What are we going to do in school?”

He said, “You and I are going to recite poetry together.”

He knew that I liked poetry whole lot. We go to the class, which is poetry writing, and I have a favorite woman poet whose name is Mona Lake Jones. She did a lot of culturally sensitive poetry, and one piece is called “Being the Mother of a Black Child: It Ain’t No Easy Thing.”

So my son and I recited this piece of poetry together. It goes on to say being the mother of a black child, it ain’t no easy thing, it makes you call on Jesus, and listen to the angels sing.

Mervyn and I alternated these verses together. The tapping on my Sunday was at the end Mervyn said to his class, I brought my mother to school today. And he said, “You know, Mom, I am not going to have any money on Sunday, but I knew how much you liked poetry so this is your Mother’s Day present.” I recited poetry with you in poetry class.”

Mr. Speaker, I want to celebrate and trust that other mothers around this country have wonderful opportunities to celebrate Mother’s Day this weekend. Those whose husbands have passed on, or whose children have passed on, step back and remember some of the great memories and times you had together, and think about how blessed you are to have been a mother or a dad, or to have someone who cared as much as mothers care for you.

PAYING TRIBUTE ON MOTHER’S DAY

Ms. KAPPTUR. Mr. Speaker, I too rise on this occasion of Mother’s Day weekend to pay tribute to those who bring to life and nurture and educate the children, the families of our communities and our world, and as my dear colleague, the gentlewoman from Ohio (Ms. JONES) so eloquently stated in the prior Special Order, when we think about it, mothers have the most important role in the world because they create the love that holds, the center that holds their families together. I think that their idealism helps inspire the world every day, not in big measures always, but in smaller signs of love and affection.
Longer, mothering instincts of Congresswoman, as someone who I continue to place on the future of this building, pay for all of their instruments and the medicines, and so forth.

As we think about education, which is on the minds of all the people in our country, because education is so important to the preservation and the advancement of our democratic way of life, having an enlightened republic, it is important to think about the role of women and education and the role of this Federal Government in helping our families educate their children.

We have heard a lot from this administration about compassionate conservatism. I have really tried to understand what that term means. But in speaking about education, maybe it is important to put on the record, it is important to have individuals going to schools and reading to children. I do it myself. It is important to have mothers reading to children. It is the most important act that parents can perform for their child in the home other than feeding them.

But if you look at this Federal Government and this particular Bush administration, though the compassionate side comes out when we see pictures of the paper of the President coming to Michigan, which he just did this week just north of where I live in Ohio, or wherever he might go, and then you look at the bills that come on this floor such as the Elementary and Secondary Education Act this year, it provides no additional assistance for education of our children around the country. In fact, the bill that passed here authorized an expenditure of over $24 billion for education at the elementary and secondary levels, but 2 weeks later when the President’s budget arrived, it was $1 billion short. In other words, they might be compassionate, but the conservative side actually does not allow them to fulfill their promises.

Broken promises, that is what compassionate conservatism is all about. Frankly, it is all about nothing. Ask any of our college students across this country, they graduate on average today with a debt of nearly $27,000. Our physicians, our medical students graduate from college, on average we force them to have a debt load of over $100,000. How can a young physician going into practice manage to have a practice that is profitable while he or she has to pay that debt at the same time as they have to buy all this medical liability insurance, pay for the building, pay for all of their instruments and the medicines, and so forth.

Think about the burden that we continue to place on the future of this country, on our people.

So as a woman of our country, as a Congresswoman, as someone who I think has some mothering instincts of her own, let me just say probably the most important thing I can do is to support the future, and that is to support our young people at the elementary and secondary level and at the college level and to say to the Bush administration, compassion is not enough. We need to do more.

You have to do something with the power you have to help nurture and grow the next generation. And burdening them with debt that they do not get out from under until they are 40 years old is not the way to build this country.

Frankly, we ought to have a program that allows any student, any young adult in this country that has that kind of debt to work it off through national service on the military side or the civilian side at a rate of $20,000 a year. We ought to get them out from under that debt and take care of some of the needs of this country, whether it is in our nursing homes, whether it is in our forests or whether it is in our inner city schools, whether it is in our medical clinics, wherever it might be, that we take this burden off the next generation so that they can move into this 21st century and new millennium in a way that helps advance America’s cause.

Happy Mother’s Day.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

The SPEAKER pro tempore (Mr. GRUCCI). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I rise today to honor correctional officers and employees of correctional facilities across this country. This past weekend, correctional officers came here to Washington to celebrate National Correctional Officers and Employees Week. Awards were presented to officers whose exceptional service merited special recognition and wreaths were laid in memory of fallen comrades who made the ultimate sacrifice while on duty.

Corrections facilities are a critical component of our criminal justice system. We rely on correctional facilities to do just that, correct the errant behavior of certain members of our society. More than just a building. It is also made up of correctional officers and other correctional personnel who are all highly trained to work in a challenging and often dangerous environment. I worked for many years as a psychologist at a maximum security prison in Ohio, and the respect that I gained from my coworkers during that time is enormous.

Correctional officers are public servants. Most of the officers I know give back to their communities in countless ways by the sense of community exhibited by correctional officers in New York City.

While that city was undergoing untold turmoil in those first 2 weeks following September 11, correctional officers worked 20-hour days lending their aid in the makeshift morgue and helping to coordinate the massive logistical effort of keeping the lines of communication open in Lower Manhattan. What we refer to as New York City. Of all correctional officers, and I would urge all of my colleagues to recognize correctional officers and employees by joining me in cosponsoring H. Con. Res. 390, a bill that was introduced by the chairman of the Correctional Officers Caucus to urge the President to establish a National Correctional Officers and Employees Week so that all Americans can join us in honoring these very worthy individuals who contribute so much to our society.

RESULTS OF CODEL TO ISRAEL

The SPEAKER pro tempore (Mr. DEUTSCH). Mr. Speaker, this week three of my colleagues and I traveled to the State of Israel. We had several purposes for the visit. One was a show of solidarity with the Israeli people in terms of what has been going on. We visited a number of victims of terrorist acts, including American citizens. The visit to the families of those who had lost loved ones, children, 5-year-olds, 12-year-olds, 15-year-olds, again a number of them American citizens. We met with the Prime Minister, the Foreign Minister, terrorism experts, the head of intelligence for the Israeli Army, but I think probably the most dramatic part of our visit was a review of a very small collection of arms that was captured during the recent Israeli incursion.

One thing that American television press has not given, I think, the American people any sense of is the amount and the type of weapons that the Israelis have seized over the last several weeks during their incursion. It is a staggering amount. It was an amount that if it were placed in this Chamber from floor to ceiling would more than fill this Chamber. The weapons are extensive, mortars, sniper rifles, night vision glasses, machine guns, weapons totally outlawed by the Oslo agreements.

But I have a picture here which in some ways is the most disturbing of any of the weapons, if they can be called weapons, that we saw and that have been captured in the incursion. This is a suicide or a murder belt, one of several that we saw and touched and examined. The belt itself is not a makeshift belt. It is a manufactured item. It is clearly manufactured with a certain degree of technological sophistication. It is as well equipped with PVC piping, as you can see, that is stuck inside of a vest. That was one version. There are other versions. But I think the
point of looking at them and the impact is this belt and the weapons that I described, and I will show some pictures of some of the other weapons that we saw, this belt was clearly not made to be put in a museum. This belt had one purpose, and that purpose was to kill Israel.

In fact, of the belts that we saw, had those belts not been captured, I think what is clear is that their intended use would have occurred. And if for no other reason than stopping the use of one more weapon, the Israeli incursion is justified.

I mentioned the belt again because I think one of the things that the American press has not done enough of is tell this story. These are mortars found, again weapons outlawed under Oslo, weapons that have no use but offensive weapons against Israelis, found in a number of different locations throughout the West Bank, in Ramallah and Jenin, Bethlehem.

Trying to go through some of these because these are pictures that have not been on American television up to this point.

Besides the weapons themselves, the ammunition, just a small sample of the ammunition from M-16s, from machine guns. In fact, one of the sickest things that we saw was a number of buckshot bullets that we were told the purpose of them, and there is evidence because of the forensic evidence of suicide or murder bombings, that the buckshot is activated and the little pellets, the ball bearings are then implanted in C-4 to make the weapons more dangerous.

Again, these are assault rifles, which also are illegal under the Oslo agreement.

These are machine guns and mortars. These are rifles that have been modified for the most horrific use.

Mr. Speaker, I yield to the gentleman from Florida (Mr. DEUTSCH), who has taken a leadership role on this issue and shared the experience of a witness in terms of the weapons.

Mr. HOEFFEL. I thank the gentleman for yielding and want to compliment the gentleman from Florida for his leadership in standing up for Israel and the people of Israel and for helping to protect and really being the guiding light beyond the trip that four Members of Congress took to Israel this past weekend. I was pleased to join that trip led by the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Florida (Mr. DEUTSCH) and honored to be here tonight to share some of the findings that we had.

We designed this trip, Mr. Speaker, to express our solidarity with the people of Israel and the government of Israel in the face of the war of terror that has faced the people of Israel over these last few months and even over these last few decades. ☐ 1645

What has happened recently has been horrible and is unacceptable, and the act of terror yesterday is a reminder of how difficult the situation is and how the people of Israel face the uncertainty every day, whether they will face this kind of terror, whether they will be able to go shopping, whether they will be able to stand at a bus stop, whether they will be able to socialize with friends and family in safety. Too many times recently the answer has been that they cannot do that safely.

We feel very strongly that the terror that has faced Israel be firmly opposed. We heard on our trip from Prime Minister Sharon that there can be no compromise with terror. President Bush has said that there should be zero tolerance for terror. All four of us, and I am sure that the whole Congress, agrees with both of those statements from those two leaders.

I know those of us on the trip feel that there cannot be a Yasar Arafat exemption to the “no tolerance for terror” rule. We need to determine what the future of Israel will be at the Oslo Agreement, and our future is linked to that.

Mr. Speaker, let me yield back to the gentleman from Florida (Mr. DEUTSCH). I know that he has other photographs of some of the illegal weapons that we inspected, all of which were in violation of the Oslo Agreement. Mr. DEUTSCH. Mr. Speaker, before the gentleman yields back, I know the gentleman has some very strong words, and the first picture I had up was the murder belts that we reviewed. If the gentleman could just describe them in his own words, I think that is helpful to people.

Mr. HOEFFEL. Mr. Speaker, I would be happy to do so. I must say that I have never seen a more evil thing than the suicide terrorist that we inspected as part of the seized weapons and munitions that the Palestinians have stored illegally in the West Bank. The vest that we inspected from a distance looks innocuous. It is a plain gray, down-filled vest. Close inspection indicated that it was manufactured in China with a Western logo. It is called the Masters Company and the Masters name is on the vest, obviously intended for a Western audience. But inside the vest, 20 pounds of PCV piping, tubes and the experts informed us that inside of those tubes, the suicide bombers place their C-4 explosives and a collection of ball bearings. So when the explosion occurs, it kills the suicide bomber, an explosive force kills and maims people around the bomber, and the ball bearings just shred the people that are in the vicinity of the bomber.

Our delegation met with a former constituent of mine who is now a resident of Israel who was the victim of one of these bombings. Her name is Gila Weiss. She was stepping onto a bus at the Jewish market in Jerusalem when a suicide bomber stepped off and the vest detonated, killing six people, wounding 40, including Gila Weiss. Now, her devastating injuries are just appalling; but the doctors are confident that she will have a hopefully regain all of her eyesight that has been threatened by this explosive blast. She is pockmarked with shrapnel marks, but they have all been removed and the doctors believe she will heal well.

The most encouraging thing about this was her spirit, Mr. Speaker. Her father, my constituent, flew over when they learned, her parents learned of her injuries and asked her in the hospital, “Honey, do you think now it is time for you to come home?” And this brave woman responded “Daddy, I am home.”

And that is the spirit of confidence and resolve that our delegation found throughout Israel. It is because of that spirit that I am confident that the State of Israel will continue to exist and to thrive, and I look forward to giving my full support to that.

Mr. DEUTSCH. Mr. Speaker, I appreciate the gentleman’s comments. Before I yield to the next speaker, what I would like to do is show a couple of other pictures that have not been in the American press. I talked about the weapons seized in the incursions over the last couple of weeks. There is a very dramatic incident which unfortunately, the incident was reported, but not the scope I think accurately, and that is the ship Karine A, which Israeli commandos seized. We have read about it, but to view it and really spend at least an hour and a half looking at the weapons and understanding what they were and the actual operation was very significant.

These weapons were about $20 million worth of weapons from Iran. They were basically off the factory floor, literally off the factory, bated with serial numbers and dates. First of all, 90 percent of the weapons were outside of the Oslo Agreement, maybe 95. They were weapons not for a police force, but for an army. Beyond mortars...
is not a debatable point about his personal involvement in bringing in just these extensive, very extensive weapons from Iran.

But one of the other pictures which just gives us a sense of what this whole operation in the Middle East is about, is that this is one of the containers that all of the weapons were in. All of the weapons on the ship were placed in some very sophisticated water-tight containers. In fact, some of the weapons were modified, some of the larger missiles were actually modified so that they could actually fit inside of those containers which are very sophisticated containers. Just a part of the sophistication, which we can see sort of on top, is there was a part of the container that actually had a balance between air pressure and water to literally place the containers at a certain depth in the Mediterranean Sea.

I mean, this is a well thought-out military action. In fact, there were buoys with each of the containers so that they could be picked up by Palestinian Authority operatives in the Mediterranean Sea. It is a sense of the scope of what the Israelis are facing.

Mr. Speaker, I yield now to the gentleman from Indiana (Mr. PENCE), who I have listened to his words and I do not believe there is a Member, of the 435 Members in this Chamber, who has spoken more passionately and more effectively about the issues that America and Israel are facing in the Middle East, or who has been stronger and more forceful with his words.

Mr. PENCE. Mr. Speaker, I thank the gentleman for yielding, and I am very humbled by his words; and I am confident that they are overly generous. If anyone that might be looking in, Mr. Speaker, is paying attention at all, one would observe that Democrats and Republicans, liberals and conservatives, as well as the resolution last week, are truly united in this institution in our belief in the preservation of the dream of Israel and our prayer for peace in the region.

I pray, Mr. Speaker, for the peace of Jerusalem almost every day. I pray for the peace not just of the Jewish people of Jerusalem, but for the Christians and the Muslims and the people who profess no particular religious beliefs. It is against that backdrop that I speak humbly on behalf of, Mr. Speaker, to state facts for what they truly are. Let us bring a few facts, if we can, into the record.

First and foremost, with regard to the role of the United Nations, let us understand that Americans, as people who are committed since the inception of Israel’s return to her historic homeland in 1948, that we are a nation committed to the territorial integrity and preservation of the Jewish State of Israel, that the United Nations is not similarly motivated, Mr. Speaker. That in fact, there is extraordinary evidence of a double standard by the United Nations. Why, Mr. Speaker, I would ask rhetorically do we have no fact-finding missions investigating massacres performed by Palestinian extremists? Yet, there is talk in the United Nations of an investigation into the so-called Jenin massacre, which, according to the Boston Globe, has already been determined to have virtually been a hoax. According to the Boston Globe, the Palestinian Authority’s allegations are crumbling under the weight of eye witness accounts from Palestinian fighters who participated in the battle and camp residents who watched the homes until the final hours of fighting, all told journalists that they were allowed to surrender and evacuate.

Mr. Speaker, there has been no massacre in Jenin, and yet the United Nations continues to pursue its one-sided policies.

Fact number one: The solution lies not in the United States.

Fact number two: Let us make no mistake about it, as there are those even in our own country who would call on concessions with regard to the 13 Palestinian militants currently held as POWs by the United States, let us have a fact on the table, Mr. Speaker. No other country will accept these 13 Palestinian militants. Yet many in our own State Department would have Israel sit down at the table of negotiating and trust with the United States, which we come to this place, Mr. Speaker, to state facts for what they are.

I truly believe that the recent attacks demonstrate that Israel’s efforts in the war on terrorism are incomplete; that, sadly, because of pressure from the United States on Israel, it appears as though, based on the two suicide attacks of recent days, that we have asked our ally to stop a war before it was over.

As I said in the beginning, Mr. Speaker, I pray for the peace of Jerusalem. I ask, as did the Psalmist, that those who love God would be secure, that there would be peace within her walls, security within her citadels. As the Psalmist goes, “For the sake of my brothers and friends, I will say, peace be within you.”

I rise today as a Christian conservative Member of this institution. I rise to speak humbly on behalf of, Mr. Speaker, millions of my brothers in the Christian faith, and sisters, who share the passion that my colleague associated with me does.

They are people who on Sunday morning and Sunday night and Wednesday night fill the pews of little buckboard churches that dot the landscape of districts just like mine in the heartland of America, and they are people who have an passion for the dream that is Israel.

So let there be no mistake to those who would observe among our colleagues and to the wider world that this is a Congress that is united across the lines of geography, across the lines of partisanship, and even across the lines of faith to come alongside our partner, our ally, and our friend in her darkest hour.

Mr. DEUTSCH. Again, Mr. Speaker, I appreciate the comments of the gentleman from Indiana. I really have learned a lot from the several statements he has made over the last couple of weeks.

As the gentleman will recall, and as people watching might very well recall, it was a debate in this Chamber. It was an overwhelming support. Over 90 percent or about 90 percent of the Members that voted, voted in support of that effort.

I can tell the Members a couple of things. First off, we delivered copies of that resolution to victims in hospitals, to the Prime Minister; to families who had lost loved ones. I can tell Members that it meant a great deal to them that they are not alone, that there is a connection between the United States and...
the people of the United States and the people of Israel; that we should do as much as we can do to make that real, because unfortunately, they do feel alone.

I sat through really the entire debate last Thursday, generally we do not sit through entire debates, but I wanted to hear my colleagues who were speaking against the resolution. It was a disturbing afternoon.

One of the things that we have talked about in recent times in this Chamber, an Oxford-style debate for them is a discourse way to try to defend some of those positions. Some of those positions, again, I found disturbing, shocking, and ignorant.

I will mention one, and there is no reason to mention a Member's name. One of the Members in this Chamber actually stood at this podium and put up two pictures of two young girls, a young girl who was a suicide bomber about 19 years old and a young girl who was killed by that suicide bomber.

We were shocked when that incident occurred. I cannot think of many sicker, more immoral comparisons than was delivered right at this podium less than a week ago. I would ask my colleague just to share thoughts that he had during that debate, as well.

Mr. PENCE. If the gentleman will continue to yield, Mr. Speaker, I want to congratulate the gentleman and my other colleagues who were able to make the trip over the weekend to Israel. I am very moved, as I am sure anyone is that is watching, to hear that the pronouncements of this institution were a comfort to people who are suffering the loss of family members.

I share the gentleman's frustration with what we can only describe as the moral equivalency that many in this country and some in this institution ascribe to this conflict, to either side in this conflict. I do not know what side the gentleman knows, our debates are not really debates, they are statements. They are very difficult. In this setting we can have discourse. I would hope that any of those colleagues would join us this evening and enter into a discourse about some of the statements that they made.

I would also offer to those colleagues, and we have done it before in this Chamber, an Oxford-style debate for them in a discourse way to try to defend some of those positions. Some of those positions, again, I found disturbing, shocking, and ignorant.

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Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Hoeffel) and also to Mr. Deutch and Mr. Weiner.

Mr. DEUTSCH. I think one of the facts that are important, that people should understand, is that the Israeli government offered to end the occupation. That is what the Camp David Accord was about, where the Israeli government effectively offered to give back 98 percent of the West Bank and Gaza, offer a general cease-fire and an enforced cease-fire to end the occupation. So it is this demented sort of perspective that if the occupation causes frustration and violence, well, the Israeli government was willing to end the occupation, so then why did they not accept it? It ends up bringing some of those issues in.

I know the gentleman from New York (Mr. Weiner) has some very important statements, but I wanted to give the gentleman from Philadelphia, Pennsylvania (Mr. Hoeffel) an opportunity to talk, because he was with some of those people who we passed on that resolution to. If he could just describe the interaction, knowing that the United States Congress had passed that resolution, and literally giving it to people, if he can share in his own words.

Mr. Speaker, I yield to the gentleman from Pennsylvania (Mr. Hoeffel) and also to Mr. Deutch and Mr. Weiner.

Mr. HOEFFEL. Mr. Speaker, I would be happy to. I thank the gentleman for yielding to me.

The people we met in Israel on the trip this past weekend all knew about the resolution that the House had passed the day before. It was a remarkable demonstration to me of how much our actions here in the House are followed by the citizens and the government of Israel.

Everyone we met with, from Prime Minister Sharon, Foreign Minister Peres, Security Minister Landau, to the Mayor of Jerusalem, to Mikelli the taxi driver, all knew and all appreciated the work that was done here last Thursday in a bipartisan basis by-passing the international solidarity with Israel and denouncing the terror.

So I thank the gentleman for the opportunity just to once more say that what happens here is followed in Israel. We have kind of a reasonable discussion as expressed, and there was a strong feeling of appreciation for what we did.

Mr. DEUTSCH. I thank the gentleman.

Mr. Speaker, I yield to the gentleman from New York (Mr. Weiner), who I know over the weekend wanted to join us, but in fact had activities in his own community showing solidarity and support for the State of Israel, and has worked as hard as any Member in this Chamber for peace in the Middle East.

Mr. WEINER. Mr. Speaker, I thank the gentleman from Florida for his statements today and for that kind compliment, and also for organizing these opportunities. We frequently in this House of Representatives are reduced to sometimes 2- or 3- or 5-minute debates on large global issues. This is now an opportunity, and it is the third or fourth time we have gathered to have kind of a reasonable discussion and back and forth about what are essentially very complex issues.

I want to also offer my thanks to the gentleman from Indiana who spoke earlier. We also have a tendency sometimes in politics, particularly in this conflict debate, to be overly morally certain about our position on things. Sometimes we have debates about obscure tax policy or telecommunications policy, and sometimes we go at it on the floor of this Congress as if there is no doubt in our mind with absolute certainty that our position is correct.

One thing that I would hope we would be able to agree upon is there is no moral underpinning for sending one's child out to go to a pool hall and then have them blown to bits by a suicide bomber. Those 16 young people who were killed in the latest homicide bombing, what crime did they commit?
What political role did they occupy? What was it that their killing accomplished? What form of political debate is it that was being engaged in when they were blown to bits while Prime Minister Sharon was visiting here in the United States?

There is no moral justification for it. There are no political ends that they seek to get that justifies that type of horror. I would agree with what the gentleman said, the gentleman from Florida. The idea that some have embraced or even rationalized that type of activity, saying it is a function of a political discussion or a political debate, however feverishly pitched it might be, over who controls a given piece of real estate in the Middle East, these are 16 families that are going to be sitting down to dinner tonight with their young child missing from the table, blown to bits by a suicide bomber.

In that context, 350 of our colleagues, Democrats and Republicans from all parts of the country rallying last week to the cause of the U.S.'s support for Israel, and it was led, frankly, by the gentleman from Pennsylvania (Mr. Hoekstra), there are few things thinning in those large numbers. But among those who argued against, there were certain myths that seem to have been repeated on this floor again and again, and in some cases, they were responded to eloquently, and sometimes they were kind of left out there in the air.

One of them is the myth that somehow Israel has to just give peace a chance, that they have not sufficiently offered opportunities for peace to take hold in the area. I think, and I have said before here, we can argue that Israel has tried every strategy. They tried the couple of yards at a time, trying to get to the first down marker. They tried the process, step-by-step, giving and conceding more to the Palestinians in terms of control of territory.

At this time, 97 percent of the territory that the Palestinians control as a result of the Oslo process. Border checkpoints had been eased as a result of the Oslo process. □ 1715

Well, that three yards and a cloud of dust strategy was tried. What was the result? More violence; no concessions when it came to things like not teaching your children to hate Israel; to removing reference in their textbooks referring to Israel and Jews as evil entities. So the Oslo process was tried by the Israelis and rejected in large measure by the Palestinians.

Then Camp David, as the gentleman from Florida (Mr. Deutch) mentions. That to me was kind of like the Hale Mary pass. Well, let us see what will happen if we try giving them everything they ask for. Well, that was not only rejected, but it was met with no counteroffender on the part of the Palestinians and the largest outburst of violence called the Second Intifada.

Well, what do we have left? Now we have plans to get to plans to get to plans. And those, too, Israel has embraced and the Palestinians have not. We had the Mitchell Plan, very tough for Israel, telling them to withdraw from settlements of areas that many in Israel feel are part of Israel proper. Israeli acceptance of the Mitchell Plan; the Palestinians refused.

Then you have the Tennant Plan to get you to the Mitchell Plan. Again, it required the Palestinians of Israel. Israel said okay, we accept it. It was CIA Director Tennant here from the United States, sent on behalf of our government, who negotiated this plan. The Palestinians said no to that. We even had the Chaney Plan to get you to the Tennant Plan to get you to the Mitchell Plan. Even this level of incrementalism Israel chose to accept. The Palestinians said no because they refused to do thing one, which was to stop the violence, step it for a period of time, allow negotiations to take place.

So the first myth that came up in the debate on the floor was that Israel needs to just give peace a chance and we in the United States need to step back, not be supportive of Israel, because she has not, clearly a myth.

The second myth that has emerged again and again in this debate and it has seeped into the mainstream media is that the problems there are a product of Prime Minister Sharon's intransigence; that if it only was not Sharon and the way he behaves in his bellicose manner, maybe we would not have all of these problems.

Well, I would make two points about that. One is the Intifada that has started this violence, that has led to 76 suicide attacks since October of 2000, started under Prime Minister Barak. Frankly, he was in for 4 months while this violence was ratcheted up and ratcheted up and ratcheted up. No one could argue that Prime Minister Barak was so anti-Palestinian, bellicose and confrontational. He actually lost his prime ministership because he was too generous in what he was offering the Palestinians. Yet that is conveniently ignored by opponents of Israel today who want to lay this all at the feet of Ariel Sharon, with the simplistic explanation of what is going on.

Let us not forget something else. Virtually every country of Israeli political life today has articulated support for Prime Minister Sharon's efforts to weed out terrorism wherever it can be found, essentially has articulated support for the Bush doctrine, Israeli style. So the myth that this is a Sharon-created problem is just that, a myth.

A third myth that was repeated again and again, and I heard it last night on the news again, is that the Israelis have used excessive force on the face of the onslaught of terrorism.

We have as of this morning dropped one bomb for every member of the Taliban in Tora Bora. We have unleashed a record number of armaments in that area. We do so because we know how important it is to do whatever is necessary to root out the Taliban, to root out bin Laden and to root out his henchmen.

The Israelis have made a different decision. They have decided to go into the Palestinian territories, going to Ramallah and saying there is 44 of these suicide bombers coming from Ramallah, we are going to level Ramallah. They are going house to house, looking for dark alleys, and making a conscious decision to increase the number of casualties.

Excessive force? If the Israelis really wanted to root this out in a way that we have done it in Tora Bora, they would do it from afar. But they will not do that. It is not the way they are as a people and it is not the way they choose to deal with the Palestinians as a people either.

So what has happened? Israelis going door to door with pictures of wanted terrorists, knocking on the door, trying to find them, and they are getting killed as a result. Far from excessive force. The exact opposite. Probably the most moral execution of a war you can possibly imagine.

And the standoff that goes on today at the Church of the Nativity. Can you imagine, just imagine for a moment, first of all, the utter contempt of the terrorists to seek refuge in such a holy place. But can you imagine any other country with 13 assassins, suicide bombers, people who have done harm, can you imagine for a moment one of the evil men that attacked my city of New York, imagine if we knew one of them was in a local church? Would we encircle it and wait and wait and wait until they came out, out of respect for that church? Probably no country would do that perhaps except for Israel.

Why? Because Israel has been the caretaker of the religious crossroads of the world for its entire 44 years with the utmost respect. Anyone who visits Israel can attest to that.

If you look at the various places, an entire government commission was created, a government agency was created just for the purposes of protecting and ensuring the health and security of non-Jewish holy sites in the Holy Land because that is the way Israel chooses to do it. So the idea that excessive force has been used is another myth.

And the final myth, and this is the one that perhaps is a favorite of those in the media, and the gentleman from Florida (Mr. Deutch) referenced it earlier is the notion that we have to create an environment that the moderate Arab states can help us forge. Where is this moderate Arab state? Is it Iran, who tried to export 50 tons, I believe is the number, of armaments that cannot only be used against one's own people but just as easily against a United States ship or plane or people? Is that our moderate friend?
How about the Saudis? The Jerry Lewis of fundraising for suicide bombers. Are they the moderates that produced 15 of the 19 suicide bombers? Are these the people that came to the United States to meet with our President of the United States and engage in a town meeting? He might ask you about our moral responsibility? This is the country, this totalitarian regime that is run by a few hundred princes and potentates?

Who are these moderates? Maybe it is Syria? Has Hafez had, the new head of Syria? He is an opthalmologist or an orthopedist or an orthodontist. I do not know what he is. He was educated at the Sorbonne so we start to say maybe he is going to be the moderate face of the Middle East. What does he do? He turns his government in whole, in toto, to Hezbollah which continues on the other front that Israel has, their northern front, continues to use Lebanon as a launching place for more terrorism.

This is another myth that the moderate Arab states will rise up. I will tell you who is going to rise up. The people of the Palestinian territories will rise up and say what the Egyptians said. The Egyptians have said, and what other people who have sought to make peace have said.

In every case where someone said to Israel, here is our hand of peace, there has been peace. The Egyptians decided through the heroism of Anwar Sadat, and the Egyptians have said, maybe we should learn to get along, live together. Peace did not take that long to do.

King Hussein of Jordan made the same decision. The moment that it comes that the Palestinian peoples choose through a nonviolent, through negotiations that they want a homel land, that they want an economy that is not in rubbles, that they want to peacefully co-exist with Israel, I can tell you right now that it will happen in the end.

The gentleman from Florida (Mr. DEUTSCH) correctly points out the occupation is hardly even an issue any more. The Israeli people, the Israeli government say we will negotiate an end to the occupation in exchange for peaceful co-existence.

Let us not forget that in the final analysis, Israel is ringed by Arab nations who fundamentally like the idea that the Palestinian people are waging a war. They are a surrogate army. It is the Palestinian people themselves that have to make the decision. They say we no longer want leadership that turns over our faith to Hamas to go blow up children at a pool hall. We no longer want to turn over our faith to Yasser Arafat who says not to an offer of everything simply because he wants to continue to negotiate or because he does not want Israel’s right to exist.

When the Palestinian people rise up and say we want, my little 5-year-old girl should not be seeing cartoons on your books, put down your toys and pick up your guns, when the Pales tinian people decide they are not going to go to protests, holding their 5, 6-year-old boys and girls on their shoulders with mock suicide bombers around their waists, there will be peace. Until then it is the United States supporting a people who is trying desperately to do what we have been doing since September 11; desperately trying to survive, trying to have an environment where they are not afraid to send their kids to school, not afraid to send for a slice of pizza, not afraid to send them out to a pool hall.

I would ask my colleagues how they would feel in their town and neighborhoods and cities all across this country if they did not feel comfortable that they could send their child out for a slice of pizza without knowing whether they would be blown up by some person wearing dynamite laced with nails, ball bearings and hexagonal nuts. That is what Israel confronts.

We in this Congress in a magnitude that is rarely seen around here, 350-some-odd votes, said we in the United States understand what Israel confronts, and we stand shoulder to shoulder with them.

Mr. DEUTSCH. The gentleman had so many incredible insights in that statement. I would like to really follow up on a couple of them.

One, the difference between Anwar Sadat and Yasser Arafat. Anwar Sadat, not only came to Jerusalem as a peace maker, but got on Egyptian television and told his people why it was in their interest to have peace with Israel, and basically led them and educated them about that.

Yasser Arafat. I am going to read this quote that he basically said today, right now. This is the quote. “But we ask Allah to grant us martyrdom. To Jerusalem we march, martyrs by the million.”

This is the English translation from al Jazeera, but the word martyr is shaheed. And the true translation of the Palestinian understands by that word is suicide bomber. Literally suicide bomber. It is the equivalent of what we would say kamikaze, and we know what a kamikaze means. Shaheed, the Palestinians know what it means. So he said to Jerusalem we march. Suicide bombers by the millions. To Jerusalem we march. Suicide bombers by the millions.

When Yasser Arafat left his compound on May 3, it really is not martyr in the millions, the true translation as Palestinians said the words and understand the words, suicide bombers by the millions.

This is just another comment. Let me see if I can find it.

Mr. WEINER. Mr. Speaker, while the gentleman is looking for that, if I would ask the gentleman to yield for a moment. One of the things that is important is we frequently listen to what Mr. Arafat says to Western television in English, and then you go read what he says to his own people in Arabic, and it is a world of difference. You can hold a press conference in the United States for CNN saying this is a terrible thing that has happened, and then, as you pointed out, he turns and says in Arabic something else.

Mr. DEUTSCH. This is from the New York Times, April 15. This is from Chairman Arafat’s wife. And I think it is so strange to us that a mother could say this, but this is what Yasser Arafat and his wife are telling the Arabic people. “If she had a son, there would be no greater honor than to sacrifice him for the Palestinian cause. ‘Would you expect me or my children to be less patriotic and more eager to live with my countrymen and their father, we who are seeking martyrdom?’” And, again, martyrdom means being a suicide bomber, a mother of a leader of a group. And I question whether or not not he is a leader because one of the things that he is most interested in is one of the things of visiting and talking to people in Israel, is that as evil and as awful and as horrific as Yasser Arafat has been to Israelis, he has become as bad to his own people. They have indiscriminately killed Palestinians. They have destroyed an economy. There is no freedom. There is fear. The demolishment. And it is a people that does have a future. But it does not have a future with Yasser Arafat.

One of the other things, and again, the gentleman went through a number of points that I hopefully will be able to find all the corresponding charts. I think I have it.

This is our friends, the Saudis. One of the things about the Israeli incursion was that not only did they find this incredible stash of weapons, but an incredible sort of stash of documents, some of which have been released publicly at this point in time. And unfortunately, again, it is an issue where the press really has not, I think, talked about them specifically. And I welcome people trying to understand and literally read the documents.

Here is the ad that was put in a Palestinian newspaper asking for people because the Saudi committee for support of the Intifada was giving the equivalent of 5,000 American dollars per family, per suicide bomber. And literally an ad in the Palestinian newspaper, Alhayat Al Jadideh, and literally just asking them to come to a certain location for information and a certain location for information and a number of beneficiaries and to come and sign up, prove that you are a suicide bomber and you will get $5,000 from the Saudis.
committee." So they are not allowed to publicize the fact that the Saudis are paying for it.

Included in the documents are a list of suicide bombers, literally a list which people at this point is not on the Internet. I think in terms of the war on terrorism that the administration is making this attempt to make something that is not. I think the proofs are the facts that the Saudis unfortunately are really not our allies in this war against global terrorism by their actions and by their specific deeds.

What I would like to do quickly in the last minutes is really just put up on the easel again some of the extensive evidence tying Chairman Arafat specifically to the terrorist actions. There has been an attempt by the President to also make a Yasar Arafat exemption to the war on terrorism, and it is a sad and, I think, tragic mistake of the administration.

The facts are the facts. The truth is the truth. These are one of several documents. At this point the Palestinian authorities are no longer inferring, as originally they did, that the documents are hoaxes. They were found by the soldiers that the hard drives of Arafat and his associates.

The young man, that died, was found and the calculation of how much they were going to pay them. It is just not credible that they were not involved in direct bombings, suicide bombings.

Here is a copy of minutes of a meeting from March 24, 2002, of the Palestinian Authority. Hamas members were there at the time. So again it is not credible to say that Chairman Arafat obviously was at this meeting, but specifically talking about minutes from the meeting, talking about the decisions of where to bomb and why it was not a good time to bomb because or where outside the green line or inside the green line. General Zinni was there.

I am going to close because our hour is just about up, and there are more things that I can mention or show, but I think that in closeup Chairman Arafat was at this meeting, and specifically talking about minutes from the meeting, talking about the decisions of where to bomb and why it was not a good time to bomb because or where outside the green line or inside the green line. General Zinni was there.

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EDUCATION TAX CREDITS

The SPEAKER pro tempore (Mr. OTTER). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. SCHRIFTER) is recognized for 60 minutes as the designee of the majority leader.

Mr. SCHRIFTER. Mr. Speaker, I want to spend this leadership hour discussing in the context of Special Orders the important issue of education and specifically of education tax credits. There is legislation that I am working on, preparing for introduction within the next few weeks and have been working on that legislation for some time.

That legislation is supported and enjoys the assistance of a great number of coalition partners, growing coalition, large coalition of Representatives here in the House and even some over in the Senate who are firmly convinced that an education tax credit bill should be introduced; and to all those who may be monitoring today's proceedings and this discussion on tax credits, I want to extend an invitation to our colleagues to join me here on the floor if they would like to participate in a discussion on this important initiative.

It is an important initiative and one that really extends beyond the walls of this House in terms of its appeal and its scope. There are a great number of outside organizations, family groups, taxpayer groups, educational organizations that are supportive of an effort to try to get more cash into the American education system and to do so in a way that does not discriminate based on the kind of institution that is providing an education service or certainly does not discriminate based on the choices they have made on where they might want to attend school.

This is an effort to try to get a massive cash infusion of funds available to all children in America, regardless of the academic setting that they have chosen in which to learn; and it does so by essentially cutting taxis out of the picture, which is attractive for some, which is a problem for others, I understand; but my goal is not to worry about the comfort of those who are comfortably employed in the halls of public school for specific projects or enrichment programs that exist at these schools; and once again, a contribution to that sort would result in a reduction in Federal income tax obligations to the extent of 50 percent in the case of the bill that has been proposed.

It might be instructive, Mr. Speaker, to kind of run through how money gets to children today, and I will refer to the chart here to my right. At the top, we have a taxpayer. This represents any ordinary hardworking American who is working hard to pay a portion of his wages confiscated by our government at the time he received the paycheck, and of course, in April we try to get a portion of that back by filing our tax returns. Americans throughout the country today are getting a portion of those dollars returned to them, and these are essentially payments that they have sent to the government or money that the government has taken from them over and above their actual obligation to pay.

So I want to start there with taxpayers, because nobody likes paying tax. I do not know too many people who have ever told me that they enjoy paying taxes, but as Americans we understand our obligation to do it. There
are some legitimate functions of government that are worthwhile and important and, in fact, essential to maintain a sovereign Republic as our country is, and so we are all consigned to pay a portion of our earnings to the Federal Treasury to maintain those legitimate functions of government.

Education is certainly an important function of government, providing an education system for our children. This is a function that has been traditionally a State responsibility, but over the years we see that more and more education authority has been moved out of the States and toward Washington. We saw that take place last year with the massive education reform bill that was passed here in Congress and signed by the President, and that was done to try to accomplish the need of more accountability in education across America so that we have this whole strategy now of national education, the taxpayers money then goes to school districts throughout the country.

Most school districts, if not all, are managed by an elected board of politicians, school board members, and those dollars are then audited by the taxpayer's dollars even further, down to the various schools that are managed within a school district. And then once those dollars are at the school, why then the principals and the administrators who run those schools distribute those dollars to the student, way down there at the bottom, who is pretty happy to receive any attention and resources with respect to his academic future.

That is how American education dollars get to students today, within the context of Federal spending. Again, hardworking taxpayers send cash to Washington, on an involuntary basis, I might add, and those dollars are then divided through this process up above, they want to make sure that the school districts down here at the bottom are spending the dollars the way these bureaucrats want them to be spent. So they require all kinds of reports to be filed and accountability requirements and strings and red tape as well just to make sure the dollars are being spent the way these people in these agencies believe it should be spent. And so you have a lot of people very similar to our departments, the school district level, and of course they need to be paid. So there is an expense associated with that.

So paying for all of that nonsense comes out of this taxpayer dollar, too. As far as we are concerned, the Federal Treasury. There is an accountability chain here that is pretty intense, with every principal filling out reams of paperwork in order to satisfy the Treasury Department, the politicians, the Department of Education. And the Treasury Department, State Department of Education, school districts and school board members that the principal is spending the dollars correctly. And so you have just got all this paper running back and forth, with site inspections too, I might add.

In order for the Department of Education, way up here, to be able to persuade us here in the Congress that they have got a good house auditors down here to the schools. And when they show up, the school has to stop teaching for a while and the administrators need to answer all the questions of the interrogators who now to pay these dollars are taxed in by the U.S. Treasury. This is where we find the Internal Revenue Service that we are all familiar with, especially as it relates to paying taxes. Then it is subject to a number of political decisions. This is us here as Members of Congress, all of us here, politicians. We come to this floor and decide how to divvy up taxpayers' cash.
cause the States are frustrated with efforts that are taking place throughout Washington. I certainly did not, mind, and that is this tax credit program.

The politics of this process just fine because it suits them well. And at the end of the day, they believe in their hearts they are doing something worthwhile for kids. I cannot deny that. And I think these are probably good people who we can find throughout this process. It is just that, in my estimation, it is probably not the best way to get money from the hardworking taxpayer down to the needy child who deserves a good education.

So in constructing a process by which we can get more dollars to the child, and bypass this whole process, just from a political standpoint we have come to the conclusion that changing this very dramatically is not all that practical. These people all have lobbyists. They have people who represent them that stand just outside the halls of the Congress here, and they strike up friendships with our colleagues here in the House and over on the Senate side. And when you talk about changing the way the Department works or the way the States work or the way these school boards work or the State departments, or even the way we manage schools, you are in for a political fight that leaves the child down there. So once again, I will acknowledge and concede that there are many people who like this system, who are appreciative of the $125 billion that have been spent through this process, and some people are actually satisfied with the results. I am just a little different, I guess, and maybe the people that I represent in my district in Colorado are as well.

And we are not alone there. I have traveled all around the country with our Committee on Education and the Workforce, as a member of a particular subcommittee that does research on education issues. We have traveled to cities all across America, and I have heard at stop after stop after stop, in all of these field hearings, from droves of parents who are tired of seeing their children grow up with something less than an excellent education system available for them. What they want are choices. They want choices to get the tuition to send their child to a different school that is not part of the government monopoly. And that kind of discrimination plays disproportionately on the poor. Because wealthy people in America can choose to forego the cash they are sending to the government and pay even more on top of that to pay the tuition to send their child to a nongovernment school, a private school, or even maybe provide tutoring or some other academic services. But if you are poor, you are pretty much stuck with the option that is handed to you.

And, again, if it is a good school, that is a great thing, and I would not want to tamper with that. But if it is a school that is failing, then that is a child that needs to be rescued, frankly. That is a child that deserves our compassion, deserves our support, and deserves our attention. And that is what this discussion is all about and why so
many people, including our President, have indicated their unyielding support for education tax credits.

Mr. Speaker, let me give an example of the way tax credits are working in a number of States. First, six States have enacted some form of tax credit at the State level, and these are generally for elementary and secondary education services. Arizona is one, Minnesota, Iowa, Illinois, Florida, and Pennsylvania are probably the best examples. There are several other States, probably over 30 right now, that are considering in their legislative sessions enacting similar legislation.

This is the case in my home State of Colorado. It is a vigorous debate that is exciting because it is finally beginning to focus on children as the most important element of education debate, not as the chart here on the right illustrates, all of the education constituencies that tend to be a part of education discussions in America today. This is really true.

When we talk about empowering States, that threatens the Federal Government, that threatens the Department of Education. When we talk about moving authority to Washington as Congress did last year, it threatens States and local school districts. So we have some of these conflicts that exist between various levels of government; and then we are often the education debate here in Washington centers on the relationship between these institutions and these bureaucracies.

We need to get away from that. I think we need to get to a point where we start measuring fairness by the relationship between children throughout the country and making sure that all children are treated fairly. We can care about the bureaucracy, too. My point is that should come second. The children should actually come first. I know there are Members that believe that bureaucracies should come first, and with them I always enjoy having the debates on the floor. They are even better when those who want to put the bureaucracies first are honest and willing to engage in a debate on whether some union wins or some school building wins or some administration happens to win.

But in the end what I have heard from Americans across the country is that they want us to begin to talk about children for a change and what we need to do to make children become the victors in an education debate. That is what these States are accomplishing. The tax credit initiatives that we have seen in the States went through these vigorous debates to begin with. There were people in government at the State level that said if you give parents choice, if you empower children and give them the ability to shop and choose, then the bureaucracy is going that they want to be a part of, that threatens these government decision-makers that have made the decisions for them. These debates have been vigorous and public and spectacular at the State level. Even as some of these tax credit initiatives were enacted by States, there was some doubt about whether or not they would work.

In those experiments that the tax credits exist, we are beginning to see public support for what they are achieving as being quite remarkable. They are winning over public confidence at a pretty dramatic rate, and they are bringing people together across partisan lines. One would think that this is a proposal that appeals to conservatives as opposed to liberals, and throughout the States we are seeing education tax credits are appealing to groups that really do not care about the politics. They do not care whether these are proposed by Republicans, which is what I am, or Democrats, or liberals or conservatives. They just want to see Congress finally talking about children for a change and not the bureaucracy, not the politics.

Here again, once these tax credit proposals are up and running, and we see these massive cash infusions taking place into the education systems of these States, all the sudden people get it because now the poor child who has been trapped in a bad school finally has a little bit of liberty and freedom. They get to attend better schools, and the schools they leave get better as well. Just the force of the marketplace that we see in every other important industry in America has been denied, for all intents and purposes where the most important industry is concerned, that being education; but in these States that I mentioned, we are starting to see children benefiting and schools benefiting as a result of just a small introduction of a tiny representation of a market-based economy, and a market-based approach to public schooling.

There is a corporate tax credit component that we find in some States as well that allows businesses to target some of the most needy schools within a State. When a corporation helps to replace the leaky roof, for example, at an inner city school in the city, that corporation also receives a commensurate reduction or related reduction in their tax obligation to the Federal Government.

The way we have structured this bill, we actually get a two for one benefit as a result of these kinds of investments. In fact, our bill calls for a 50 percent tax credit, which means for every dollar donated to the school, the donor’s tax liability to the Federal Government is reduced by half of that amount. From our standpoint, from the government’s standpoint, for every dollar that does not come to Washington to be spent on education by the bureaucracy, $2 are spent on a child. When we couple the Federal proposal to the State proposals in the six States that I mentioned, well, the benefit to children becomes rather dramatic and exciting.

Just a few weeks ago the Committee on Education and the Workforce held a hearing on this topic, and we heard from at least one child that represents several throughout the country. I am convinced, give his opinions about the benefits that he realized as a result of receiving a scholarship. Here is his testimony. His name is Joshua Holloway. He says, ‘I was born in Denver. My favorite subject is football. I am 10 years old. My mother passed away last year. I have a mother who is 6. His name is Jeremiah. We go to church every Sunday. Before I go to school, I read the Bible. I live with my grandfather. Sometimes my cousins come over and we play outside and play vidio games. Thank you for helping me out, she told my grandfather to bring us to Watch Care.’

I might inject here, Watch Care is a school in Denver, Colorado, that is a private school and Joshua was only able to attend because he received a scholarship from a private education investment organization.

‘We were at Watch Care before we moved to New York. My grandpa could not afford to pay for the other.’ Mrs. Perry, who is the principal at Watch Care Academy, told him about a particular scholarship that exists in Colorado. The testimony goes on: ‘My grandpa applied and we received an ACE scholarship. I say thank you. It is with your help that my grandpa is able to bring us to this fantastic school. I know my mom is happy and thanks you also. When I grow up, I want to be a lawyer, and then a football player. Thank you for helping all of the children who are getting such an education through your program. I want to win. This will help my grandpa with money for Jeremiah and I.’

He thanks us for considering these tax credits. Joshua testified before the Committee on Education and the Workforce on April 16. His testimony was moving. I think it held most committee members spellbound, and I spoke clearly about the benefits. It is contribution to this kind of scholarship program which will be eligible for the tax credit that we are proposing in the legislation.

The gentleman from Michigan (Mr. HOEKSTRA) was at that hearing and is one who has been devoting a great amount of time over the years to perfecting this tax credit proposal.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. HOEKSTRA).

Mr. HOEKSTRA. Mr. Speaker, as we try to help young people like Joshua, last week I had an opportunity to go through a public charter school in my hometown and to explain to some of the parents and some of the teachers about this case, but it would also help the students at that school, a public charter school, to get some additional resources for some things that they felt
that they desperately needed; and it would not require them to go to the taxpayers and raise the tax. It allows them to go directly to the people who have a vested interest in that school. Whether it is a public charter school, whether it is a traditional public school, or whether it is the kind of school that Joshua goes to, these tax credits, number one, will provide for a significant infusion of new money into our local schools for all of our kids and will get invested in improving education for every one of our kids.

The gentleman and I go through this process each and every year where we have the opportunity to nominate kids to the military academies. We know that there are some tremendous kids coming out of our public schools. We know that there are some tremendous kids at the school I went to, to the charter school; there was someone leaving there to go to the Naval Academy. They are doing a good job. There are kids coming out of our private and parochial schools that are going to our academies. When I speak with students as to why they are in private school, they will often say that this just kind of fits me better or fits what we need to get done and what my parents thought that I needed. I think that the different kinds of educational alternatives are tremendous, and then allowing parents and others in the community to invest in these schools, to increase the amount of money that is going into education, without the red tape, without the great sucking sound which is a dollar coming into Washington, us taking our cut and feeding it back. Actually it is a two for one. They invest $2, and it costs Washington $1 because that is the ratio. It is a $500 donation, but it is only a $250 tax credit.

It is a real win/win for the school, for the child, for the parent, and for the taxpayers because what we are doing is moving more money into education, which we have identified as one of the most important authorities that we have in the Nation today.

Mr. SCHAFFER. Mr. Speaker, some Members have tried to demobilize tax credit proposals that we have seen in the States, and even our proposal in Washington, as a voucher. The voucher, as we say, is the "V" word here in Washington that has such a connotation about it because there are some many organizations that exist to prevent that kind of a school choice mechanism from taking place.

One of the ways that they have tried to characterize the tax credit provision proposal that we have is by referring to it as a voucher, but it is nothing like that. We do not essentially would effectively be a taxpayer giving their cash to the people here in Washington, and the government here giving those dollars back through a voucher, kind of a check, that could only be spent the way that the government says it has to be spent. We are not proposing that at all.

Mr. HOEKSTRA. Mr. Speaker, the difference between what we are trying to do and how Members characterize vouchers, vouchers are typically viewed as taking the educational pie, the amount of money that we are investing in education and redistributing it so that means that there are some people that are going to get less money, and simply as we are new people getting money, they are going to be getting more money, so somebody is going to be left out or they are going to go home with a smaller check than they got before.

That is not all at what we are doing here. We are saying that there is less money coming into Washington, about 7 percent of all the education dollars come into Washington, and what we are doing is saying that money is going to stay there. We are going to keep increasing that. That money has been going up, but now we are going to create a new educational investment fund that is going to be driven at the local level and not at the Washington level. The dollars come to me, where people are saying I am willing to contribute extra money to education if I can determine where it goes and what it is going to be used for, and if I can build that relationship with my local public, private or local charter school, I then come to me and make a compelling case as to how this is going to benefit the community and the children in our community, I will write that check. The states are finding that they are doing it.

Mr. SCHAFFER. We are trying to accomplish through this legislation is a mechanism that reflects what we have been hearing throughout the country as we have held field hearings and listened to parents.

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That is, number one, they want to be able to make the choices necessary to advance the needs and interests of their child, but even more is this important point. That is, that Americans are willing to spend more money if the dollars they spend really help a child. They just do not have the faith and confidence that this system is effective, efficient, equitable, and whether it is working or not because the other thing that comes along with that is when that 67 cents get into that local classroom, the local teacher, the local principal, the local superintendent, they have to figure out pretty much how to spend this money and what they can spend it on.

We are not threatening that system. We are leaving that system intact. We have tried that before, saying we do not think that system works and all of that. We are just saying that, hey, there appear to be a lot of people in Washington and maybe even at the State level and a lot of people in this Chamber would like that process to do what we are saying is we are willing to put more money into their kids.

This is saying you can keep that sacred cow, you can keep that system intact. What we want to do is we want to advance the needs and interests of their child, and even if we come nearly as big as that one, but one where the relationship and the linkage is directly between the people in the community and the school and the children, where the local carpenter, the local contractor, the local plumber when they go out and do their work, get paid, pay their taxes to Washington, if they have a little bit of extra left, they can write a check directly to their school and we know that they are doing that in the six States that have passed tax credits. They are willing to put more money into their kids.

Mr. SCHAFFER. It is an important distinction to make, an important
point that I think the House needs to keep in mind as this debate moves forward and the legislation eventually comes to the floor, that the bureaucratic model that exists today, it is a problem and it ought to be fixed, I think maybe someday it ought to be repealed. That is not what this tax credit proposal does. It instead sets up a different mechanism to fund education and to provide this massive cash infusion in schools in addition to that bureaucratic model. It does so not by changing the budgetary line item with redistributing the education money that is spent currently or even disrupting the scheduled increases in funding for the bureaucratic model. That is going to continue on unimpeded, unimpared because, as you mentioned, there are so many people here in Washington who like that and support it.

But what we are suggesting is that we can, in tandem through the Tax Code, put into the budgetary line item so that it becomes advantageous for Americans to work hard, to donate their cash to America’s schoolchildren, to do it directly and bypass the bureaucratic model altogether.

If you again look at what is a visual of how tax credits work, this is it right here.

Mr. HOEKSTRA. If my colleague will yield, because the other thing that we know is what the difference is. In your model, it goes directly from the taxpayer. It can go directly down to the school district. We eliminate all this and we save that 33 percent. Actually what we do is we double it. We take the dollar, and rather than taking the dollar in this model where it shrinks it down to 67 cents, what we do in that model is we take the dollar and we multiply it to two, so it is a great contrast.

If the gentleman will leave the chart up for just a second because the other contrast that I have and that I have tested pretty hard over the last 4 or 5 years, I think we have finally made some progress now that we have a new administration, but for a number of years the money going into this system could not be tracked. We did not know where it went. This organization right here, the Department of Education, could not get a clean audit. They could not tell us where the money went. There were all kinds of cases of waste, fraud and abuse. And, I have had several cases over the last count, 18, 21 people are pleading guilty and have been sentenced for the crimes that they have committed but the accountability system really was not here.

With Secretary Paige and all that, we are very optimistic that they are going to get a clean audit so they can tell us exactly where that 33 percent goes and we will be able to determine whether we have value or not. But we are not threatening this system. The accountability model over there is very simple. If the principal or the superintendent or the local school board cannot convince the local taxpayer that the purpose that they need the money for is an appropriate purpose, they do not get the money. And if at some time in the future they get the money and they waste it, they will have broken trust with their constituencies and they will not get another opportunity of wisely using it and the people say, wow, what a great investment, they will get more.

Mr. SCHAFFER. This model that you are displaying here, is it impersonal. Because if the school district does its job properly and the poor child who is either languishing or succeeding in a particular school, under this system the schools just keep getting cash. It just keeps coming. In some cases they actually get more. We reward failure often-times through this process and it is too impersonal. The people making decisions up at the top end of that funnel, or that tornado there, they are so far removed, those of us here in Washington, you are from the State of Michigan, I do not know your constituencies. But you and I both know the names of these kids and you do not know the names of the kids in my district.

Mr. HOEKSTRA. Yes, I know Joshua.

Mr. SCHAFFER. That is right. He can be identified. That is indicative of a Federal system where we try to make laws and establish policy to help children in different neighborhoods throughout America. It is too impersonal. By the time those dollars get to kids, there is no human connection between the people who are calling the shots and establishing the policy and the poor child who is either languishing or succeeding in a school. But this model is very different because the person who contributes the money understands the value of the donation. And if that donation strikes them as a good idea, a good investment, something that is yielding appreciable benefits for the community and elevating the standard of living of children, that taxpayer is going to feel good about that donation and they are going to continue to make the donation. In fact, they might even make more as time goes by.

That is just what we have seen in the several States that have tax credits, is as time goes on this tax credit strategy becomes favored over the bureaucratic model and more taxpayers like this system in a way that makes them feel that they are more personally connected with their dollars and in the end they are getting massive quantities of cash to the neediest children.

Mr. HOEKSTRA. The other thing that happens and like we said earlier, we do not threaten this system. We are not taking money. We are not shrinking this funnel. This funnel is going to continue to grow and expand. This funnel will be there for people who like the guarantee of, yes, this money is coming in and some of it is going to fill the coffers and when it gets here, they are going to tell us how to spend it. If they like that kind of model, this model is going to stay around. What we want to do is we want to complement this model which you and I have questions about, but this model stays in place. But we are going to complement this model with the local control model, the parental and local involvement as an additional incentive for people who have money flowing into this model and then you will have that other chart with this person. This is confiscation. This guy has no choice. He has got to put the money into here. He or she will have the opportunity whether they want to send some money directly through here, bypassing that system.

And, like I said, what we have found in the States that have introduced the tax credit proposal, this person when they have got the direct ability to make a decision as to how that money is going to be spent and when they know the children, they know the schools, they know the people who are running those schools and when those people have built up their confidence with their constituents, this person will write them a check to make their school better and to make their kids better educated.

Mr. SCHAFFER. It is a great model. And I really commend the leadership of these various States that I mentioned that have initiated the tax credit philosophy and are seeing it work in their States. They have done so on a bipartisan basis. Once again, this is not a partisan sort of thing at all. These kids do not care whether Republicans or Democrats introduce these bills. What they want is they just want them to pass.

If I can use my State as a good example, we have got this debate taking place in the State Legislature of Colorado today. Right now it is taking place. What we have there is a Republican in our State House of Representatives who introduced this legislation and I have been in contact with the leadership in the States that have introduced the same bill is being carried in our State Senate by a Democrat and a pretty liberal one at that. So you have both ends of the political spectrum that are rallying around children for a change.

That is the kind of political unity that I think we need to see more of in this Congress and hopefully it does not have to only take place around tragedies and terrorist attacks, and we can finally have this kind of unanimous support around these initiatives. That is positive and something that provides hope for the Nation, and that is our country’s children.

Mr. HOEKSTRA. What this is not about is about process. It is not a debate about process. What this is about is making sure that we put our children at the forefront and their education. That is what the whole debate always should be about. It should not be about all these other things. It should be how we are making sure that these children can all do reading, writing and math. How do we make sure that we do not leave a single child behind. That is
one of the things, and that is why in the States that they are moving to the tax credit as a complement to the bureaucratic model is that they recognize that in too many areas we are leaving too many kids behind.

Republicans, Democrats, liberals, conservatives, African Americans, Caucasians are coming to the conclusion together that, just like testing in and of itself is not the total answer, just like more money through the bureaucratic model is not the total answer, tax credits, you and I, I do not think believe that tax credits in and of themselves are going to revolutionize education. More parental involvement is not by itself going to do it. But if you take each of these, if you allow for more local control, if you put in some accountability measures so that parents get a better indication as to exactly how a school is performing and how their school is performing versus their neighboring schools, that you put more focus on the bureaucratic model and that you put money into the tax credit model which builds the relationship between a community and their schools, all of these things together should move us forward more rapidly than what we have.

The disappointing thing, and I do not have the statistics, but is it not like during the last 20 years, we have really not improved at all in our test scores and maybe in a number of areas we have actually decreased? We have got all these new capabilities and understanding how kids learn, and the end result is that after learning everything about how kids learn, you would think we would have developed methods that you would have seen our test scores skyrocket.

But they have basically stagnated or, in some cases, they have decreased, and that is unacceptable. There is no reason why they should be stagnating or decreasing. So there is not a single silver bullet that will fix this. But what it is, it is taking a mixture of these things; and in Colorado, a certain mixture may work, or maybe in Denver a certain mixture will work, and in other parts of Colorado, something else will work, depending on exactly what is in the community, the state of the school, the types of things; and that is what we are trying to do, is to allow people at the local level to tailor their educational system to meet the needs of their students. It is not like this is a free-for-all. They are going to have to have the State regulations and the new Federal mandates and those types of things, but it is going to give them more opportunity to reach for and achieve high standards.

Mr. SCHAFER. Absolutely. This element of choice is really key to the whole process. The reality that you are standing, when compared to our international peers, is being diminished over time in math and science in particular, is a real problem. Not all schools in America are culpable in that regard. Some schools do, in fact, a very, very good job. It is a big country. We have lots of schools, lots of approaches, lots of managers. Most of them are competent and, in some cases, excellent. They tend to be isolated in urban inner city areas, these schools that are failing to give children a decent education. In those cases, Americans really, the rest of us in America need to be quite conscious of how we are going to find ways to reach out to these kids.

In every single State in the Union, these scholarship organizations have popped up that provide, that collect private money by way of donations to try to provide scholarships to some of these kids trapped in the worst schools. In fact, I have a map that was produced by just one of the organizations. It is called the Children’s Scholarship Fund, and the Children’s Scholarship Fund, an organization that provides scholarships. They raise private money to provide scholarships. This blue area, everywhere we see blue here tells us where they have received applications for scholarships. It is basically all across the country. These red areas is where we have high concentrations of applicants who have applied to try to get some of these scholarships. As my colleagues can see, the greatest amount of interest is in inner city areas, in Atlanta, in New York, in Los Angeles, in Chicago, in Los Angeles, and so on. This is where we see the greatest level of interest is from inner city areas where children and their parents are applying for these scholarships so that they can afford to go to schools of their choice like other Americans can do.

Mr. HOEKSTRA. Mr. Speaker, I think we have to be a little careful about calling them failing schools. I think what we have identified is that in those areas there are kids, for whatever reasons, that are failing through the cracks. It could be a problem with the schools, or it could be other issues that are affecting it; but in each of those areas, there are people that are saying, man, what I need and what I need for my kids just is not matching what I am getting.

Mr. SCHAFER. Exactly. Mr. HOEKSTRA. What we are finding then in each of these areas is we are finding people going out and embracing these kids and trying to give them an answer to make sure that they will enter adulthood well prepared for high-quality, high-paying jobs.

The other thing that we will find is that in Detroit and these types of places, if they have identified that the schools are part of the problem, many of these people are also passionate about improving their local public schools.

Mr. SCHAFER. Right. Mr. HOEKSTRA. They are not giving up on their local public schools. They are passionately involved in fixing their local public schools. They are passionate about helping the kids out that are falling through the cracks right now. So there are a number of different ways that they are approaching it, but in no way has this become public versus charter versus other for-profit organizations that we need to embrace some schoolers. This is really a national movement of people saying, I want to improve education and I want to make sure that we do not lose a single child behind, and there is a whole range of other strategies that we need. We need to embrace and take a look at for making sure that that is what happens.

Mr. SCHAFER. Mr. Speaker, this chart on my right is an illustration of just one scholarship fund that exists in America, the Children’s Scholarship Fund. This is where the interest is and where people have applied.

What we want to do is take a look at how widespread this interest is and actually enhance it and improve it. Because the reality is, the scholarship fund does not have enough money to give to all of the children who wanted the kind of choice that that scholarship allows. This is a chart that shows the distribution of where those scholarship funds went; and as my colleague can see, although it is impressive, it is in far fewer areas than the interest indicates. And by providing a tax credit, we cannot only help this particular fund, this is just one of them; we will see them get more numerous, so that they can make more loans; but just imagine that there are these kinds of organizations that exist in every single State.

Mr. HOEKSTRA. Remember, Mr. Speaker, this is for a very narrow purpose. This is for scholarship funds to assist kids to go to a private school, a private or parochial school. Just imagine what happens now when we expand this to a tax credit and they get a tax break. These are all people who are willing to pay more money into education than what they do today; and if we expand it, think of all of the people that would be willing to pay into their local public schools, to their private, to the scholarship funds, for tutoring, and those are all people who are willingly today paying more to improve education.

That chart would be fully red if we would allow tax credits to go to public education, because all the constituencies and supporters of public education around the country that, with a tax credit, would be really motivated to say, I am going to help my local school, and this is going to be the thing that is going to push me over:

Mr. SCHAFER. Mr. Speaker, that is our goal, is to change the Tax Code in a way that makes it easier for Americans to contribute to these kinds of organizations so that they can help more children, not just these kinds of organizations, but to direct money directly to schools. As shown on this map, this is an impressive distribution of private funds to America’s children, but it is
possible that this entire map can be colored solidly red with every child in America having access to additional funds generated through an education tax credit, and it will benefit all children.

Mr. HOEKSTRA. Mr. Speaker, this is what we are talking about, bringing a massive infusion of new money into education. This is not tax credit money going into education for a very specific purpose. If we do a tax credit, we will see an entire map being red and dollars going into education at the local level to make sure that we do not leave a single child behind.

Mr. SCHAFFER. Mr. Speaker, it is an exciting proposal and it is one that is just a few weeks away from being introduced. We expect it on the floor sometime in June. We are very appreciative of the President’s commitment, personal commitment and obligation to help us see this legislation passed; and we will talk about it more over the coming weeks.

Mr. Speaker, I appreciate the opportunity to be here this evening, and I thank the gentleman from Michigan (Mr. HOEKSTRA) for joining me.

COMMUNICATION FROM THE HONORABLE PORTER J. GOSS, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. GRUCCI) laid before the House the following communication from the Honorable PORTER J. GOSS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

Hon. DENNIS J. HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents and testimony issued by the United States District Court for the District of Columbia.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,
PORTER J. GOSS,
Member of Congress.

COMMUNICATION FROM THE HONORABLE NANCY L. JOHNSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY L. JOHNSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,

Hon. DENNIS J. HASTERT,
Speaker, U.S. House of Representatives, Washington, DC.

Dear Mr. Speaker: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents and testimony issued by the United States District Court for the District of Columbia.

Sincerely,

NANCY L. JOHNSON,
Member of Congress.

MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore. Under the Speaker’s announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I plan to spend most of the time discussing the need for a Medicare prescription drug benefit. I come to the well, to the floor this evening primarily because of my concern that the House Republican leadership is talking about, certainly presenting itself to the media, that they intend to bring up a prescription drug proposal at some point over the next couple of weeks. I am very concerned that their proposal is really nothing more than a sham and not something that is actually going to benefit any significant portion of the senior population.

I thought what I would do this evening is that I would start out by sort of outlining what I believe, and what Republicans as a whole in the House of Representatives feel we should be doing about prescription drugs.

First of all, I should say that the Democrats feel very strongly that the biggest problem with prescription drugs is the cost. The fact of the matter is that whether one is a senior, whether one is over 65 or whether one is under 65, it is getting to be more and more difficult to pay for one’s medicine, because of the fact that the prices keep going up every year. Double-digit inflation, essentially, we have had with regard to prescription drug prices for the last 6 years. Every year, the cost goes up by a double digit percentage point. Democrats are determined to address the cost issue and to say that whatever benefit package we arrive at has to address the issue of cost and try to bring prices down.

The other major issue for Democrats is that this plan, this prescription drug plan or legislative proposal has to be a Medicare proposal. In other words, right now we have a great program called Medicare that all seniors over 65 know that they are guaranteed certain benefits—whether it is prescription drugs or hospital bills. If they are participating in part B of Medicare on a voluntary basis, their doctor bills are paid, and there is no question about what is covered essentially and is not covered, because there is a guaranteed benefit package for every senior, for everyone who is over 65 who is eligible for Medicare.

We insist that that be the case for the prescription drug proposal as well. This has to be a benefit that is added to the Medicare program and that every senior, just like with part B when seniors pay so much a month at a very minimum premium to cover their doctor bills, that they would pay so much per month at a very low premium to cover prescription drugs, and they would know that they would be able to guarantee that prescription drugs were paid for pursuant to Medicare as part of their program.

The other thing that we insist on is that the program be generous enough, in other words, that the Federal Government be paying enough of the cost of their prescription drugs so that it makes sense for one to voluntarily pay the monthly premium, like they do in part B for doctor bills. In other words, the benefit has to be significant. We have talked about as much as 80 percent of the cost. If we analogize what we have now for part B for doctor bills, what the Democrats are essentially saying is that we should add a prescription drug benefit that is very similar to the Medicare structure for doctor bills, in other words, that there be a fairly low premium per month, that the deductible be as low as possible, something like what we have for part B to pay for doctor bills; that the amount that the Federal Government pays is significant, probably something like 80 percent with regard to part B to cover doctor bills; we pay a premium and when the bill comes in, the Federal Government pays 80 percent of the cost.

Well, that is the kind of generous benefit that we want to provide for prescription drugs, and that there be some point, we call it a catastrophic level, at which point if one paid so much out-of-pocket over the course of the year, that the Federal Government would cover the entire cost.

Now, let me contrast what I just said and what the Democrats would like to see with what we are hearing from the Republican leadership in the House. I want to stress that what we are hearing is not very good on any of these
points. About a week ago, the House Republicans rolled out some general principles about what their prescription drug program might be when they finally introduce it; and they said, they are trying to give the impression that it is going to be a Medicare benefit. They want to give the impression that it is going to be a Medicare benefit. They are trying to give the impression that they are going to have the choice of basically all drugs that would be covered and that one can go to any pharmacy and have them fill a prescription. They are trying to give the impression that we are going to have the choice of basically all drugs that would be covered and that one can go to any pharmacy and have them fill a prescription.
would result in lower profits. They just will not do it. It would be like sending my patient to a drugstore that I know does not carry the medication. They just would not get it there, like America’s seniors will not get the benefit from the Republican prescription drug plan.

Now I know that there is a big battle also over the cost of the benefit provided by Medicare, but I think it is important for all of us to recognize that it is too costly for us not to do this, and I think it is too far distant to do nothing. The cost of not providing this benefit, helping our seniors to be able to treat these very important illnesses that can cause damage to them in the future is just something that we just cannot afford to do.

When seniors, or any patient for that matter, cannot get the medications they need for some of the common diseases, they suffer amputations, they suffer heart disease, heart attacks, they suffer kidney failure, and they become disabled. That costs far more than providing a Medicare drug benefit.

We need to do prevention. We need to put the investment up front to save money in the long run, but more importantly, we owe our seniors the ability to have a healthy, secure quality of life. We need to make sure that they are cared for. They have worked hard all of their lives and they have paid into a system that was supposed to make health achievable, sustainable, and affordable.

We cannot forget about the disabled, who also need to benefit from this, because they also have multiple issues and needs for multiple medications that they would not be able to afford.

The system of Medicare began in a time when we did not have the medication we have now, and people did not live as long or as well. We know that we have to modernize all other systems, as times change, needs change. The ways we meet those needs are going to change. So why, then, are we balk ing at modernizing a Medicare system which is so vital to the well-being of our parents, our grandparents, and not too long from now for many of us. At least I can speak for myself.

So I wanted to say, Mr. Speaker, to my colleagues, that we need to pass a prescription drug benefit that is available to every Medicare beneficiary. That is the commitment that we can make. It is certainly more important than providing tax cuts, and for this body to pit the chance for a better quality of life in what should be the golden years in the lives of elderly Americans against the breaks that really help no one should not even be an issue.

So I would urge us all not to do the political thing but to do the right thing, and to give our senior citizens a full prescription benefit, the kind that they need and they deserve.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman. I just have to remark, when she talked about how Members of Congress might have to worry about prescription drugs or the Medicare program and she said it was only herself, she did not look around at the rest of her colleagues, but we also need to be concerned about it, because it will impact us as well.

I just want to put one thing before I yield to the gentlewoman from Florida. I appreciate the fact that the gentlewoman from the Virgin Islands brought up the preventative aspect, because many times we forget that premature death, and the way in which it is put into practice is really a preventative measure and that there are huge cost savings, as with any preventative type of program.

I think in general when we look at Medicare as a whole, we have paid too little attention to prevention, and whether it is home health care as opposed to having to be in a nursing home, or prescription drugs.

Mrs. CHRISTENSEN. Just take hypertension and diabetes. This is something people want for themselves, but it is something that affects African Americans more so because we have more difficulty accessing care and medication.

If we just take hypertension or diabetes, either one, and the complication of end-stage renal disease, and having to then go on dialysis or having a kidney transplant, the cost of providing that benefit and controlling the blood pressure or controlling the diabetes, and at the very least, forestalling that complication altogether is really important, we just cannot compare not only the cost of the two, but we cannot compare the quality of life of the two.

Mr. PALLONE. And the bottom line is, I guess being a little crass talking about the money aspect, is that the Federal Government is paying. With the way the system is set up, the Federal Government is paying for hospital care and paying for a lot of the things. So we have to, you and I both have to pay to dialysis three times a week.

Mr. PALLONE. And instead, overall, the cost of paying for the prescription drugs is actually going to save the Federal Government a lot of money. Our problem is that when we make that case, we are not necessarily able to give an exact dollar figure. That makes it more difficult to make the case.

But there is no question in my mind that there are tremendous cost savings with the preventative type of program that we include a prescription drug benefit.

Mrs. CHRISTENSEN. I think it is common sense. I do not think we really have to provide specific numbers. I guess someone could probably do that for us, but it is just common sense. That is one reason why we have overstayed our visitations in between, because dialysis is not easy to go through, versus providing medication that can control the problem.

Those of us who practice know how hard it is to make sure your patient has a month’s supply of all of the medication they need. We try to piece samplers together and do all kinds of creative things, even with medicines that are not extremely expensive, but it is just not possible to do that in the long run.

Mr. PALLONE. It is just so important in the course of the debate on this, if we get to it in the next week or two, we need to go on the preventative aspect of prescription drugs means cost savings. There will be some people who will say that the guaranteed benefit under Medicare that covers all seniors is going to be too expensive, and we need to come back and say you are going to have to do it.

Mrs. CHRISTENSEN. The HMOs are not going to provide that type of benefit. They have pretty much said that. So as the gentleman has pointed out and others have pointed out, to provide it as sort of a program that has to be accessible, like access to HMOs, one has to shop around and get it. Many seniors cannot even do that. Some can, thank God, but not everyone can. But they have to go and search, and then an HMO does not offer it, or does not provide that many benefits. So the only way to do it is the way the Democrats want to do it, and that is through a full Medicare benefit. It is voluntary, but it is universal. It is available to everyone on Medicare.

I just wanted to mention one thing that there are tremendous cost savings, as with any preventative type of program.

Mr. PALLONE. Mr. Speaker, I yield to the gentlewoman from Florida (Mrs. THURMAN) who is, of course, on the Committee on Ways and Means and has been a leading spokesman on the needs for prescription drugs benefit.

Mrs. THURMAN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for taking the time to organize this and bringing us together. His commitment to this is very important. I just want to give you some of those numbers that we were just talking about, particularly with stage renal disease, because I know those numbers, and I can tell you that for somebody to be on dialysis, it is about $45,000 a year that Medicare generally pays for. And then at some point, hopefully, there would be the possibility of having a transplant.

First of all, being on a list probably is anywhere between 3 to 5 years, so we have now spent several hundreds of thousands of dollars doing the dialysis part of it. Probably another hundred to $300,000 for the transplant. And then after that, because we passed something in the Congress a couple of years ago that actually extended some drug benefits for immuno-suppressant drugs, which is something you have to have once you have had a transplant or your body will reject it. So the fact of the matter is, and that is about $1,500 a month, so you start off with the 45,000 in dialysis, you potentially go to 100, 150 a year and probably 3, 4, 5 years, and then once you are through that, you probably need about $1,500 a month for maintenance of the organ so that your body does not reject it, and that is only $11,000.
So once again we continue to go back to the idea of, first of all, if they had the medicine available to them for the blood pressure, that would probably help them or at least extend the lifetime of their kidneys. You would not be looking at the long time for dialysis. I hope to God it did not happen that, even on the other side of it, it is still better in the final analysis to look at the $1,500 that you would be using for immuno-suppressant drugs.

I guess, the gentleman from New Jersey (Mr. Pallone), one of the things that has me concerned is that we understand that there potentially will be a bill brought to the floor of the House, which is a good thing, that might give us the opportunity to debate the issue on prescription drugs. I have some concerns because we are hearing rumors up here that the legislation may never even come through committee, that it is going to be a major Medicare reform bill with a prescription drug benefit that has the ability to look at the consequence with the committee process which, when we are talking about this as to which is better, what could be better offering amendments, giving that opportunity, making sure that it either goes through the Committee on Ways and Means and through the Committee on Commerce is a very important part of this process. Because the other part that will happen is that what we have seen in the past with the Medicare bills, we have not had an opportunity to offer amendments. And if I remember correctly, and the gentleman may help me, I do not even know that we were offered a substitute.

Mr. Pallone. Reclaiming my time to respond, I think the gentlewoman makes a very good point. I started out this evening by saying that the Republicans are talking about bringing a bill which they have not really outlined. They have just given vague ideas of what it might be.

Mrs. Thurman. They have a bill.

Mr. Pallone. But they are not sure they want to move it or what to do with it.

Mrs. Thurman. Right.

Mr. Pallone. What I think is happening and what we were hearing last week, they had a press conference last week and they outlined these broad principles which I pointed out earlier are bipartisan in nature. They talked about that this will be a Medicare benefit, but it is not guaranteed to all Medicare beneficiaries, so how is it a Medicare benefit? But what we are hearing is they were supposed to bring it directly to the markup in the two committees, the Committee on Energy and Commerce and the Committee on Ways and Means next week, and then to the floor before the Memorial Day recess.

And what you are pointing out, and this is absolutely right, this is probably the most important piece of legislation to deal with in this Congress. The normal process is to have one day of hearings, usually like months of

hearing, and then have a markup and allow amendments and then go to the floor. I think what you are saying is they may not do any of that, they may bring it directly to the floor.

I think just a couple of days ago, I think Monday, in the morning, Daily, the president of the hospital said that the headline said “GOP Drug Plan Faces Intra-Party Critics.” The problem is that a lot of Republicans who are more reasonable and are really concerned about what this is going to mean have been suggested. So A, that this prescription drug plan is not going to help that many seniors or that, B, the Medicare reform is really cutting back on payments for hospitals or others that have a great need.

Mrs. Thurman. Nurses.

Mr. Pallone. The gentlewoman is right. They may not be able to muster the votes in committee and they may just take it directly to the floor, which is a huge travesty because there will be no debate other than on the floor, which is not the way it is supposed to be.

Mrs. Thurman. And that is a concern because there needs to be a debate. We need to understand the cost. We need to understand the consequence of whatever we bring to the floor. We need to understand if there is a market product out there for us. I mean, one of the problems that we have heard over and over again is if you turn this over to private market, that there may not even be a tier. It may be, oh, well, here we go. We have got a prescription drug plan, but it is probably not going to start until a little bit later. And by the time people figure it out, the fact of the matter is there may not be an insurance company that is willing to provide that service without having other areas.

They talk about the Federal health plan. Well, the difference is that is a whole package. We get young, we get middle, and we get older. We get new Federal employees. We get retired Federal employees. And the idea is that you spread it. You have a spread over this and that is not what is going to happen in a Medicare or what may be considered in a private insurance. You are going to have one group of folks who are, by the way, in most cases, the seniors with the least ability to pay, which is a fine goal, but they are also going to have some people who have not had the advantages, as the doctor was pointing out, of being able to have taken care of health care. So their medicines, probably because they have more complicated cases, are going to be more expensive. And so when you start trying to use a voucher in a system where you have very sick and not a cross risk, it is going to be very expensive for an insurance company or anybody to go in and try to negotiate for this particular group of seniors.

Mr. Pallone. Reclaiming my time, I think the gentlewoman is absolutely right. If you remember, two years ago, again, close to the election when the Republican leadership tried to bring up a bill, and that is what it basically was, that we are going to give money to insurance companies and hope that they will cover prescription drugs and you can shop around and see if they will cover you. That only passed the Republicans voted against Medicare in the 1990s or whenever it started. And it was for ideological reasons because it was a government-run program. And I think this is what you are getting.

The Republican leadership just cannot accept the fact that Medicare works and we should add this benefit. They think it is too much government interference, so they are trying to send it to the private sector from an ideological perspective.

The gentlewoman was pointing out, and everybody is pointing out, let us look at this practically. Let us not say this is left wing or right wing or whatever it is. Medicare works. This is not going to work, what they are proposing.

Mr. Speaker, I yield to the gentlewoman.

Mrs. Thurman. And I think there were some issues out here also that are very alarming and very concerning and certainly ones that I think, based on the constituency in the Fifth District, in talking with them, that they were seeing high increases in their prescription drugs today. I mean, we know for a fact that they grew almost by 17 percent this year. We are not seeing anything that is going to speak to the high cost of prescription drugs. And so they understand that because they have constantly, and it is
not just in the Fifth District of Florida. I mean, they get this. They understand that they are paying way more than other countries, Canada, the borders of Canada, we know what is happening over there. We know the busloads of people that are going to Canada to purchase their prescription drugs. We know they are out on the Internet to the Canadian Drug Store. I think it is the name of the sites. Mexico, people are sending overseas for these medicines, not because they do not want to be able to purchase them here, not when they are taking two or three medicines and they are costing 3 to $400 with one supply being 150 and another being 200 and another maybe 50, they cannot afford it. And they understand that they feel better on an everyday basis when they have that medicine being taken as the doctor has prescribed it, and they understand that they are not having complications with their health when they are able to take this. But at some point they just say I cannot do this. I cannot afford to continue to do this.

The gentleman and I have talked about this a thousand times, the amount of people that come into our offices, and they talk about cutting their pills in half, they talk about taking them one every three days or one every two days as versus every day, or they may take one a day instead of three a day just for that. But then you also hear, because it is sometimes just not what their family that is on medications, it is two.

I actually get stories, I had a daughter write to me about her parents, telling me how important having a Medicare prescription drug benefit was. She was watching her mother not get her medicines to make sure that her husband, the daughter’s father, who had more complications, had his medicines so she could keep him alive. I mean, that was the sacrifice that she was making to buy that, but that was tantamount. To the daughter it was a travesty. She was watching her parents literally have to choose, one being just able to sustain their lives because of medicines because they could not afford it all, or to choose that one could not have that same advantage. And I am not seeing anything in any of these pieces of legislation. In fact, quite the contrary in some ways. We are not seeing the ability for any concerns about the rising costs.

Now, saying that, let me also suggest for a moment that this is not just Medicare at this point. The rising cost issue is a family issue. It is a business issue. We have corporate citizens in this country that are trying their level best to provide health care benefits to their employees. They want to do it. They think it is the right thing.

Two things are happening. GM came in the other day to testify before the committee. They said that their Medicare or their prescription drug bill went up $508 million last year. How do they continue to offer good benefits with a prescription drug without cutting other benefits in their plan so that they can continue to offer a prescription drug?

Well, one of the pharmaceutical companies was there and said, well, there are ways to do that. They can negotiate, they can look at utilization, they can provide copayments, they can do different things. And when we asked GM what they were doing, they said, they are doing the same. So these are the people that are doing the things that we feel are what they have told us would be good business practices.

Well, there really was not an answer to the question then to the company when we said, so, if they are doing all of these things, then what is the answer? They had no answer, and so there are issues out there.

AARP just did an article a couple of months ago talking about the costs, the extra costs. It was the advertising, and I would maybe not even call it advertising, but a marketing tool, that they called research. It is called research but it is research marketing, marketing research. So they can certainly tell us what they can do; and so they use that as kind of their shield.

What were the numbers we heard? I do not know if my colleague heard, it is about, what, Pepsi-Cola versus, I guess I do not know if I can talk about the brand names, but the idea is that there are companies that are spending 10, $20 million less in a year than one company maybe on a couple of different medicines.

Mr. PALLONE. Mr. Speaker, reclaiming my time, this came up in the other body. I cannot mention the name of the other body, other side of the Capitol and the point was, as my colleague knows, is the drug companies, the brand-name drug companies say that they need to charge more because of research and development, when in reality what we know is a lot of the extra cost is just for advertising so that they can advertise the name-brand drug rather than the generic drug; and one of the ways that they could reduce costs is if they tried to encourage more use of generics, obviously; or I think in the Senate there was a proposal, which I think is a great idea, to say that that someone cannot take a tax deduction for advertising. In other words, someone can take a tax deduction for money they expend on research and development, but not for advertising.

We, essentially, through the Tax Code, if I am talking to a Ways and Means member now so I want to be careful here, but essentially encourage through the Tax Code that they advertise as much as they like because they get some sort of credit or deduction for it. I do not know exactly how it works. I wanted to say, if I could, to comment on what the gentlewoman talked about when she talked about the costs and the pricing because I started out tonight saying that the biggest sort of sham out here is that when the President about a year ago talked about promoting the discount card, which a lot of the drug companies are now offering, he talked about that as sort of a way of cheating the government, we have not got a prescription drug program now, so until we do, until Congress passes it, let us promote this discount card because at least there will be some savings, which I questioned, but at least there will be some savings. We are helping in any way, this is what the drug companies are doing.

Now, when the Republicans unveiled their sort of principles last week, the card became their cost-containment mechanism, which is ridiculous because the government is not doing anything; and then as my colleague says, the Republicans act as if there is no way they can influence the price. That is nonsense.

We set up the guaranteed benefit under Medicare, we now have 40 million seniors, and the Secretary of Health and Human Services has an incredible bargaining, negotiating ability because he represents those 40 million seniors, to the pharmaceutical companies that would result in lower prices.

Mrs. THURMAN. That is exactly right, and this is not a model that quite frankly is obscure in this government. It is going on in the VA system. The VA system, in fact, does just that. They negotiate for military retirees and veterans for the purposes of buying medicines. We do it. We already do it, and it works; and because of it, we have been able to really expand. And for military retirees, they now have a prescription drug benefit that costs them $3 for a generic, $9 for a brand name a month or they can do a mail order, which would be for a 3-month period, $3 for the mail order, $9 for brand name over a 3-month period.

So there are very good things going on and standards that have already been set by the Federal Government for some parts. Then if we thought about it, if then we are negotiating for, I think it is something like 22, 25 million veterans, plus 40 million Medicare, we now have a very good possibility of looking at some things that could happen or we can do. I think, what the gentleman from Michigan (Mr. ALLEN) has talked about, certainly looking at what the costs are in other countries, and at least making it so those costs were no different here than they were there, whether it be Canada, Mexico, UK, whatever, having that a possibility out there.

There are just things, but it kind of goes back to what we talked about. We are not having a debate. I think what is so frustrating about this is everyone in this House, to my knowledge, probably went home and talked about a prescription drug benefit in the last campaign. They said this is something that was needed. So we can have the
debate with our constituents at home as to what is good and right and the kinds of ideas.

Our constituents have so much to offer us in this debate. Then why can we not we have a real debate in the Congress?

It may not be that we are so far apart in some of these ideas. The first premise is we agree that there should be a prescription drug benefit. It is how we get into the details of it.

So why can we not sit down and get out ideas of how things should be one way or another? Throw everything on the table, set it down, come in, see what is working, looking at what is happening in other parts of government, where we are successful; where we are unsuccessful; where we are successful in the private sector; where we are successful with Federal employees; where are we doing the right things; where are the areas that are not successful. Look at those. What is happening? Go in and talk to some of those people that are trying to negotiate and are trying to do the right things to make sure that they have a prescription drug benefit for their employees.

They are experiencing right now what we need to be addressing, and I am just very frustrated that we may not even have the opportunity to have this debate, that it may be we come out here, no work in the committee. We come down to the floor, we have an hour and a half and an hour debate on the bill, maybe 2 hours, that is a Medicare bill, that quite frankly will probably talk about prescription drugs. We will not even get the opportunity to really talk about what potentially happens at nursing homes, what kind of cuts are happening with hospitals, if there is going to be some kind of a copayment for home health care. We are going to hear prescription drugs, and we are not even going to give a full debate and disclosure of what is going to be in other parts of this piece of legislation.

These are critical issues that are devastating and potentially could be devastating to the infrastructure of our seniors in this country. They deserve a strong and lively debate and being able to point out where we think there are pitfalls, where the issues are; and we ought to be able to have that opportunity.

Mr. PALLONE. I agree, and I am very fearful about what the gentlewoman says, which is that essentially with what the Republican leadership is doing here, they just want to bring up a bill so they can say they passed a bill and have it die.

Mrs. THURMAN. Just to say that the Senate has it.

Mr. PALLONE. I think that is what we are headed for. Hopefully, we are wrong and maybe we are too cynical and we can be optimistic, I have the same fear my colleague does.

Mrs. THURMAN. Mr. Speaker, the only thing I would say then is maybe us being here tonight and talking about this issue, maybe it will give some pause; and maybe we will have the opportunity to have that debate.

Mr. PALLONE. I hope so. I am eternally the optimist, as I know my colleague is too.

Let me yield to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I first thank both of my colleagues for giving me the opportunity to speak on what I believe is one of the most important issues facing our Nation today. The time has certainly come for us to implement a real prescription drug plan for seniors.

Let me talk a little bit about, on a personal note, a couple I know and their experience. John and Ann Craig are residents of a little town called Muddy, Illinois, just a neighboring town out of my hometown in southern Illinois, Eldorado. The Craigs suffer from a combination of diseases, including diabetes, heart disease, and high blood pressure. His medication runs around $450 each month. They pay a total of $1,300 a month for prescription drugs and receive a mere $700 in Social Security.

The Craigs own a small farm where they have worked hard most of their lives. However, their overwhelming pharmacy bills have effectively ruined any chance of worry-free retirement because most of their savings has already been used on medication. This is just one example of the unnecessary hardships our citizens are facing due to overpriced prescription drugs.

There are many examples of other senior citizens I can give my colleague. The issue of an affordable prescription drug plan for seniors is not just happening where they fit into a complicated prescription drug plan and will benefit all seniors. Our Nation’s seniors have enough to worry about without having to figure out where they fit into a complicated prescription drug plan.

We have a moral and ethical responsibility to take care of our seniors, and we must implement a plan that will benefit each and every senior that is paying ridiculous prices for their necessary medications. It is time that we get together and work on a plan that is compassionate and a bipartisan approach.

Stop pointing fingers and let us try to get it down to what is real for Americans like John and Ann Craig.

Mr. PALLONE. Mr. Speaker, I want to thank my colleague from Illinois for bringing this issue. I know we only have a few minutes left.

I just wanted to, in ending this Special Order tonight, if I could just develop a little bit one of the points that he made.

Part of the reason why the Democratic proposal and what the Democrats have been talking about tonight is so much better than what the Republicans have been saying because of its simplicity. We know that right now under the existing Medicare program it is very easy for the average senior to sign up, be part of the program and benefit from the program.

Some are still in fear who are over 65 that are eligible for Medicare know that their hospitalization is covered. They know that if they pay a premium, I think it is about $40 a month for part B to cover the doctor bills, that they will have a guaranteed benefit and that the Federal Government will pay 80 percent of the cost of their doctor bills, and that if they are in a traditional fee-for-service plan, rather than an HMO, which most seniors are still in, in the traditional Medicare fee-for-service program, that they can go to any doctor, they can go to any hospital and Medicare is going to cover it.

What we are saying as Democrats is we want to build on that very successful Medicare model which is very easy for seniors to understand and take advantage of and say if someone pays a premium of say 25, $30 a month for their prescription drugs, then they will be guaranteed a generous portion of that; say, maybe 80 percent or so is going to be covered by the Federal Government.

And that after your first $100 deductible you can be guaranteed that your prescription drugs are going to be paid for in that way. Very simple model. It is the existing Medicare program builds on it. Forget the ideology, just do it. That is what the Democrats are saying. Do it for every senior; everyone who is eligible for Medicare.

And if Illinois said, well, the seniors are concerned about not wanting to have to do some complicated plan. Well, that is what the Republicans are saying. They are saying forget the Medicare model, we are going to throw some money somehow to some insurance companies and we are hoping that the insurance companies will provide some sort of benefit, but we are not guaranteeing they are going to cover all drugs or any particular kinds of drugs. We are not guar- anteeing there will be any kind of particular premium structure or what the level of the Federal Government’s contribution is going to be.

These seniors are supposed to shop around. These seniors, who are now 70, 80 years old, and they are supposed to shop around to see if there is some kind of insurance program that they can get. Now, I know some seniors are going to be able to do that, but I would like to know seniors are going to be able to do that, and are going to find when they are shopping that they do not find a plan that is even available.
I know my Republican colleagues will say, well, they can always go to an HMO. But remember that HMOs increasingly are not available in a lot of parts of the country, and more and more HMOs are dropping seniors and do not want to offer to senior citizens the complicated that my colleague from Illinois talks about for seniors, that complication is multiplied so much by what the Republicans seem to be proposing.

And the real answer is to go back to the very simple program, the model that we have now that has worked so successfully for the last 30 years, and that is Medicare. That is all that the Democrats are asking for. And, hopefully, if this does come up in the next week or two, we can make that point about why a guaranteed Medicare plan is so superior to whatever proposal the Republican leadership is bringing up.

I guess I would just conclude by saying as much as I do not like to be cynical, I believe that the Republican proposal really is nothing more than an effort to show that they are doing something and that they fully understand that their proposal is not going to go anywhere and will never be enacted into law. So that is a shame, too, to bring this up as we get close to the election, rather than trying to put anything and will never be enacted into law. So that is a shame, too, to bring this up as we get close to the election, rather than trying to put something together on a bipartisan basis that actually can be signed into law.

RECESS

The SPEAKER pro tempore (Mr. GRUCCI). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o’clock and 33 minutes p.m.), the House stood in recess subject to the call of the Chair.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4546, BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107-450) on the resolution (H. Res. 415) providing for consideration of the bill (H.R. 4546) to authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, and for military construction, to preserve military personnel strengths for fiscal year 2003, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. CARSON of Indiana (at the request of Mr. GEHRKE) for today before 1:30 p.m. on account of official business in the district.

Mr. HALL of Ohio (at the request of Mr. GEHRKE) for today on account of attending ambassador school.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:

Ms. NORTON, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mrs. CAFFS, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

The following Members (at the request of Mr. SCHAPFER) to revise and extend their remarks and include extraneous material:

Mr. WOLF, for 5 minutes, today.

(At the request of Mr. SCHAPFER, to revise and extend their remarks and include extraneous material:

Ms. Jones of Ohio, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker’s table and, under the rule, referred as follows:

S. 419. An act to amend the Violence Against Women Act of 2000 by expanding the legal assistance for victims of violence grant program to include legal assistance for victims of dating violence; to the Committee on Judiciary.

ENROLLED BILLS SIGNED

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

H.R. 2305. An act to authorize certain federal and state employment opportunity complaints filed with such agency; and for other purposes.

H.R. 2048. An act to require that each Federal agency post quarterly on its public Web site, certain statistical data relating to Federal sector equal employment opportunity complaints filed with such agency; and for other purposes.

H.R. 495. To designate the Federal building located in Charlotte Amalie, St. Thomas, United States Virgin Islands, as the “Ron de Lugo Federal Building”.

H.R. 819. To designate the Federal building located at 143 West Liberty Street, Medina, Ohio, as the “Donald J. Pease Federal Building”.

H.R. 3093. To designate the Federal building and United States courthouse located at 501 Bell Street in Aledo, Illinois, as the “William L. Beatty Federal Building and United States Courthouse”.

H.R. 3282. To designate the Federal building and United States courthouse located at 400 North Main Street in Butte, Montana, as the “Mike Mansfield Federal Building and United States Courthouse”.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o’clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 9, 2002, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

6676. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department’s final rule—Defense Acquisition Merger Supplement; Acquisition of Commercial Items [DFARS Case 95-D712] received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6677. A letter from the Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department’s final rule—Strengthening the Title I Property Improvement and Manufactured Home Loan Insurance Programs and Title I Lender/Title II Mortgage Approval Requirements [Docket No. FR-4246-F-02] (RIN: 2505-AG95) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.


6679. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting

6680. A letter from the Director, Regulations and Stewardship, Department of Health and Human Services, transmitting the Department’s final rule — Medical Devices; Gastroenterology-Urology Devices; Telemetic Gastrointestinal Capsule Imaging System [Docket No. 01P-0360] received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6681. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force’s Proposed Letter(s) of Offer and Acceptance (LOA) to Oman for defense articles and services (Transmittal No. 02-15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

6682. A letter from the Director, International Cooperation, Department of Defense, copy of Transmittal No. 17-02 informing of an intention to sign Amendment Number One to the Memorandum of Understanding between the United States, the United Arab Emirates and the United Kingdom concerning Cooperation in Navigation Warfare Technology Demonstrator and System Prototype Projects, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

6683. A letter from the Director, International Cooperation, Department of Defense, copy of Transmittal No. 13-02 informing of an intention to sign Amendment Number Twenty to the Memorandum of Understanding between the United States and The Netherlands supplementing the bilateral agreement between the United States and the Netherlands, pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

6684. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for defense articles and services sold commercially under a contract to Russia, Ukraine, Norway and the Cayman Islands [Transmittal No. DTC 23-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6685. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia [Transmittal No. DTC 23-02], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6686. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia (Transmittal No. DTC 22-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6687. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Russia (Transmittal No. DTC 23-02), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

6688. A letter from the Director, General Accounting Office, transmitting the Monthly in Review: January 2002 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

6689. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6690. A letter from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6691. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the Fiscal Year 2001 Annual Program Performance Report; to the Committee on Government Reform.

6692. A letter from the Chairman, Federal Communications Commission, transmitting the Commission’s FY 2001 Annual Program Performance Report; to the Committee on Government Reform.

6693. A letter from the Comptroller General, General Accounting Office, transmitting the Month in Review: October 2001 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

6694. A letter from the Director, Office of Personnel Management, transmitting the Office of Personnel Management’s final rule — Definition of San Joaquin County, California, as a Nonappropriated Fund Wage Area (RIN: 3206-AJ55) received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6695. A letter from the General Counsel, Peace Corps, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6696. A letter from the General Counsel, Peace Corps, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6697. A letter from the Acting Director, Office of the Executive and Political Personnel, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6698. A letter from the Director, Policy Directives and Instructions Branch, Department of Defense, transmitting the Department’s final rule — foxing Change of Status from B to F-1 or M-1 Nonimmigrant Prior to Pursuing a Course of Study [INS No. 2190-00; RIN: 3206-AH65] received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6699. A letter from the Director, Policy Directives and Instructions Branch, Department of Defense, transmitting the Department’s final rule — Requirements of Certain Nonimmigrants—Visa Waiver Program [INS No. 2190-00; RIN: 3206-AH65] received April 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6700. A letter from the Program Analyst, Department of Transportation, transmitting the Department’s final rule — Airworthiness Directives; BAE Systems (Operations) Limited: Robinson Helicopter Company Model R22; and Model Arvo 146-KJ Series Airplanes [Docket No. 2001-NM-196-AD; Amendment 39-12656; AD 2002-04-99] (RIN: 2120-AA64) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6701. A letter from the Acting Deputy General Counsel for Assistance, Small Business Administration, transmitting the Administration’s final rule — Disaster Loan Program (RIN: 3245-AB63) received April 16, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

6702. A letter from the Acting Director Office of Regulatory Law, Department of Veterans’ Affairs, transmitting the Department’s final rule — Policy Regarding Pamphlets for the National Pediatric Risk for Duty Data Bank (RIN: 2090-AJ76) received April 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans’ Affairs.

6703. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department’s legislative proposal entitled "The Child Online and Pornography Prevention Act of 2002": jointly to the Committees on the Judiciary and Education and the Workplace.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. OXLEY: Committee on Financial Services.

H.R. 2941. A bill to facilitate the provi...
H.R. 4680. A bill to authorize appropriations for the Advanced Technological Education Program, to amend the Scientific and Advanced-Technology Act of 1992 to further strengthen its goals in mathematics, and technology education at the Nation’s associate-degree-granting colleges, to establish an advisory committee to help guide implementation of the Advanced Technological Education Program, and for other purposes; to the Committee on Science, and in addition to the Committees on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGLISH (for himself, Mr. BORSKI, Mr. BRADY of Pennsylvania, Mr. COYNE, Mr. DOYLE, Mr. FATTAH, Mr. GEKAS, Mr. GREENWOOD, Ms. HART, Mr. HOFFEL, Mr. HOLDEN, Mr. KANJORSKI, Mr. MASCARA, Mr. MURTHA, Mr. PETERSON of Pennsylvania, Mr. PITTS, Mr. PLATTS, Mr. SHERRID, Mr. SHUSTER, Mr. TOOMEY, Mr. WELDON of Pennsylvania, Ms. WELDON of South Carolina, and Mr. TRAFCANTY):

H.R. 4681. A bill to establish the Fort Presque Isle National Historic Site in the Commonwealth of Pennsylvania; to the Committee on Resources.

By Mr. MURTHA:

H.R. 4682. A bill to revise the boundary of the Allegheny Portage Railroad National Historic Site, and for other purposes; to the Committee on Resources.

By Mr. PALLONE (for himself and Mr. SHAYS):

H.R. 4683. A bill to amend the Federal Water Pollution Control Act to clarify that fill material cannot be comprised of waste, to the Committee on Transportation and Infrastructure.

By Mr. PALLONE:

H.R. 4684. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provisions, to amend title XIX of the Social Security Act to provide financial assistance for those individuals who are too poor to afford the premiums, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOOMEY (for himself, Mr. KANJORSKI, Mr. BOUDREAU, Mr. KIRNIS, Mrs. CURIN, Mr. TANCREDO, Mr. SCHAPPERS, and Mr. CANTOR):

H.R. 4685. A bill to amend title 31, United States Code, to expand the types of Federal agencies that are required to prepare audited financial statements; to the Committee on Government Reform.

By Mr. WATKINS:

H.R. 4686. A bill to direct the Secretary of Energy to convey a parcel of land at the facility of the Southwestern Power Administration in Tupelo, Oklahoma; to the Committee on Resources.

By Mr. BACA (for himself, Mr. ORTIZ, Mr. SERRANO, Mr. ACHEVEDO-VILA, and Mr. HINOJOSA):

H. Con. Res. 398. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on International Relations.

By Mrs. KELLY:

H. Con. Res. 399. Concurrent resolution recognizing the efforts of the State of New York to develop the National Purple Heart Hall of Honor in New Windsor, New York, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. SHOWS:

H. Con. Res. 400. Concurrent resolution expressing the sense of Congress regarding the unfair burden placed on the importation of United States poultry; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. CANNON.
H.R. 459: Mr. Kennedy of Rhode Island.
H.R. 510: Mr. COSTELLO and Mrs. CLAYTON.
H.R. 730: Mr. Lynch.
H.R. 902: Mr. Hall of Ohio, Mr. Nussle, Mr. Goode, and Mr. Peterson of Minnesota.
H.R. 945: Ms. Woolsey, Mr. Rodriguez, and Mr. BREMAN.
H.R. 975: Mr. Barrett.
H.R. 101: Mr. Frank.
H.R. 1073: Mr. SMITH.
H.R. 1094: Mr. Bartlett of Maryland.
H.R. 1106: Mr. Foley.
H.R. 1172: Mr. Norwood and Mr. Gonzalez.
H.R. 1202: Mr. Bigley, Mr. Fleischer, Mr. Kidlee, and Mr. MALONEY of Connecticut.
H.R. 1212: Mr. Pickering.
H.R. 1382: Mrs. Davis of California.
H.R. 1400: Mr. Holden and Mr. Cramer.
H.R. 1452: Mr. Ose.
H.R. 1515: Mr. Foley.
H.R. 1520: Mr. Hobson.
H.R. 1556: Ms. Eddie Bernice JOHNSON of Texas and Mrs. CAPITO.
H.R. 1581: Mr. Deal of Georgia and Mr. Snyder.
H.R. 1650: Mr. Berrano.
H.R. 1728: Mr. Luther, Mr. Peterson of Minnesota, Mr. Rangel, Mr. Costello, Mr. Sweeney, Ms. Eddie Bernice JOHNSON of Texas, Mr. Larson of Washington, and Ms. ROYAL-ALLARD.
H.R. 1724: Mr. Foley.
H.R. 1822: Mr. Doyle.
H.R. 1897: Mr. Frank.
H.R. 1904: Mr. Delahunt.
H.R. 1931: Mr. Tiahrt.
H.R. 1983: Mr. English.
H.R. 1987: Mr. Pomroy.
H.R. 2012: Mr. Ackerman.
H.R. 2037: Mr. Welller, Mr. Smith of Michigan, and Mr. Foley.
H.R. 2063: Mr. Dingell.
H.R. 2466: Mr. Hayes.
H.R. 2484: Mr. Holden, Mr. Weiner, Mrs. Clayton, and Mr. Jeffrey.
H.R. 2662: Mr. Clay.
H.R. 2714: Ms. Jo Ann Davis of Virginia and Mr. Walden of Oregon.
H.R. 2820: Mr. Delahunt and Ms. Lee.
H.R. 2901: Mr. Bereuter.
H.R. 3238: Mr. SHAYS and Mr. Kennedy of Rhode Island.
H.R. 3320: Mr. Goode and Mr. Sessions.
H.R. 3333: Mr. Pitts.
H.R. 3335: Mr. CHRISTENSEN.
H.R. 3414: Mr. GILL.
H.R. 3534: Mr. Filner.
H.R. 3704: Mr. Davis of Illinois.
The Senate met at 10 a.m. and was called to order by the Honorable Mark Dayton, a Senator from the State of Minnesota.

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

Gracious Lord, You have taught us, “If you have faith as a mustard seed, you will say to this mountain, ‘Move from here to there’ and it will move; and nothing will be impossible for you.’”—Matthew 17:20.

Is Your promise applicable to us in our circumstances? Will You give us power to remove the mountainous differences that often divide us if we have faith in You—even as small as a mustard seed? We dare to claim that You will. Give us the gift of faith to trust You completely.

Therefore, we ask You to guide us to resolve our present concerns. Bring us together in unity around what is most creative for our Nation. We place our trust in You. Nothing is impossible for You. Help us Lord; we need You. Amen.

PLEDGE OF ALLEGIANCE
The Honorable Mark Dayton led the Pledge of Allegiance, as follows:

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

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The Presiding Officer. The Clerk will please read a communication to the Senate from the President pro tempore (Mr. Byrd).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable Mark Dayton, a Senator from the State of Minnesota, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

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

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

FARM SECURITY AND RURAL INVESTMENT ACT OF 2002—CONFERENCE REPORT
The Acting President pro tempore. Under the previous order, the Senate will now resume consideration of the conference report accompanying H.R. 2646, which the Clerk will report.

The legislative clerk read as follows: Conference Report accompanying H.R. 2646, a bill to provide for the continuation of agricultural programs through fiscal year 2011.

The Acting President pro tempore. Under the previous order, there will now be 6 hours of debate on the conference report, to be equally divided between the chairman and ranking member of the Committee on Agriculture, Nutrition, and Forestry.

The Senator from Iowa is recognized. Mr. Harkin. Mr. President, I suggest the absence of a quorum.

The Acting President pro tempore. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The Acting President pro tempore. Without objection, it is so ordered.

The Senator from Kansas. Mr. Roberts. Mr. President, I rise today to discuss the conference report on the Farm Security and Rural Investment Act—the farm bill of 2002.

We must have a strong and solid commitment to our family farmers, and we must have a farm bill that provides this foundation. Simply put, through the miracle of modern day agriculture our farmers and ranchers provide significant and mostly unappreciated support for trade, jobs, our Nation’s balance of payments; they serve as a catalyst for our Nation’s economy and provide American consumers with the most plentiful, inexpensive, and safe food supply in the history of the world. So a good farm bill is essential to every American citizen. The authors of the pending bill have tried to do this with myriad commodity, conservation, nutrition, research, and many other programs. I thank them for their efforts.

Throughout my career as a Senator, Congressman, and congressional staffer, I have had the privilege to work on no less than six major farm bills and numerous pieces of smaller legislation. I must say that from a policy and process standpoint, this farm bill has certainly been unique.

I have always believed we should not play politics with a bill that directly affects the daily lives and pocketbooks of our farmers, ranchers, our consumers, and, yes, even the taxpayer, and those who are hungry and malnourished. That is why I have supported bills written by both Democrats and Republicans.

In my view, a farm bill should have two primary goals:

First, to provide assistance when needed to those who produce the food for our Nation and a troubled and hungry world. That assistance is needed now given the near revolutionary and dynamic changes we face in agriculture today. Put in Dodge City language, the farmer and rancher today are not in very good shape for the shape they are in. These are tough times in farm country.

Second, the bill should provide this assistance through a realistic, reasonable, and predictable farm program.
policy consistent with the harsh realities of what we face in the global marketplace. I regret to say that I fear this bill fails on both counts.

There are other very important goals that should be and are addressed in this farm bill. These include dealing with the environment, nutrition, research, and the new threat of agriterrorism. But my concern is with the commodity title.

In this bill we have a real paradox. Those who have seldom or never voted for farm bills in the past during their long years of distinguished service and have made it a practice to regularly criticize previous farm bills have written this bill and have proclaimed it to be the best bill ever written and they are going to vote for it.

On the other hand, some who have voted for farm bills in the past, this Member included, knowing no farm bill is perfect or written in stone—knowing that the final product is never the best possible farm bill but the best bill possible—will vote no.

I make these comments without questioning the intent of any Senator or House Member who believes this bill is the ‘best ever’ and, I might add, who would have voted very hard through great difficulty to produce this bill. I salute their hard work and tireless efforts but respectfully disagree with their conclusion.

However, due to what I consider serious flaws in the bill, I cannot vote for final passage of this conference report. I do not believe the bill before us gets the job done for farmers and ranchers in Kansas and in other parts of the country.

In saying this, I pledge to my colleagues and my farmers and ranchers that whatever concerns I have with this bill, I will work with my colleagues on both sides of the aisle to help make improvements when they are necessary. This bill is a fact accompli, it will pass today and the President will sign it. As least for now, the support for a supplemental is not there. The bill should not be delayed any further.

Now, there are some good things in this legislation—including some initiatives I have supported.

These include: Equalization of the sorghum loan rate to the corn rate; permanent authority for LDPs on grazed and beneficial use; an expanded fix for LDPs on the 2001 crops; expanded funding for the environmental quality incentives program, a most important program for our livestock producers; more equitable food stamp benefits; and most importantly, research program authorizations that will allow us to develop the tools needed to protect agriculture and our food supply from terrorist threats and to expand carbon sequestration research to enable the farmer to be a partner in the challenge to reduce global warming.

However, as I said, it is the commodity title that raises serious concerns for this Senator.

First, there is the timing of this bill and the proposed assistance. We are spending nearly $48 billion in new funding over the next 10 years for our commodity programs.

Some argue this investment is supposed to be a ‘safety net’ for our farmers and ranchers and eliminate the need for supplemental assistance in the future.

In fact, all programs considered, this legislation will add $73.5 billion to the agriculture baseline which now totals an estimated $138 billion with the new Congressional Budget Office scoring.

To say this represents a significant investment in our commodity, conservation, nutrition, and research programs is an understatement, to be sure. I will leave the debate of how much is appropriate—given our budget challenges and given the world farmers face; the world price depression, lack of exports, market interference, unfair foreign subsidization, weather, value of the dollar, and other egregious beyond the control of the farmer—to another time.

Mr. President, what is ironic is that due to the timing of payments in this legislation, the probability is—and I predict will be back here later this year with Members and farm organizations asking for an additional supplemental payment or disaster money.

My colleagues, we did not have to go down this road. Back in March I introduced legislation that would have provided supplemental assistance within budget for this year’s crop. It also would have provided conservation funding for several programs.

I introduced this package for two reasons: Our producers and our lenders needed some kind of certainty on the assistance they would receive for this crop year, and second, virtually all planting and lending decisions had already been made for the 2002 crop, this year so and it did not make sense to change the rules of the game in the middle of the 2002 crop year. It made more sense to do an assistance package this year and have the new bill apply to the 2003 crop after our producers and the Department of Agriculture had time to digest the details of the new bill.

The second concern: this is a complex bill, to say the least, and farmers and ranchers and lenders and the USDA are going to sit and stew in a briar patch. We are going to do a new farm bill that will require producers and USDA to work through a paper trail of recalculated loan rates for every commodity in every county in the country, base updates, yield updates, and that list goes on.

Mr. President, the name of this bill should be the “Farm Service Agency Full Employment Act”—exactly the opposite of the direction we have been moving in recent years. As a matter of fact, sensing the paperwork and regulatory storm ahead, the USDA actually requested 100 million new dollars to enable the Farm Service Agency folks to come to grips with and administer the new program. They got $55 million by the way. There are going to be some long lines at the Farm Service Agency.

Third, and this is a primary concern, when producers find out the final details of this so-called safety net, it will not be what they expected due to the form of assistance and the timing. That is not good.

Let’s walk through an example: We grow a tremendous number of crops in Kansas—wheat, corn, sorghum, soybeans, and even a projected 80,000 acres of cotton this year. When it comes to actual planted acres, wheat remains king in Kansas.

Under the supplemental package I introduced, wheat producers would have received 59 cents a bushel on this year’s crop. This payment would have occurred before the end of September. We need this money. We are in the midst of a drought in wheat country and we need the assistance now.

If a wheat producer receives the maximum countercyclical payment available under this proposed farm bill, he or she would receive additional, combined direct and countercyclical payments on the 2002 crop of 60 cents—about the same thing. But they would not receive the final payment until at least 13 months from now. June 1, 2003.

Let me say that again: wheat producers would not receive their final assistance on the 2002 crop until June 1, 2003. For cotton, it would be August 2003 and for corn, soybeans, and sorghum it would be September 2003—a full 16 months from now.

How can this happen? Under this proposed legislation, the maximum level of decoupled payments for this year’s crop would be 60 cents provided as follows: six cents for an additional direct payment as soon as practicable by the Secretary; up to 19 cents—35 percent of the countercyclical payment—by October 31; assume an additional 19 cents—the difference between 70 percent of the Total projected payment and the October payment—to be paid after February 1, 2003; and the remainder, approximately 16 cents—after June 1, 2003. Now, does that sound just a bit confusing? That is because it is.

It will take four checks from the Government for producers to receive what they could have received from one check under a supplemental this September.

This is not market driven: it is mailbox driven. They will not receive the last payment for this year’s crop, the 2002 crop, until they are harvesting next year’s crop in 2003.

Just as important, the bill fails to provide assistance to producers when they need it most—when there is no crop to harvest.

We have been back and checked the actual marketing-year prices for wheat, according to USDA, on every crop from 1982 to 1999; some 17 years in Kansas.
In 9 of those years there would have been no countercyclical payment for wheat had this bill been in effect. These dates would have included the following crops: 1982, 1983, 1984, 1988, 1989, 1994, 1995, 1996, and 1997.

Unfortunately, 1985, 1986, and 1989 represent years basically our worst wheat crops in the past 20 years in Kansas. And the other 6 years represented some of our most marginal crops and difficult financial times.

The question now is whether anyone should anyone from Kansas or a similar State support a bill that would not have producers of their State’s number one crop in nine out of the past 17 years! A farm bill that would not work over half the time in the last 17 years, why support that?

Some will argue that producers may actually receive more assistance this crop year under this proposed legislation because of higher loan rates. That may be true—if a producer has a crop to harvest.

But the producer who has no crop to harvest gets no benefit from a higher loan rate. Again, this is a major concern for many of my Kansas producers suffering from drought conditions.

We all know reports that this year’s Kansas wheat crop has the poorest condition rating since the 1996 crop year. Producers are saying they have already destroyed or will destroy 200 acres, 500 acres, 1,000 acres, even 2,000 acres of wheat.

Let me report to my colleagues I have just returned from Dodge City and wheat country this past weekend. I checked the country around Dodge with a long-time friend and farmer and that is precisely what is happening.

The only thing you saw was the dust rising behind the tires because there was no crop left.

These farmers are begging that we give them the supplemental package because the increased loan rate is going to provide them nothing when they have been wiped out.

In addition, there are long standing policy concerns with the loan rate as well. And that brings up an additional concern, that of our trade and export policy. The increase in loan rates is not market-oriented. We are moving down a road that will drive production, lower prices, and reduce our negotiating leverage in international trade negotiations.

I realize, appreciate and understand the advocates of higher loan rates always argue they will bring higher prices. However, as they lead to increased plantings and production, they will actually drive prices lower. I would remind my colleagues that the highest loan rates of the last 20 years for wheat were from 1982 to 1986—during the height of the farm crisis of the 1980s.

Additionally, a few questions need answers on this issue of loan rates. Why did rice and cotton get to keep their current loan rates, and why do loan rates for the other crops drop in 2002? Does this represent just a tad bit of politics? I hope not.

The risk of retaliation and reduced leverage in international trade negotiations is real. For years we have argued that the walls and barriers to trade be removed by our international competitors.

With a “free trade straight face” in the past 2 months we have imposed tariffs on steel, we will pass a farm bill that increases the likelihood of surcharge payments under WTO rules, and we are going to pass country-of-origin labeling requirements that will upset many of our largest trading partners and just to make this whole business really topsy-turvy, the majority is holding up expanding trade authority for the President—the only way I believe we can regain market share price and income recovery over the long term. This does not add up. This does not make sense.

I understand we do not write farm bills for Brazil, for the European Union, or Canada, or any other country. But we should not write farm bills that guarantee trade retaliation either.

Let me stress another concern, and that is what we are robbing from in order to raise loan rates and expand farm program payments to new commodities. We are paying for part of this bill by cutting spending of $2 billion from the major crop insurance program reform that we passed 2 years ago, the Bush-Roger bill. That, too, just does not make sense.

As a final concern and comment on the commodity title, let us not forget all the promises we have made to farmers, to farm and commodity organizations—everyone in farm country—with regard to the need for a farm savings account. Every farm and commodity organization has supported this concept in resolution after policy resolution.

I do not understand how we can pass a farm bill now that $10 million for onion producers—and $10 million for apple producers and $10 million for onion producers—neither payment was in the House or Senate bill—but we could not even include the pilot project for a farm savings account that had bipartisan support from numerous Senators.

Finally, giving credit where credit is due, this farm bill does emphasize conservation more than any other previous bill. Again, there may be a concern. While we have increased spending for the Environmental Quality Incentives Program—EQIP that is called—to the benefit of many livestock producers, we are spending $2 billion for a new conservation security program that no one truly seems to understand or can explain exactly how it will work. I hope it does work.

With all the questions surrounding this proposal, an argument can be made that this money could have been better spent through the EQIP program, additional research funding, or by designating more funding to the trade title of this bill.

As we persevered through this farm bill debate over the past year, it was my contention, voiced probably more than many wanted to hear, that we should give some attention to policy and not just to dollar amounts. With all due respect to my very dear friends and colleagues in the House and Senate, I just do not think we have considered all the long-term ramifications of this legislation.

Farm bill policy and politics are never easy. We have strong disagreements, but we all have the same goal in mind: Doing what is best for our farmers and ranchers.

I had hoped as we wrote this bill and looked in the rearview mirror of the past, we would resist the temptation to return to those policies. Sadly, we seem to have done a U-turn in the middle of our farm policy road while other nations are moving more towards income protection for their farmers and away from market-distorting price supports. We are moving back again to price supports and away from income protection, and none of us knows where that is going to lead.

This has been one of the most difficult decisions of my congressional career. I cannot vote for a bill that would have provided no countercyclical assistance to Kansas wheat producers in 9 of the last 17 years, that will provide an additional direct payment of only 6 cents a bushel for wheat, 1.9 cents a bushel for corn, and 3.6 cents a bushel for sorghum, when Kansas producers, suffering from drought in many areas, could have received payment of almost 60 cents, 33.4 cents, and 40 cents, respectively, on those crops if we had included a supplemental assistance package for this crop.

I cannot vote for a bill that will not provide more than two-thirds of its badly needed countercyclical assistance for the 2002 crop until 13 or 16 months from now, when it increases loan rates when they do not benefit Kansas producers with no crop to harvest; a bill that cuts $2 billion from the Crop Insurance Program and that will greatly increase the odds of the United States violating its world trade agreements and entering into an agricultural trade war with some of our biggest competitors.

Despite these concerns, and my vote on this legislation, I pledge to my farmers and ranchers, I pledge to my constituents, but we all have the same goal in mind: Doing what is best for the American farmer and his or her family.

I ask unanimous consent a summary of questions I have received from Kansas farmers, and answers my staff and I have prepared, be printed in the RECORD.
FARM BILL COMMODITY TITLE QUESTIONS AND ANSWERS

1. Why did you vote against the Farm Bill? Answer. I opposed the bill due to many concerns, including with the commodity title specifically: We are very dry in many parts of Kansas this year, and producers may have little if any crop. Will the producers need assistance now to meet their cash flow and pay their bills? I wanted to attach a supplemental package for the Kansas counties affected by this drought, which would provide assistance quickly while allowing USDA and producers time to implement and understand the bill. Instead, the full level of assistance for the 2002 crop, producers will now have to wait 13 to 16 months, and receive four different checks, to receive the same amount of assistance.

A final counter-cyclical payment in June 2003 or even September 2003 does not help you pay your bills in 2002.

A counter-cyclical program should provide assistance to producers when they need it most. However, an analysis of average marketing year prices for wheat in the 1982 to 1999 crop years shows there would have been no counter-cyclical payment for wheat had this bill been in effect. This situation would have existed for every crop in 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1994, 1995, 1996, and 1997. This means Kansas wheat producers would have received no counter-cyclical payment in 9 of the last 14 years.

Higher loan rates do not provide assistance to producers with no crop to harvest. Furthermore, they are market distorting and impact planting decisions. We should provide the money in guaranteed, direct payments;

The bill does not provide 70 percent more money for payments to producers. First, the advertised increase in funding represents the total increase above budgeted funding for all USDA programs. Second, this figure does not include a comparison to the supplemental assistance packages of the last four years.

The average level of supplemental assistance in recent years was $7 billion. This bill provides less than $5 billion a year in additional assistance. Or, about $2 billion less than we’ve been providing;

The bill cuts $2 billion from the bipartisan crop insurance reforms we passed in 2000;

The bill significantly increases the odds that commodity programs are in place instead of market reforms. We should rely on market reforms, not bigger programs;

The bill cuts $2 billion from the bipartisan crop insurance reforms we passed in 2000; producers need assistance now to meet their cash flow and pay their bills;

9. Does the bill include eligibility for LDPs on grazed out wheat? Answer. No. This provision has been made permanent for the 2002 crop. Eligibility also continues for barley and oats. One important addition for Kansas producers is eligibility for grazed out triticale.

10. What are the national average loan rates for the individual commodities we raise in Kansas? Answer. Wheat is $2.80 in 2002 and 2003, falling to $2.75 in 2004; Corn and Sorghum are $1.98 in 2002 and 2003, falling to $1.95 in 2004; Soybeans are $5.00 for the duration of the life of the program. The loan rate on grain sorghum is 53 cents/lb for the duration of the life of the program.

11. How does the counter-cyclical program work, and is it coupled to production? Answer. The counter-cyclical program is calculated on a target price system and on base acreage, just like direct payments, instead of production.

A producer may be able to get a counter-cyclical payment on his base acre for a crop he did not grow in a particular year, while he may not get a payment on a crop he actually grew.

For example: Assume a producer has a corn and wheat base but grows cotton on 200 acres this year. If price is $1.50, the producer could collect a counter-cyclical payment on wheat and corn, but not cotton.

12. What are the target prices for each crop and how is the counter-cyclical program calculated? Answer. Target Prices for Kansas commodities are as follows: Wheat—$2.80/bu in 2002 and 2003, rising to $2.75 in 2004; Corn and Sorghum are $1.98/bu in 2002 and 2003, rising to $1.95/bu in 2004; Soybeans are $5.00/bu for the duration of the life of the program. The loan rate on grain sorghum is 53 cents/lb for the duration of the life of the program.

The payments are calculated as follows: The higher of the national avg. loan rate or the market price, minus the direct payment level, subtracted from the target price. The difference is the amount of the counter-cyclical payment rate that will be received.

Example for wheat: Assume loan of $2.80, avg. market price of $2.75, direct payment of 36 cents, and target of $3.86. Since price is below $2.80, we use the loan rate in the calculation.

The calculation is as follows: $(2.80 - (36 cents + (3.86 - 3.32))) = 54 cents

Thus, the maximum counter-cyclical payment rate on wheat is 54 cents. If price goes above $2.80, the total amount of this payment will fall.

13. What is the maximum counter-cyclical payment available on each crop? Payment rates for 2003 to 2007: Wheat = 52 cents; Corn = 34 cents; Sorghum = 21 cents; Soybeans = 36 cents; and Cotton = 13.73 cents.

14. How will the direct payment level be determined? Answer. USDA will have to recalibrate the loan rate for every commodity, in every county, prior to this year’s harvest. That means they have around 6 to 7 weeks to get the job done for Kansas wheat producers. It also means this is an opportunity for USDA to address discrepancies in rates across state and county lines.

There are many changes in the operation of the LDP and marketing loan programs under this bill.

This program will still work as it has in the past. The bill includes a Roberts’ provision that addresses the best beneficial interest problem for producers of the 2001 crop. This will benefit approximately 350 Kansas producers.

15. Since the direct payment on wheat is 52 cents for 2002, does this mean I get that payment on the entire crop of the 2001 already received this year under the 1996 Act? Answer. No. You will receive the difference between the two, i.e., 6 cents. It will work the same way for other commodities. A producer that adds soybean or oilseed base will receive the full payment because these crops have not received payments in the past.

16. How much will I receive, and will the payments be made?

You should receive your additional direct payment as soon as possible. You will receive your counter-cyclical payment as follows: Elect to receive up to 35 percent by October 31. Receive the difference between 70 percent and the October payment by February 1, 2003. The final portion of any assistance will come at the end of the 12 month marketing year for the crop. Wheat is June 1, 2003, Cotton is August 1, 2003, and corn, sorghum, and soybeans are September 1, 2003.

If USDA over estimates the early counter-cyclical payments and the actual marketing year price is higher than they projected you will have to repay the overpaid amount.

17. Will direct and counter-cyclical payments be made on 100 percent of my base acres? Answer. No. Payments will be made on 85 percent of your base acreage.

18. I have the option to update my base acres? Answer. Yes. A producer will have three options for base acres.

1. Maintain existing base acres.

2. Maintain current acres, but add your average oilseed acres for 1998 to 2001 and reduce existing acres by a like amount.

3. Do a complete update for all crops that are acres for 1998 to 2001 and the current acres, and an update of any other crops that will be the average of your 1998 to 2001 planted or prevented from planting acres. Key point here is that base update is based on 50 percent of your current or prevented from planting acres, not harvested.

Example of how this works: Assume Kansas producer currently has 1000 acres of base divided as follows: 600 acres wheat, 300 acres corn, 100 acres grain sorghum. However, his 1998 to 2001 average planted acres were: 400 wheat, 200 corn, 100 sorghum, and 300 soybeans.

This producer can: 1. Keep the existing 1000 acre split.

2. Maintain the current split, but add soybeans. Could be done as follows: Reduce the wheat acres by 150, corn by 100 and sorghum by 50. Then add in 300 acres of soybeans. He still has 1000 acres of base.

3. Update the entire farm to the 1998 to 2001 average for the four crops.
19. Will I have the opportunity to update my base yields?

Answer: Yes. But only if you choose option 3 above, option 2 is not considered a base update. Option 2 only apply for purposes of the counter-cyclical program. You must keep AMTA yields for the purposes of calculating the base.

For the purposes of yield calculations a producer can:
1. Keep AMTA yields.
2. Take AMTA yields and add 70 percent of the difference between the existing yields and the average yield for 1998 to 2001.

Example under option number 2: Assume producer has an existing average yield of 25 bushel/acre for wheat and 100 bu. for corn. Then assume that the 1998 to 2001 average yields were 50 bushels for wheat and 200 bushels for corn.

Thus, the 1998 to 2001 average is 25 bushels higher for wheat and 100 bushels higher for corn.

70 percent of each of these numbers is: (25 bu)(70 percent) = 17.5 bushels; (100 bu)(70 percent) = 70 bushels.

Thus, by applying 70 percent of the difference, the new yields for the producer under this option would be 42.5 bushels for wheat and 70 bushels per acre for corn.

Example for Option 3. Use the same assumptions for yields in the example above.

Take average yields for 98 to 101 times 93.5 percent: (50 bu)(93.5 percent) = 46.75 bu. wheat; (200 bu)(93.5 percent) = 187 bu. corn.

These would be the new yields for that producer if he chooses this option.

20. Can I update my base or yield for one crop, or do I have to do it for all crops?

Answer: If you choose to update base and/or yield for one crop, you have to do it for all crops on the farm. You can not cherry pick.

However, you do not have to do it for all your farms if you do it for one. Each individual farm will be treated separately. If you have 5 farms you could do the following: Farm 1—Keep current base and yield with no update; Farm 2—Keep current base but add oilseed acreage; Farm 3—Update Base, but keep current yields; Farm 4—Update Base, update yields using 70 percent option; and Farm 5—Update Base, update yields using 93.5 percent option.

If a producer has 30 farms, he will have to pencil it out for each of the 30 farms and figure out what the best option is for each farm.

Yes, producers and FSA are going to love this.

21. What happens if I want to update yields but I suffered a crop loss in one of the years from 1998 to 2001?

Answer: In any year that your production fell below 75 percent of the average county yield, you can insert this plug into the equation for the purposes of your yield update calculation.

22. What happens if I update my base using the 1998 to 2001 average plantings of a crop(s) that I did not grow in 1981 to 1985 when current direct payment yields were figured?

Answer: For all crops other than oilseeds, you would take the yield of a similar farm in your area. In other words, if your neighbor has an existing corn yield, you may be assigned his yield, or something very similar.

Oilseed yields for direct payment purposes only are figured by: Taking the 1981 to 1985 avg national yield of 30 bu/acre for soybeans, divided by the 1998 to 2001 national average yield of 38.2 bushels an acre. This basically equals 78.5 percent. Multiply this number by your actual 1998 to 2001 to get your yield for direct payment purposes.

Example: Assume producer has 1998 to 2001 average of 40 bu/acre. Thus, using the calculation above his yield is: (40 bu)(78.5 percent) = 31.4 bushels an acre.

23. Can you explain the actual timing of payments for the next year or so?

Answer: 1. Additional direct payment on the 2002 crop as soon as possible.

2. Up to 35 percent of counter-cyclical payment by October 31st.

3. Producer option to take up to 50 percent advance of the 2003 direct payment on or after December 1st.

4. Difference between October payment and 70 percent of counter-cyclical payment after February 1, 2003.

5. Remainder of counter-cyclical after end of 12 month marketing year for each crop.

6. Remaining 50 percent, or full direct payment, for 2003 crop after October 1, 2003.

24. When do I have to make a final decision on updating base and/or yield?

Answer: The bill gives the Secretary flexibility in this regard but indicates it should be done as quickly as possible.

25. If I make one decision regarding updating, can I make a change next year?

Answer: No. The decision made this year will stand for the remainder of the life of the bill.

26. I want to try planting peanuts in western Kansas. How will the new bill affect this decision?

Answer: The old peanut quota system is eliminated by this bill. It is replaced by a marketing loan program similar to that in place for other program crops. All producers will be eligible to participate in this program regardless of where they are growing their peanuts.

27. Are there any payment limit changes in this bill?

Answer: Yes. A $2.5 million gross income limit will apply to eligibility for the 2003 crop. A producer or entity is only ineligible for assistance under this limit if less than 75 percent of their gross income comes from farming.

Beginning in 2002, the payment limits will be $40,000 for direct payments, $65,000 for counter-cyclical payments, and $75,000 for LDPs. The combined limits for a husband and wife will be $150,000. Generic certificates remain in place for the marketing loan program and the 3-entity rule remains in place.

The ACTING PRESIDENT pro tempore. Who yields?

Mr. HARKIN. Mr. President, we are endeavoring to get a list together in order of prospective speakers on the farm bill, to go back and forth. It is my intention, after I make a few comments, to recognize the Senator from North Dakota. I assume then we will go over to the Senator from Arkansas. Then we will go back and forth as the day progresses.

I feel constrained to respond, at least somewhat, to the comments just made by my friend from Kansas. I listened to his well-written speech, and well-delivered speech. Frankly, I wonder if the person who maybe had some input in writing that had been around over the last few years. I want to point out some of the errors that I believe were just mentioned. First of all, in the commodity section of the bill that we have under the Freedom to Farm bill that was passed in 1996 there was no countercyclical payment. When the 1996 farm bill was passed, the price farmers received was going up. Evidently, those in charge of passing that bill assumed the price farmers received would continue to skyrocket.

After enactment of the 1996 farm bill, look what happened. Down it came, and it is continuing to go down. That is the price farmers have received. The gap has widened between what they have to pay for inputs and what they get for their crops.

That is why this conference report is so necessary. I can only assume that in urging the defeat of this conference report, the previous administration must keep in mind that the 1996 farm bill fails to address the gap between cost of producing a crop and the price for that crop.
That is the choice we have today. Either adopt this conference report or stick with Freedom to Farm. That is the choice we have.

I think this graph illustrates why we have to turn the corner. Our farmers can't continue to exist with the present Freedom to Farm bill any longer.

I wish to point out wheat growers, who are so prominent in the Plains States.

Last year the loan rate was $2.58. The Secretary of Agriculture has the authority to lower that level. Under this bill, the loan rate will be $2.80 for wheat for 2002 and 2003. And the Secretary has no authority to lower that.

I can't see how a wheat farmer will be better off with a lower loan rate compared with the $2.80 loan rate. It doesn't seem to make sense to me.

The other failing of the 1996 farm bill is that it really didn't do anything for conservation. This bill does a lot for conservation.

Look at the Conservation Reserve Program in the 1996 farm bill. It is capped at 36.4 million acres; we go up to 39.2 million acres.

The Wetlands Reserve Program: $95,000 per cap; we go up to 2.275 million acres.

Farmland Protection: $35 million for the life of that bill; we go up to $985 million.

The Wildlife Habitat Incentives Program, which is so necessary and wanted by our sportsmen—our hunters and fishermen: We preserve our Nation's wildlife habitat. The 1996 farm bill had a measly $50 million for the entire United States. We go up to $700 million over 6 years in this bill.

For the Environmental Quality Incentives Program, the 1996 farm bill had a total of $1.93 million for 7 years. We go up to $11 billion over 6 years to help our livestock producers and crop producers meet environmental standards.

Again, those who would vote against this conference report would say let us go back to the 1996 farm bill.

We have done so much more for these existing conservation programs in this bill than was done in the 1996 farm bill.

Lastly, I point out that we have a new conservation program that wasn't in the 1996 bill: the Conservation Security Program, funded at $2 billion.

We also provide $600 million for Ground and Surface Water Conservation. And the Small Watershed Rehabilitation Program is so important in Plains States. It wasn't in the 1996 farm bill.

Agricultural Management Assistance wasn't in the last farm bill.

Desert Terminal Lakes was not in the last farm bill.

In terms of conservation, this bill takes a giant step forward in conservation, which is another reason why it should be supported.

The last farm bill that we are trying to replace basically had one leg. That leg was AMTA payments. No matter whether we have good prices, there were AMTA payments.

This bill, in terms of commodity for farmers, has four legs: a target price program; we have a loan rate which the Secretary cannot lower; we have the direct payments; and the conservation program. So we have four legs to the stool for our farmers, producers, and ranchers.

Lastly, I am amazed at how many people who supported the Freedom to Farm bill said it was the best thing ever and that they can't wait to get rid of it. They can't wait to get a new farm bill. How many times have I heard from those who supported the Freedom to Farm bill that we need this new farm bill, we need it now, we are waiting too long, and we have to have it now?

This bill was before us 5 months before the Freedom to Farm bill expired. I point out that the Freedom to Farm bill didn't pass until 6 months after the previous Freedom to Farm bill expired.

We have done our work in a manner that I think benefits this whole country. As I have said many times, can I defend everything in this bill and say it is perfect? No. But when you look at this conference at the South, the Northeast, the West, the Midwest, and when you look at nutrition programs, the last farm bill didn't even have a nutrition program. Yet we have put in $0.4 billion in new spending for nutrition programs in this bill. The last farm bill didn't even have one.

We have covered those who need help and who need food to make sure they do not go to bed hungry at night. We have covered that.

We have a new energy program in this farm bill.

We need this farm bill now. We need it now, and we can't send this back to conference. If this bill fails today, there will be uncertainty for our farmers. They need this bill, and they need it now.

I yield to the Senator from North Dakota 20 minutes.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

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

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

The senior assistant bill clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, after consultation with the ranking member, I ask unanimous consent that the following Senators be recognized in this order and for the amount of time stipulated: Senator DORGAN be recognized for 10 minutes; after that, Senator BROWNBACK for 10 minutes; after that, Senator HUTCHINSON for 15 minutes; then Senator HOLLINGS for 10 minutes; Senator FEINSTEIN for 10 minutes; and Senator THOMPSON for 15 minutes.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I thank the chairman and ranking member for the work they have done. I know there are differences of opinion on the floor of the Senate about this farm bill.

Let me say that I intend to vote for this farm bill. It is not a perfect piece of legislation by any means. I will talk about some of the shortcomings. But it is far better than current law.

The current Freedom to Farm law is a very flawed piece of legislation. It was always a flawed piece of legislation. It required us every year to come in with an emergency piece of legislation to try to deal with the problems in Freedom to Farm.

Is what is brought to the floor of the Senate today a much better approach than Freedom to Farm? The answer is clearly yes.

But it is always interesting to me that people in dark suits who shower before they go to work will come to the floor of the Congress and talk about the economic future of people who wear work clothes and who shower at the end of the workday. These are family farmers. They work hard. They live on hope—hope that they will be able to raise a crop, have some livestock, survive a season, and make some profit. They live on that hope. Most of all, they work very hard. And they live in a world in which more and more people are hungry.

We are told half a billion people go to bed every night with an ache in their belly because it hurts to be hungry. Our farmers take their grain, in a 2-ton truck, to an elevator, grain which they had planted in the spring and nurtured, which they go to sell in the fall.

After they plant their crops, they worried that it would not rain enough, they worried that it might rain too much, they worried it might hail or that disease would come or the insects would eat that crop up. If they are lucky enough to survive all of those things that nature puts in the way of a good crop from time to time, then they put this grain in a truck and drive it to the elevator. They are then told: Oh, by the way, this food you produced isn't worth anything. And the farmer scratches his or her head and says: But we have a hungry world. Most of the people in the world need food. Why is our grain a product without value? And the grain trader says: It is worth what the market says.

Farmers would much sooner get their money from the marketplace than from a safety net proposed by the Federal Government. But the fact is, the marketplace has collapsed. Almost immediately after passing the Freedom to Farm bill, the marketplace collapsed, and stayed collapsed. Family farmers are not able to survive with the current price structure in the market, so
We are trying to build a bridge over those price valleys. That is what this is about: for family farmers to get from here to there. I mentioned, they survive on hope. All of us who have a lot to do with family farmers understand that hope. Against all odds, they put all they have into the ground in the spring, hoping they will be able to harvest a crop in the fall and get a price for it. Increasingly, in recent years, the answer has been, they have not gotten a price for it.

They know, and we know, that we add one New York City in population to this world’s population every 30 days. Let me say that again. Every 30 days, we add the equivalent of the population of New York City to this Earth. Those are mouths to feed, people who need food. Yet our farmers are told that which they produce in such great abundance is without value. They understand, and I understand, there is something fundamentally wrong with that.

The question for our country is not whether we produce the food, the question is how we produce it. Corporations could produce food for our country by having corporate farms stretching from California to Maine. They could start with a big tractor in the morning and plow until the Sun goes down, and then plow in the other direction back the next day. Yes, they can do that. They can produce food. And what you would do is take those farmers off the land and change the culture and change the economics of what we do in this country.

So the question for this country is: Do we want family farmers in our future? Do family farmers provide value to our country? Well, I think they do.

In this age of terrorism, we worry about bioterrorism in our food supply. What better way to defend against that than to have a broad network of family producing America’s food? How easy would it be to introduce an agent of bioterrorism in a feedlot with a big tractor? How big is the hole in a giant tractor tire? How easy would it be to introduce an agent of bioterrorism in a feedlot with a big tractor? Every year we know there is a big hole in our giant tractor tires, and we just slap a big patch on it. So this bill adds something we have not had before, which I think is very important to family farmers. It also has country-of-origin meat labeling, which we have been fighting to get for a long while. I believe that is an important step forward so that consumers understand what they are eating and where it is from. I think the country-of-origin meat labeling is an important piece, especially for livestock producers.

There are some disappointments to this bill. When we passed this bill in the Senate, we included a payment limitations amendment by a 2-to-1 margin. That was my amendment with one of my colleagues. We included payment limitations, but it was knocked out because the House of Representatives would not accept it. I regret that. I say this: This issue isn’t over. I know this is the farm bill, and this is where we should put payment limitations, but we will come back and try to put them in the final bill.

I did not come here to talk about the value of family farming to this country’s future to then see somebody who has 60,000 or 70,000 acres get $20 million over 5 years. That is not what I am fighting for. This isn’t about corporate welfare. This is about helping family farmers with a safety net during tough times. That is what a farm bill is for. This issue isn’t over. Payment limitations didn’t get done in this bill because the House of Representatives wouldn’t accept it. The administration wouldn’t support it either. But we will come back with payment limitations
in some other form. Ultimately that will get done.

On balance, this is a farm bill that is worth voting for. I intend to vote for it. Some will say: Why do we need to do a farm bill at all? I have heard many colleagues, as a couple dozen, talk about their concerns about this bill. If you care about entrepreneurship, if you care about small business, if you care about independent-minded people trying to make a living, you have to care about family farmers. They are the economic all-stars in this system of capitalism. It is just that the marketplace has conspired to find a way to ruin their economic hope and opportunity.

Let me describe that. For every single thing a family farmer does, they find that someone else makes the money and they get the burden. Farmers raise a crop. They want to put it on a railroad track someplace. They are going to get charged through the nose by the company for hauling that grain. In my State, they are going to overcharge shippers by $100 million, according to our public service commission. Why? Because you don’t have rail competition. In my State, in most cases that is one railroad of one rail company. The railroad says: By the way, Mr. and Mrs. Farmer, here is what you will have to pay for transporting that grain. If you don’t like it, tough luck; there isn’t a thing you can do about it. So it is an issue of who has the muscle there? Is it family farmers or railroads? The answer is railroads.

How about the chemical companies? The chemical companies say: Here is what you have to pay for chemicals. Who has the muscle? The chemical companies. How about the packers? Over 80 percent of all the packing is done by three or four companies. They say to the ranchers and farmers: Here is the price; if you don’t like it, tough luck. Who has the muscle there? The packing companies.

How about the cereal companies? It is interesting that our farmers produce rice and wheat and corn and all these products. You go to a grocery store somewhere and buy that product. You discover that someone else took that wheat and rice and corn, and they popped it, and they shredded it, and they crimped it, and they puffed it. And guess what. As soon as it shows up puffed, riced, shredded, you pay a fortune for it. The fortune has nothing to do with the rice or the wheat or the corn. It has to do with the fact that somebody made a fortune popping it or crisping it. The farmer who produced it, the person who drove the tractor, the person who plowed the furrow and seeded the land gets virtually nothing for it.

That is wrong. That is a system that is wrong. Why does it happen that way? Because of economic muscle. We have had the growth and concentration of virtually every area of enterprise in this country that squeezes family farmers, squeezes them in a way that says: You can’t make it, but we will. Everyone makes a profit off that which farmers produce.

In the area of international trade, our farmers have gotten taken to the cleaners. It doesn’t matter in which direction one travels, Canada, Mexico, China, Japan. They have gotten taken to the cleaners. Unfairly subsidized grain from Canada; stuffed molasses with Brazilian sugar coming down; high-fructose corn syrup being dumped on us; coffee: a 70-percent tariff on coffee flour going to Europe; a 38.5-percent tariff on every pound of American beef going to Japan. In every single direction, our farmers have been taken advantage of in international trade. And the farm organizations and commodity groups out here—most of them, not all—are saying to the farmers that all this trade is a good thing for them. No, it is not a good thing: They don’t understand, those groups doing that, the interests of family farmers. What is different from family farmers.

Our farmers produce more than food. They produce community. They produce something very important to the economy and culture of this country. I have spoken at length about family farmers. I come from a town of 300 people. We raised horses and cattle, my father and I. The fact is, my home county is bigger than the State of Rhode Island. When I left, it had 5,000 people; now it has 3,000 people. In that county there is a Lutheran minister, a friend of mine, who said at her church she officiates over four funerals for every wedding. That is the opposite of the movie, you know, “Four Weddings And A Funeral.” Here it is four funerals for every wedding.

That says those rural areas are losing population. People are growing up and getting away. That is the case because family farming doesn’t work under the current system. That is why you need a farm bill that works, that says to family farmers: If you are going to be out there on the family farm and risk everything you have to plant a seed and hope it grows and then try to market it to a hungry world, we want to help you.

That is what this bill is about. It is trying to help families over tough times. There have been 6 or 7 years. There is no end in sight. The question for this country is, Do you want family farmers producing America’s food? The answer ought to be a resounding yes. Why? Because it is important to have a network of family producers producing America’s food.

There will be, and there was yesterday, substantial criticism of this bill. I could join in that criticism because I find several parts of this bill wanting. It is strange for those who authored that I think was the worst farm bill I have seen in decades, the Freedom to Farm bill, come out and criticize this bill. It was only 6 short years ago when they stood on the floor of the Senate and said: We want to transition farmers out of the farm program and into the marketplace. Whatever the marketplace says, God bless you, that is your future. It is better to do that. The marketplace was going to squeeze farmers until there were no family farmers left. That is exactly what happened almost immediately after we passed the Freedom to Farm bill. The Freedom to Farm bill, we are told, produced celebrations around Washington, DC, and the country by the largest agrifactory organizations and the big commodity organizations and others who make money off family farmers.

The chemical folks, the grain trade, they all had a great celebration because that was a great bill for them. But, it was a bill that devastated family farmers. That is why year after year after year we had to come back and pass emergency legislation to correct it.

This bill provides certainty, perhaps at a lower rate with respect to the safety net than I would have liked, but a substantially higher rate than the Freedom to Farm would offer family farmers. Freedom to Farm was scheduled to evaporate after 7 years. It was called transitioning. I have been transitioning a few times. Family farmers know what being transitioned means. They are flat sick and tired of being transitioned. What they want is the ability to make a living by producing the best quality food in the world, doing it for a hungry world, and getting a fair return on that which they produce.

Virtually every part of our economic enterprise in this country is concentrated now with giant economic muscle so that it squeezes family farmers out of our future. This bill provides some hope and some certainty. This bill, and this bill alone at this point, will keep family farms on your side; this Congress wants you to succeed; a safety net is worth doing; we believe in your future.

I intend to support this bill. While not perfect, it is dramatically better than Freedom to Farm.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Kansas is recognized.

Mr. SENSENICH. Mr. President, I am from Parker, KS, a town of 250 people. I grew up in the suburbs, a mile and a half out of town, on a family farm. My parents still farm on it. Mom and dad are full-time farmers. My brother is a full-time farmer with my dad. My other brother is a veterinarian—large and small animals—near Lyndon, KS.

Farm bills are important to Kansas. They are important to my family. I am the Secretary of agriculture in the State of Kansas for 8 years. My degree is in agriculture economics. I have been a farm broadcaster; State president of the Future Farmers of Kansas; Senator from Kansas is recognized.

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America in Kansas; national vice president of the Future Farmers of America, Central Region; traveled the country for the FFA. I have been in 4-H. I have farmed. I love it. It is a great place to have been raised, a great place for the family.

It is a tough place to make a living. It is difficult and has been for the generations in my family who have been on the farm and struggled. My grandfather is a farmer who started my dad in farming. My dad started my brother. That is the typical. Farm bills are important for my State. They are important to my family. They are important to this country. That is why I rise today with a great deal of disappointment about this farm bill, and I am not going to be able to support the conference committee’s farm bill.

While I am deeply grateful to the conference committee and their efforts, their work, the hours they worked, their earnest desire to find a way forward—I truly believe they had a deep desire to find what is right and what is best for agriculture in this country and for the family farmer—it is now clear to me that the conference committee did not learn some lessons from past farm bills, ones I have worked on, working closely with agriculture. It seems to me we are repeating some of the worst mistakes of past farm bills.

While opposing a farm bill for some may be an easy issue based upon cost or complexities of the issue, it certainly is a different case for me and a different case for somebody representing a great State such as mine, Kansas. Many hundreds of Federal programs affect American agriculture more than any arcane debate between beltway policy types.

This farm bill is important to Kansas. It is important to our State. Our State is heavily involved in agriculture and against the conference report is a result of a careful and thoughtful analysis of what it will do.

As Senator Roberts, my colleague from Kansas, has already laid out, this farm bill just is not good for Kansas’s family farmers.

While I think these deficiencies have been outlined ably in nearly every editorial page in the country, I want to highlight a few of the problems that are of most concern to Kansas.

First, the farm bill program raises loan rates. First and foremost, I wanted to cite that. This has historically and consistently led to overproduction and lower prices. It is a fundamental issue of fairness. When you raise the price, where supply and demand cross is where the price is set; you raise your price or you raise your guarantee under that, you stimulate production, your production goes up, your demand does not go up in an equal amount, and your price falls on the world market. We should not be content to relearn this lesson. We have done this in past farm bills where we have artificially raised the loan rate, increased production, and when we increased production and demand did not equal it, the price on the world market fell. We lower the overall price.

Let me give one example: the current soybean loan rate. Since the enactment of the 1996 farm bill, soybean acreage has risen steadily. In 1996, we were at 64.2 million acres; in 2001, 76.7 million acres.

These increases are hardly because of increased demand for soybeans. More likely they are attributable to an unusually high soybean loan rate of $5.26 relative to corn at $1.89, which is a price ratio of 2.78 to 1.

Do we want Congress? Government signals not market signals to determine acreage? As we increase these loan rates significantly in many of the crops across the board, we are going to raise the production, and we raise production where supply and demand cross is where the price is set; you raise your price, where supply and demand cross is where the price is set; you raise your price, where supply and demand cross, unless there is an equivalent demand increase.

This perverse incentive laid down by the Federal Government seems at cross-purposes with many other Federal programs intended to bring prices up, not down. How is it we can be simultaneously providing what amounts to a subsidy to increase production while at the same time subsidizing the market price? This is working at cross-purposes.

Not only are we tinkering with these price controls and hoping the Government gets it right this time, but we are taking a huge step backswards in complexity and ease of use. I do not need to remind my colleagues of the horror stories from farmers using farm services in the years before Freedom to Farm.

Government bureaucrats with confusing and conflicting rules were the bane of a farmer’s existence. Many of us heard of waiting in lines at the Farm Service Agency or its precursor agency as well. This bill will put more bureaucratic elements into the farm operations again, something we tried to get away from in Farmers’ pleasure, we were getting away from these lines at the Farm Service Agency. This cannot be a good development.

We have tried this route before, only to abandon it for something better. My dad and brothers do not like waiting in line at the Farm Service Agency. And they are not going to like it under this proposal.

As we debate this measure in the Senate, an apparent fait accompli, our most important trading partners are preparing to challenge this initiative before the World Trade Organization. Just as our Nation’s commitment to the free trade agenda has been brought into question, we are asking our trading partners to retaliate. If you want evidence of how this compromise will be greeted by our friends around the world, just look at how our trading partners are reacting to the proposal. Canada, Mexico, Great Britain, and the European Union have all expressed serious concerns about these new “amber box” programs. It is perhaps most telling that our friend, Australia, a country committed to free trade as is the United States, has pledged to lead the challenge to this initiative before WTO. This is a troubling development for Kansas farmers much of whose acreage is dedicated to international trade.

There is the matter of the supplemental AMTA payments on which many farmers in my State are counting. As my colleague from Kansas, Senator Roberts, has pointed out, earlier this year we supported a supplemental assistance package for the 2002 crop and told our constituents any new farm bill would apply to the 2003 crop. For 2002 crops, the compromise I supported would have provided an additional payment of 59 cents for wheat, 33.4 cents for corn, and 40 cents for sorghum.

Instead, producers will now receive an additional fixed payment of 5.9 cents for wheat, 1.9 cents for corn, and 3.6 cents for sorghum. Producers will then be eligible for maximum—it could be less—countercyclical payments on the 2002 crop of 54 cents for wheat, 31 cents for corn, and 21 cents for sorghum. But the producers will get a check for 35 percent of the payment in October, 35 percent of it in February, and the last payment at the end of the 12-month marketing year for the crop in August. This is what we promised and what will prove to be a serious burden for Kansas farmers this fall. They would have gotten the lump sum come this fall. Now it is going to be broken out over a 12-month period. This is something a number of farmers were counting on and need this year.

Despite my concerns about many provisions in the farm bill, I do not want to indicate all is lost with it. I am pleased to see some of the conservation provisions in the bill which I think are positive. Something I and others have worked on—carbon sequestration—is in the bill. The pilot program for carbon sequestration will help us build a new market for farmers—one that pays them for how they produce, not just what they produce.

Carbon sequestration is a largely untapped resource that can buy us the one thing we need most in the debate on climate change, and that is time. The Department of Energy estimates
over the next 50 to 100 years agricultural lands alone could have the potential to remove anywhere from 40 to 80 billion metric tons of carbon from the atmosphere. If we expand this to include forests, the number will be far greater, indicating there is a difference that could be made by encouraging a carbon sink approach.

I am pleased with the work the conferees have made. I am not pleased with the product. I believe we are taking a step backwards for farmers in our country, for producers, for marine environments, for what is best for my family and for what is best for Kansas farmers. This is an overly complex bill. It is not going to be helpful this year.

In future years, we are going to be looking at it and saying: Why are we going back to something we knew did not work in the past? For those reasons, I oppose the conference report.

I yield the floor.

The PRESIDING OFFICER (Mr. Miller). Under the previous order, the Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I rise today in support of the conference report of the farm bill. This bill has been long in coming. The House of Representatives passed their version of the farm bill last October, and the Senate began debating the farm bill on the floor of the Senate last December.

Our farmers have been waiting for a resolution. Our farmers have been waiting for some type of certainty in farm policy. This bill provides changes to our current farm policy that are desperately needed by our country’s farmers. Since last year, farmers have been waiting to see if they will be able to continue farming as a way of life and a way of making a living. They have been hoping Congress will do the right thing and provide them with the safety net they need to continue. Frankly, during the last year, many have not survived. Many have sold their operations, sold out, and left agriculture. However, others have been able to withstand the uncertainty and have waited for Congress to pass this farm bill. So I think it is long overdue.

Many of our rural communities revolve around agriculture—from seed and fertilizer dealerships to farm implement businesses and storage facilities. These businesses have entire communities that rely upon what they do. Agricultural wildlife habitat, and the economic stability these small towns and communities. This is true in much of my State of Arkansas and throughout the country. In addition to businesses, the health of the agriculture sector directly impacts the viability of local schools and churches. Without assistance, these towns will quickly disappear, and these small rural communities will be lost, and nothing will be left but ghost towns.

The bill includes many features that will be beneficial to producers, rural communities, scientific advancement, and the environment. Throughout the long process—there was a constant awareness of where farm policy has had shortcomings in the past and the important role of a complete and comprehensive farm policy as our producers continue to compete in an ever more global marketplace. The basis for the three-part safety net composed of marketing loans, fixed payments, and the new target price counter-cyclical payments will provide much greater stability for our country’s farmers. That is what farmers have asked for more than anything else—a degree of predictability and certainty in farm policy. This bill will provide our farmers with the predictability and certainty that they need.

In Arkansas, many farmers have not been able to get loans, and they are in jeopardy of not being able to farm. Some bankers in my State have been lending to farmers so they can get the crops into the ground simply on faith that we will eventually act and get something. As it now stands, months upon months of waiting, and delay upon delay—these bankers, frankly, have had a lot more faith than I have. After all this time, we finally have a bill that can go to the President after months of waiting. This is a bill that my farmers in Arkansas support.

Time is of the essence, and to delay any longer will only serve to further complicate and muddle the implementation of this new policy.

The time has come to pass the bill. Negotiations have been completed, and I think any effort to delay the passage of this bill is simply, at this point, hostile and antagonistic to farmers and farm communities throughout the country.

This bill, when it left the Senate floor, included some provisions about which I was very concerned. In particular, I was concerned about the provisions included in payment limitation provisions. I thought, if it had been on the Senate floor, it would have had a disastrous impact on farmers in my State. A study conducted by the University of Arkansas indicated that farm income would have been reduced instantaneously by 25 percent had that payment limitation been in place. And that as many as 40 percent of the farmers in Arkansas would have been impacted by this provision.

In my opinion, including these limitations without any studies, holding, so adequate understanding of the impacts was irresponsible and unfortunate. I am heartened and grateful to the conferees for exercising wise judgment in withdrawing and drastically scaling back these harmful provisions.

Likewise, with all of my colleagues, I am concerned about any abuses of Government programs. However, to punish all farmers and ranchers in our country because of the abuses and excesses of a few is bad legislation.

In addition, some arbitrary limits on our farmers is equally irresponsible. Different crops cost different amounts to raise. Some crops, such as rice and cotton, have very high input costs, which require these operations to become larger because they rely on economies of scale to survive. But these crops also need support, and to set arbitrary limits without any regard to the difference in crops and input costs would be particularly harmful to specific regions of the country.

Farm policy, as I have learned through this process, is very complex. But this bill represents a responsible comprehensive approach. This bill includes many provisions that will assist the farmers in rural communities in Arkansas and throughout the country.

However, this bill does not have everything I would want. One area in which I am very disappointed in this bill is the forestry title. In the Committee on and the Senate floor, I believe many meaningful compromises had been reached, and foresters in Arkansas supported the programs included. Following the horrendous ice storms that hit Arkansas nearly a year and a half ago, the need for new programs and new funding mechanisms became apparent. I think it is unfortunate that we should not have come to consensus on many of those provisions. It is my sincere hope that the Agriculture Committee will work quickly to approve these necessary forestry programs.

While some forestry programs included in the Senate version of the farm bill would have benefitted foresters in many states, the Hazardous Fuel Reduction Program was of specific interest to me, and I was disappointed that it was not included in the final version of the conference report. I am sure many of my colleagues on the Agriculture Committee also would like to see many of these provisions passed, so I look forward to working with them to resolve this matter.

Despite my concerns with the forestry title, or lack thereof, I want to highlight some of the provisions in this bill that I believe will have great benefits to our country. One of the conservation programs of which I have been a strong supporter in the past is the Wetlands Reserve Program. This program has been used by farmers throughout my State and across the country to restore wetlands and enhance wildlife habitat, and it includes funding to increase the acreage cap for this program to 2.275 million acres. This will allow an additional quarter million acres of wetlands to be enrolled in this important program each year through 2007. By expanding this program, marginal lands can be taken out of production. It is good for the environment, it is good for recreation and sportsmen, and it is good for reducing farm production on marginal lands. Basically, it is a win-win for all of the stakeholders in agriculture.

Also, I was very pleased with the increase in the funding for the EQIP program. This program will provide much-
needed funds for our livestock and crop producers who will be trying to come in line with increasing environmental requirements. This program will benefit both producers and the environment. I believe the investments we make in this program will be repaid many times over in the future as the increased environmental quality we will all enjoy.

In the area of trade, this bill will provide increases in funding for important programs such as the Market Access Program, the Foreign Market Development Program, and the Food for Progress Program. Although trade will not solve all of the problems facing our country’s farmers, it is a critically important component of our national agricultural policy. We are the world’s leading producer of food and fiber, and it is essential that we work to open these new markets. The investments we make in these areas will benefit our producers by providing new market. In addition, these programs will benefit consumers all over the world by granting them access to some of the safest and most nutritious food in the world.

This bill also addresses a key challenge facing agriculture in the United States: the lack of young and beginning farmers. One of the reasons young people are not going into agriculture today is the difficulty in gaining the credit that is required to start a new farming operation. This bill provides a number of measures to help young farmers get started. I think that is a great victory for the future of agriculture in our country. If we are going to continue as the world’s leading producer of food and fiber, we must have young people getting involved. This bill reserves funds for operating loans for beginning farmers. It also authorizes funding for a beginning farmer and rancher development program to assist young men and women who want to get involved in agriculture.

There has been much discussion of the energy title of the farm bill. While I am wary of the creation of new programs, several of the components in the energy title will provide whole new options for producers in Arkansas. More and more farmers I talk to are interested in the possibility of getting involved in some form of renewable energy production, whether it is ethanol or biodiesel. Farmers recognize that these products could provide new markets for their crops. In addition, it could help our country become more energy independent. The inclusion of this title will complement the work we completed two weeks ago with the passage of the energy bill.

Finally, I am grateful to my colleagues who have been working very well at no cost to our Federal Treasury. The new program included in this bill will make the correction permanently.

My colleagues, particularly Senator LUGAR, have described in detail why this bill is bad for our farmers and our Nation. I agree with their analysis. This legislation perpetuates a dependency that leads to overproduction that is harmful to our land and ultimately to our health. I am disappointed to see the reforms begun in the last farm bill sacrificed in a frenzy of overspending.

This bill is both too expensive and unbalanced. It provides far too much in Federal subsidies for some of the Nation’s largest agricultural interests and not enough for the small family farmers in my State and across the Nation. At a time when we as a nation are trying to shore up homeland security, provide a prescription drug benefit for our seniors, and safeguard Social Security, we can ill afford to spend more than $180 billion on agricultural programs that benefit the few at the expense of the many. How can we justify passing a 80-percent increase in farm spending when we face a debt that could easily reach $100 billion or more this year? It is not responsible to pass this bill. We should send it back to conference and come up with a more reasonable proposal.

I am also concerned about the environmental implications of this conference report. While the increased conservation funding included in the legislation is certainly a step in the right direction, the conference committee slashed the environmental spending by $4.2 billion from what was included in the Senate bill. I share the disappointment of the Sierra Club and other conservation organizations with the final version of the bill in this regard. Faced with a choice of cutting conservation, forestry, and other modestly funded programs in this bill versus cutting the bloated commodity programs, the conference unfortunately chose the former every single time.

While I am pleased that the conference report includes some modest assistance for Maine’s dairy farmers, I am disappointed that the Northeast Dairy Compact was not reauthorized. The dairy compact provided far more assistance for Maine dairy farmers and at no cost to taxpayers. That is why I wish we had simply extended the Northeast Dairy Compact, which was working very well at no cost to our Federal Treasury. The new program included in the bill provides less help to Maine’s dairy farmers and at a high cost to taxpayers. I view this as a temporary measure to help keep our dairy farmers solvent until the compact can be reauthorized.

I am also deeply disappointed that the payment limitations that were included in the Senate version of the farm bill, and that Senators GRASSLEY and DOGAN worked so hard to include, were eliminated in the conference report. While there is a supposed cap of $360,000 in payments that any one farmer may receive, the conference report...
exempts the little known crop loan certificate program. The result is to create a loophole that will allow some of the Nation’s largest agribusinesses to receive millions of dollars on top of already generous commodity crop payments. Thus, more than 60 percent of the program authorized by the bill will go to fewer than 10 percent of our Nation’s farmers. Many small family farmers will receive absolutely nothing at all from this legislation.

The farm savings accounts, which I worked hard for, would have helped our small family farmers, but regrettably once again they were dropped from the bill.

Finally, while this conference report is bad for the Nation, it is even worse for Maine and I strongly suspect other Northeastern States as well. Maine receives precious little from this bill’s unprecedented largess: 99.9 percent of the bill’s funds will be spent outside of our State. In other words, for every $1,000 of new spending this bill provides, only $1 will come back to Maine.

I recognize that Maine does not grow the program crops of the scope and scale found in other States, and in recognition of this fact I would have been pleased to see a compromise in the bill that provided for the vast majority of funds to go elsewhere. But in this bill I cannot help but feel that Maine and other Northeastern States have been tossed a little bit of hush money and then pressured to support this bill.

We in the agricultural community are just plain fed up with the way big agribusinesses raid the U.S. Treasury of funds that are sorely needed for education, prescription drugs, defense, and other priorities.

This is not a responsible bill. We can do better, and I hope the Senate will vote to reject the conference report.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. THOMPSON. Mr. President, I rise today to express my concern about the farm bill. I have been a strong supporter of Tennessee farmers since I first came to the Senate, and I supported the 1996 Freedom to Farm bill, but I have supported the conference report that is pending before the Senate. At a time when our country is fighting a war against terrorism, at a time when we are facing a deficit of up to $130 billion this year, I believe it is irresponsible to spend an additional $92.8 billion on farm subsidies on top of the $163 billion that we are already slated to spend. To do so would be a disservice to the citizens and taxpayers of this country. In addition, this farm bill will likely cause us to violate certain WTO commitments precisely the time when we are trying to convince other countries to open their markets to our agricultural products. Most importantly, I believe that the farm policies in this bill will hurt the very people that they are intended to help: the small family farmers, by perpetuating the cycle of overproduction, depressed prices, and government subsidies that has made our farmers increasingly dependent on government assistance.

Since 1978, Federal outlays to farmers have exceeded $300 billion, equal to nearly 10 percent of the Federal debt. In 2000, direct government payments to farmers reached a record high of $22 billion. The bill proposes to spend $32.8 billion over the existing baseline of agriculture spending over the next 10 years. This amount is more than $10 billion above the already generous amount provided for farm spending in the FY 2002 budget resolution. The total cost of this bill over the six-year life of the bill is $248.6 billion. The expansion of the farm bill represents a 76 percent increase in agriculture spending.

This remarkable explosion in spending would be a cause for concern at any time, but it is especially alarming under current circumstances. Our nation is fighting a war against terrorism and our government faces potentially large deficits. In fiscal year 2002, we will spend at least $29.2 billion on homeland security. The President has proposed an additional $5.2 billion in his recent fiscal year 2003 supplemental spending request, which would bring total spending to nearly $38 billion. The President’s budget request for fiscal year 2003 proposes spending of $37.7 billion for homeland security. This amount is double what we were spending on homeland security items prior to the September 11 attacks. The Brookings Institution recently recommended funding of $45 billion for fiscal year 2003 for homeland security. The truth is that we don’t have a good notion of how much homeland security spending is needed for the next half a dozen years, but we know that the costs will be enormous. As I mentioned earlier, we recently received new projections from CBO that our deficit this year could reach $130 billion. We have to recognize that the world has changed.

My concerns about this legislation, however, are not limited to its cost. I believe that this legislation returns to the failed farm policies that were in place prior to the 1996 Freedom to Farm legislation, and that the effect of these policies will be to make farmers increasingly dependent on government subsidies. These policies defy logic and they defy the most basic laws of economics. The government sets a floor price for certain agricultural commodities that is higher than the market price in order to support growers of those commodities. The result is that farmers know that they are guaranteed to receive a certain price regardless of market conditions, so they ignore market signals and overproduce. The overproduction further depresses commodity prices, leading to the need for ever increasing government subsidies.

We don’t need to rely on economic theory to know that this is true. The data show that our farmers have been caught in an ongoing cycle of overproduction, depressed prices, and increasing government subsidies for decades. According to the Heritage Foundation, farmers have responded to existing price floors by planting as many as 5 million additional acres of crops that are already overproduced. The farm bill before the Senate will increase the target prices for these commodities and increase the amount of subsidies that farmers can receive, which I fear will only exacerbate the overproduction problem. Of the new spending in this bill, $56.7 billion is to increase commodity payments. That’s nearly 70 percent of the new funds for agriculture.

These kinds of policies do our farmers a disservice by creating a situation in which market prices cannot recover, forcing farmers to become increasingly dependent on government assistance. Under current farm programs, federal government subsidies already comprise 50 percent of total farm income. This farm bill makes it impossible for farmers to move away from these subsidies.

I continue to argue that we must provide these subsidies to support small family farmers who would otherwise be forced out of business. However, according to the U.S. Department of Agriculture, 60 percent of America’s farmers receive nearly half of the payments. The top 10 percent of farmers who are eligible for government subsidies, 10 percent receive two-thirds of the benefits. That means that 4 percent of our nation’s farmers receive two-thirds of all federal subsidies. In Tennessee, the top 1 percent of farm subsidy recipients receive 43 percent of the payments. That means that about 1100 of Tennessee’s approximately 110,000 farmers receive nearly half of the payments. The top 10 percent of farmers in Tennessee receive 84 percent of the payments. The bottom 80 percent of farmers receive only 7 percent of the total benefits, averaging less than $700 per farmer. That is not right and it is unworthy of this Congress.

According to the Heritage Foundation, the House version of the farm bill, which was less expensive than the conference report, would have cost $190 billion over the next 5 years and $271 billion in inflated food prices. The Taxpayers for Common Sense performed a cost-benefit analysis of the Senate bill on a state-by-state basis using each state’s share of total U.S. personal income taxes. According to this analysis, over the next 5 years, under the Senate bill, Tennessee farmers would have received average annual farm subsidy payments of $159 million, but Tennessee taxpayers would have paid $273 million to obtain it for a loss to the state of $115 million.

With this farm bill, we had an opportunity to provide a safety net for our family farmers while moving towards a
more market-oriented approach. Senator LUGAR has spent countless hours on the floor of this Senate, not only explaining all of these problems with the current system, but proposing effective alternatives that could move us toward a market-oriented approach while still maintaining a safety net for our farmers. He proposed ideas such as providing federal subsidies for farmers to purchase whole farm insurance or providing matching funds for farm income assistance. Instead of the bill before us represents a grab bag of regional special interests. For the northeast, there is a newer, more expensive dairy program. Studies indicate that this plan will increase the cost of milk by 10 to 15 percent. For the southern coastal states, the farm bill continues the sugar program, which has raised the price of sugar in the United States to nearly eight times the world price. The Midwestern states, as always, receive a sizable majority of the direct commodity payments. I understand we have some contested elections going on.

I am also concerned that this farm bill will set back efforts to open foreign agricultural markets. The administration would have to come face-to-face with the WTO. The European Union and the administration would have to come face-to-face with the WTO. The European Union has issued conflicting statements. Sen-

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the farm bill has angered our trading partners and weakened our ability to negotiate for decreases in agricultural support at the WTO. E.U. Trade Commissioner Franz Fischler said the bill: . . . marks a blow to credibility of U.S. policy. The European Economic Community has presented a trade-oriented agenda wholly inconsistent with the new bill.

This farm bill undermines our credibility when we push for open agricultural markets and reduce the support levels provided by other countries. In conclusion, this farm bill spends an enormous amount of taxpayers' money at a time when we cannot afford it to the disproportionate benefits of a few large farms producing a limited number of program crops. I believe most farmers do not want forever to rely on Government subsidies for their living and in increasing numbers and percentages. They want to earn a living by producing their crops and earning a decent market price for them. This legislation will make that more difficult. In fact, it goes in exactly the opposite direction. It is a callous document that can only be supported in the name of political expediency. I choose not to support it. I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, we are awaiting the next speaker in the sequence that the Chair has been given; therefore, I suggest the absence of a quorum, the time to be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, we are awaiting the next Senator to speak. In the meantime, I might just correct one thing that was said here, I think, on the floor. I believe the Senator from Maine said that trade, conservation, and research would equal 10 percent of the bill that we have—only 10 percent. Actually it is much more than that. Conservation alone is 22 percent of the funding in this bill; that is, $37.1 billion out of $173 billion.

If you take all the noncommodity titles—research, conservation, trade, forestry, all the other noncommodity titles—it equals about 30 percent of the funding of the bill. I wanted to make that correction.

I want to go back to nutrition one more time and address the issue of funding. In the committee, when we passed our farm bill, there was support for a $5.6 billion nutrition title. It was supported on both sides. When that title was passed in our committee, it was passed unanimously.

The bill then came on the floor and there were a number of amendments made. Many of them I cosponsored. They added additional funding. By the time we finished the bill, the nutrition title was $8.4 billion.

Keep in mind when the bill left the Senate floor, the CBO recored the bill and they had made a mistake. We didn't make the mistake. The CBO had miscalculated about $6.1 billion. So even before we went to conference we had to cut basically $6.1 billion out of our bill, which we did across the board. We did not focus on nutrition or any of the noncommodity aspect of the bill. We just had to do it, basically, across the board.

The House-passed bill had $3.4 billion for nutrition. The President, in his message, what he wanted was a $4.1 billion increase in nutrition. The bill before us has $6.4 billion for nutrition. That is $1.2 billion higher than we passed in our committee. It is almost double what the House had. So I believe we did a very good job in fighting for the nutrition program.

Do we always provide more money for the neediest people? Of course. As we go ahead as the Agriculture Committee, we will be looking to make sure that next year and the year after the people who rely upon food stamps and other feeding programs are not left behind. But I think we did a great job getting the $6.4 billion for nutrition.

I received a letter yesterday from a number of food-related, hunger-related groups—51 groups. They said they are writing to express their support for the nutrition title.

The conference report makes critical steps forward for some of the populations most in need of help: legal immigrants and working parents with children. Additional provisions that will substantially simplify the program are also critically important. We also applaud your additional funding for The Emergency Food Assistance Program. Food banks, food shelves and food pantries facing growing requests will be better able to meet the need.

Given the scope of the hunger and food insecurity problem facing our nation's people, we believe that passage of the Farm Bill Conference Report with its investments in the nutrition safety net must be a very high priority for the Senate.

As I said, this was signed by 51 groups. I will not go through them all. As Second Vice President, American School Food Service Association, American Public Human Services Association, Bread for the World, Children's Defense Fund, Coalition on Human Needs, Congressional Hunger Center, the Food Research and Action Center, FRAC, the National Council of La Raza, the National Law Center on Homelessness and Poverty, Volunteers of America. Those are among the 51 groups.

I ask unanimous consent this letter and those 51 groups' names be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:
HON. TOM HARKIN, 
Chairman, Senate Agriculture Committee, 
Senate Office Building, Washington, DC.

DARWIN HARKIN: We, the undersigned groups, are writing to express our support for the nutrition title of the Conference Report on the Farm Bill (H.R. 2646). The final package makes very important investments to strengthen the nutrition safety net, especially for vulnerable working families who are already living in poverty, legal immigrants, and others struggling to put food on the table.

As you know, USDA and the Census Bureau report that approximately 33 million people in the United States—13 million of them children—have been living with hunger or on the edge of hunger. The recent economic downturn and increasing need are only exacerbating this problem of high levels of hunger and food insecurity, particularly for legal immigrants and other low-wage workers. Strengthening the national nutrition safety net is critically important to address this problem.

Accordingly, we believe the Conference Report makes a great deal of sense. It will help address the needs of those in our nation's families who are struggling to put food on the table.

We also applaud your additional funding for The Emergency Food Assistance Program. Food banks, food shelves and food pantries around the country will find these increased requests will be better able to meet the need.

Given the scope of the hunger and food insecurity problem facing our nation's people, we believe that passage of the Farm Bill Conference Report with its investments in the nutrition safety net must be a very high priority for the Senate. Again, we appreciate your leadership on our mutual goal to fight hunger.

Sincerely yours,

The following organizations support the Conference Report on the Farm Bill (H.R. 2646)...


MAY 7, 2002.

Chairman, Senate Agriculture Committee, Senate Office Building, Washington, DC.

DEAR CHAIRMAN HARKIN: We, the undersigned groups, are writing to express our support for the nutrition title of the Conference Report on the Farm Bill (H.R. 2646). The final package makes very important investments to strengthen the nutrition safety net, especially for vulnerable working families who are already living in poverty, legal immigrants, and others struggling to put food on the table.

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CONGRESSIONAL RECORD — SENATE
more in subsidies to support those goods, a system which is cockeyed. It makes no sense.

I heard one person come down here from the other side—the Senator from North Dakota—who said this bill is for entrepreneurship. It isn't a unit of entrepreneurship because, basically, the entrepreneur here is trying to figure out how they can get more money out of the Federal Government and how they can put more crops in the ground, which we don't need, which produces a higher profit level at a price which drives down the price so they can get more for the crop that we didn't need to begin with.

It makes no sense. That is not entrepreneurship in a market economy. That is a new form of entrepreneurship in a collectivized economy. That is gaming the system. Gaming the system would be more appropriate than entrepreneurship as a term.

I heard another Member say but this bill is perverse so much in the way of paperwork in order to meet the new commodity rules that people are going to be standing in line for days at the Farm Service Agency. I feel sorry for them standing in line all day.

As a matter, if you are going to opt into a system where you are essentially getting all your net income out of the Federal Government, you ought to be doing something instead of standing in line for that money.

Clearly, this system has failed when our farmers are standing in line instead of working to produce goods, when they are using the system to produce crops which they don't need and which we don't need, and when they are getting a payment from the Federal Government which exceeds their income.

The bill also is perverse in whom it supports. Most of the subsidy in this bill goes to a small number of farmers who produce a small number of commodity crops. The State of California, which has the most farmers in America, by far, and which has the largest farming industry, by far, gets only 9 percent of the benefit under the bill. But other States which have commodity crops, with 3 percent of the benefit, go to a very small number of farmers who produce a small number of crops.

Robert Samuelson, who is one of the better economists in our country, made the point that over the last two and a half decades farm subsidies have consumed roughly 10 percent of what we have added to our national debt. That is a price that in some ways I might be willing to pay if it were done in a manner that had some relationship to market forces because I believe strongly that we need a farm economy that is strong. But when you totally overwhelm market forces with this type of subsidy system, you fundamentally undermine the capacity to have a farm program which, first, represents production, which we need, in the commodities which we want, and, second, is fair to the American taxpayers and the American consumer.

So I believe this bill should be rejected. I regret that it probably will not be rejected. But I believe the increase in spending above the baseline here, which is approximately $173 billion, is way beyond anything we can afford as an economy or as taxpayers. I also think that if the American taxpayer and redistributes that in a countermarket system.

I yield the floor.

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

Mr. HARKIN. Madam President, I will yield to the Senator from Michigan shortly, but I would like to say, for the benefit of Senators, that we had a list before of speakers on the farm bill. If there are any Senators who wish to speak on the farm bill, that list is vacant right now, so we do have time on the bill right now for any Senators who wish to come over and speak. If they will just contact us, we can get another list put up, so we can get an appointed time for Senators to speak on the farm bill.

With that, Madam President, I yield 10 minutes to the distinguished Senator from Michigan. And I thank her for all of her great work on this farm bill. I say to her constituents, the people of Michigan, there isn't a person who has fought harder for their interests than Senator Stabenow, especially in agriculture, and especially when it comes to the specialty crops.

I point out that I believe Senator Stabenow holds a record. Senator Stabenow is the only member of the Agriculture Committee who served on the agriculture committee in her State legislature, served on the Agriculture Committee in the House of Representatives, and is on the Agriculture Committee in the Senate. We are proud to have this lady here.

Ms. STABENOW. Madam President, I thank, first, my wonderful friend and colleague, Mr. Harkin, who chairs the Agriculture Committee. He is the person who has brought us to this point with a farm bill which I believe we can all be very proud. I am so grateful to him that he has understood that we in Michigan have 100 different commodities; that 60 percent of what we grow, in fact, is fruits and vegetables, and for the first time specialty crops are recognized by the Congress in a farm bill. It would not have happened without the leadership of our Senator from Iowa who has led the committee so ably.

Madam President, I could not disagree more with my friend from New Hampshire who spoke right before me. I think this is a bill of which we should be very proud. It moves in the right direction. It helps our family farmers. It promotes conservation. It supports rural economic development. It is something that I believe is good for every family in America.

I want to start, though, by thanking all of the staff who have been involved in this effort. There have been hours and hours—hundreds of hours, weekend work—in which people have been working at a number of points in order to get us to this comprehensive farm bill. I thank all those on the Senate Agriculture Committee staff and Senator Harkin's staff, the majority leader's staff, and all of those who have worked so diligently.

I also thank Kim Love from my staff who has worked so diligently for the interests of Michigan family farmers and rural communities and all of those who benefit from a strong farm policy. So to each of them I say: Thank you.

We do, in fact, have a farm bill that makes sense. I came into the house of Representatives in 1997 and watched and participated as a member of the Agriculture Committee in the "fruits," as you might say, of the previous farm bill, what was called Freedom to Farm, which, unfortunately, left us in a situation where every year that I have been
a Member of Congress we have had to pass an emergency supplemental because the farm bill did not work. Every single year, we were back saying that our farmers were not going to be able to make it, that the policies that were put in place with the last farm bill just did not work.

So we are now using a different approach, one that takes into consideration the economic challenges of our farmers and what is happening in the world around us, and new opportunities.

I am extremely pleased that this final bill—thanks to the leadership of our chairman of the Senate Agriculture Committee—includes, for the first time, a title on energy. We in Michigan welcome that. There is not only ethanol, which we have debated on this floor, and which I strongly support, but we have soybean lubricants and diesel fuel that our farmers can take the lead in biomass fuels. It is a real opportunity for us in Michigan as well as around the country. This dovetails directly with our energy bill that was passed not long ago.

Again, in Michigan, we have 100 different commodities. I am pleased with what we have been able to do with the dairy proposal and sugar, and with the basic commodities, when we look at what has happened in terms of support for all of the commodities.

I specifically rise to speak for a moment about what is called specialty crops, our fruits and vegetable farmers. I am pleased with what a provision that was offered in the committee has in fact become a part of this final product, for the first time, to allow a minimum of $200 million per year to be used to purchase surplus fruits and vegetables, not only to help our farmers in terms of their prices and to address surpluses but also to have the win-win of offering those fruits and vegetables for our School Lunch Program, for our senior feeding programs. This is a win-win situation. I am very proud of the fact that through our nutritional programs we now are able to permanently put into place a way to help our farmers and at the same time make fresh fruits and vegetables available to our children and to those who are involved in our nutrition programs.

There is another important provision. For those states with critical orkers—this is the capital for our cherry farmers who grow cherries, so on—the Tree Assistance Program is reauthorized to provide reimbursement for trees such as apple trees destroyed by natural disaster. We have a really serious issue in Michigan with apple fire blight. Coupling that with the drought we experienced in the year 2000, we have had a devastation in many areas of our orchards. The Tree Assistance Program is very important and an area I fought very hard to include in the final bill. I am pleased it is there.

One of the provisions that is not in the bill in its entirety and we will continue to work to address this year through an emergency supplemental is emergency assistance, on which the Senator from Montana, Mr. BAUCUS, led the effort—to add $2.4 billion in emergency assistance. While we did not receive the agreement of the White House position, that the House of Representatives to include it in the conference committee, we were able to provide just under $100 million in market loss payments for apples. That is an important first step.

But I can tell you that Michigan, where in the year 2000 we had 82 out of 83 counties declared disaster areas as a result of drought, just making our farmers eligible for more loans is not the right approach. Our farmers have enough loans. What they need is some direct assistance during emergencies such as drought. I will continue to fight very hard to address that entire emergency assistance package.

I am also pleased that we are seeing almost a doubling of the funding for conservation and that the new provision I was pleased to cosponsor with our chairman, the Conservation Security Program, that provides payments for farmers for good environmental practices on working lands included in the conservation title. Again, for the first time, specialty crops are included as a part of conservation payments. This is very important to Michigan and very important to our producers across the country.

We have many rural communities, hundreds and hundreds of rural communities in Michigan. From the upper peninsula all the way down along our coast and central Michigan, we have small communities that have benefited and will benefit from the strengthened rural development title in terms of infrastructure, water and sewer projects for which they will be able to receive support, broadband, and other kinds of infrastructure improvements for rural communities. I am very pleased the farm bill includes a strong rural development title as well.

For our cooperative extension employees, we are pleased to be able to address an issue of long-term care insurance that came to us from Michigan State University. I appreciate the fact that this is in the bill.

A couple of other areas of note: We have placed in the bill a nutrition pilot program. It is a program to focus on good nutrition practices and encourage consumption of fruits and vegetables. This is another important way we can not only promote healthy eating, healthy living, but also be able to promote the nutritional value of our fruits and vegetables, I was pleased that the pilot program was included in the final bill as well.

Of course, coming from the Great Lakes State of Michigan, I fought very hard for the Great Lakes Soil Erosion Program to be authorized. I am pleased it is authorized at $5 million a year. While this program has received funding in the past, it has never been authorized as an ongoing program. Through a combination of local and Federal funds, this program has been successful in keeping sedimentation out of the Great Lakes and educating the agricultural community about erosion and water quality. I am very pleased that we have this program authorized officially as a part of the farm bill.

We know there is a good safety net: Higher loan rates, countercyclical payments, updated yields, continued direct payments and conservation payments that come together in a way to support American agriculture, to support our family farmers. I am very pleased to support strongly this final conference committee.

Let me, in closing, quote from our fruit and vegetable producers of the country who have put out a statement which I believe should in part be in the RECORD. It says:

We applaud the Congress and its Members who led the fight to develop some of the most progressive and positive agricultural policy initiatives that have been developed through a farm bill process to address the needs of the fruit and vegetable producers in the United States.

From the standpoint of our fruit and vegetable producers, this is a historic bill. From the standpoint of all of our families in the country, this is farm policy that makes sense for all of us.

Again, I encourage my colleagues to support the bill. I commend our chairman from Iowa for his vision and leadership.

I yield back.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I say to Senators, we have a list of Senators who wanted to speak and be heard on the farm bill. I don’t see anyone here right now. I know it is the lunch hour, but now is a good time to come over and speak on the farm bill, if anyone so desires.

In the interim, I rise to point out that there was some mention made earlier today that somehow farmers in the Midwest and some of the Plains States would be better off if there were basically not this bill but the Freedom to Farm bill. There was a bill introduced in March for an emergency package for this year—that was S. 2040—that would have spent $7.35 billion in this fiscal year. And some have asserted that farmers would be better off if we could just pass an emergency package rather than this farm bill.

I asked my staff and the Food and Agricultural Policy Research Institute to do an analysis of the conference report we have before us, comparing that to what farmers might receive under an emergency package as envisioned in S. 2040. According to the FAPRI analysis of the conference report, Kansas farmers, for example, would receive a total of $1.5 billion in direct program payments for this crop year, 2002. But they would receive only $795 million this year under Freedom to Farm,
Mr. HARKIN. Madam President, it would be a huge mistake to walk away from this bill—for farmers all over the upper Midwest. It would be a mistake for farmers in Michigan, and especially in New England. In New England, the dairy industry has been devastated immensely: Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island—all of the dairy States.

One other group has been helped immensely, and that is the small specialty crop farmers who grow blueberries, potatoes, and other kinds of vegetables, including apples, and there are many in New England. They will be helped immensely.

As the Senator from Michigan stated, we have a $200 million annual floor on purchases of specialty crops. That is what the farmers in New England grow. They have never had anything like this. It wasn’t in the Freedom to Farm bill. If this conference report is defeated, that means New England farmers will not have anything. They will have nothing. Under this farm bill, they are going to be a part of our agricultural structure for the future. It would be a shame to walk away from that history.

Kansas farmers, under this bill, will see a $486 million gain, on average, between 2002 and 2007 over the Freedom to Farm bill. That is a 91-percent increase for Kansas farmers. I think that is the highest of any State I have seen, in terms of the difference between Freedom to Farm and what we have in this bill.

Kansas farmers will get a $486 million gain, on average, during these years. That is a 57-percent increase for Illinois.

Illinois farmers will get a $486 million gain, on average, between 2002 and 2007 over the Freedom to Farm bill. That is a 52-percent increase.

Illinois farmers will get a $486 million gain, on average, over this bill under the Freedom to Farm bill. That is a 52-percent increase over Freedom to Farm.

Iowa farmers, a $485 million gain, on average, between 2002 and 2007 over Freedom to Farm (a 52 percent increase).

Iowa farmers, a $485 million gain, on average, between 2002 and 2007 over Freedom to Farm (a 52 percent increase)

Kearney farmers, a $380 million gain, on average, between 2002 and 2007 over Freedom to Farm (a 57 percent increase).

Kearney farmers, a $380 million gain, on average, between 2002 and 2007 over Freedom to Farm (a 57 percent increase).

Minneapolis farmers, a $335 million gain, a 55-percent increase.

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Nebraska farmers, a $380 million gain, on average, between 2002 and 2007 over Freedom to Farm (a 57 percent increase).

Nebraska farmers, a $380 million gain, on average, between 2002 and 2007 over Freedom to Farm (a 57 percent increase).

Michigan farmers, a $355 million gain, on average, between 2002 and 2007 over Freedom to Farm (a 52 percent increase).

Michigan farmers, a $355 million gain, on average, between 2002 and 2007 over Freedom to Farm (a 52 percent increase).

Missouri farmers, a $335 million gain, on average, between 2002 and 2007 over Freedom to Farm (a 55 percent increase).

Missouri farmers, a $335 million gain, on average, between 2002 and 2007 over Freedom to Farm (a 55 percent increase).

Montana farmers, a $102 million gain on average, between 2002 and 2007 over Freedom to Farm (a 57 percent increase).

Montana farmers, a $102 million gain on average, between 2002 and 2007 over Freedom to Farm (a 57 percent increase).

North Dakota farmers, a $281 million gain on average, between 2002 and 2007 over Freedom to Farm (60 percent increase).

North Dakota farmers, a $281 million gain on average, between 2002 and 2007 over Freedom to Farm (60 percent increase).
commodity prices were lower in the year 2000 than they were when I ran for the Senate for the first time in 1982. That was not even inflation adjusted. This is just nominal dollars. The prices for corn, wheat, soybeans, and milk were all in Minnesota in the year 2000 than they were in 1982.

None of the many products farmers have to buy to stay in business—such as tractors, diesel fuel, equipment, feed—have stayed at the same price. In fact, they have gone up quite significantly.

When we came into the majority in the Senate and I was joined by my colleague, Senator WELLSTONE, on the committee, the Minnesota farm economy was in very desperate straits. In many areas of Minnesota, the farm economy is the economy. It is not just farmers. It is every person, every business owner, every employee of a business, every school board member—everybody in Greater Minnesota, the majority of our State, knows their livelihood, the lifeblood of their communities, of their churches, of their schools depends on a healthy agricultural economy, which depends on a market price, which depends on the ability of the product in the marketplace and make a profit, make enough money to feed your family, buy what you need, and those dollars multiply through the local economy.

We have not seen that kind of prosperity in Greater Minnesota, in the agricultural economy of our State, for many years.

The Federal Government has stepped in, as it had to, given the failure of Freedom to Farm, with supplemental payments, with double AMTA payments. If it had not, we would not have farms anywhere in Minnesota or they would be few and operating under large corporate auspices. The real people, the farmers would not be there.

The other thing we have done is to go back, as they say, to a Federal role in agriculture should be reminded, in fairness, if they had their way as the architect of this bill in 1996, there would not have been any supplemental payments; there would not have been any disaster relief. There would have simply been a total reliance on the marketplace and with prices that were going down through the floor and into the subbase through with no supply management whatsoever.

Another of the criticisms I heard in the last couple of days was that this bill should have been passed already. Farmers have been chafing from uncertainty and lenders have been chafing from uncertainty. I have heard that from Minnesota farmers, from all over the State, but I am thinking to myself: Despite the crisis that September 11 brought on all of us, despite anthrax, which I believe drove the Senator from Iowa and his staff out of their office in the Hart Building, the Agriculture Committee conducted its hearings, marked up a bill, and had it on the Senate floor last December so that we had 2½ weeks before our break to debate it and pass it and send it on to conference with the House. If we had done that expeditiously at the very beginning, we would have had that bill in conference. It could have been conferenced and signed by the President Christmas Eve or before.

Instead, some would not permit that to happen. We see, Senator DASCHLE, the majority leader, tried three times to invoke cloture. Three times we had the majority of the Senators voting to do so but we could not get the 60 votes necessary. So we left. We came back, just before the time of the President’s State of the Union, without having passed a farm bill. So now I am hearing from people who voted against cloture in December three times, who delayed it by 5 weeks, that somehow it is somebody else’s fault that we did not have a bill in March or February.

We could have had a bill, we should have had a bill, and they ought to take responsibility. They are saying much today or yesterday and say that it is somehow the chairman’s fault or somebody else’s fault, I think is irresponsible.

We have a bill that fortunately is waiting in the conference and I hope we can reconcile it. It is not going to be waited for, but it was really well worth it in terms of the State of Minnesota.

I inquire of the Chair how much more time I have available.

The PRESIDING OFFICER. The Senator has used his 10 minutes.

Mr. DAYTON. I ask unanimous consent that the chairman yield to me an additional 4 minutes.

Mr. HARKIN. I yield 4 additional minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator has that right.

Mr. DAYTON. This is a tremendous bill for Minnesota, and on behalf of our farmers I thank Senator HARKIN. I want to pay tribute to my colleague Senator WELLSTONE who had a huge role in this. He has had a longtime friendship with the committee chairman. I see his fingerprints, his hard work, and his effectiveness in the Senate and over the bill that went out of the Senate committee, the bill that was passed on this floor and has now been incorporated into the conference report.

There was an article yesterday in the St. Paul Pioneer Press, one of our leading newspapers, that said, by an independent analysis, the bill would bring $1.16 billion a year into the Minnesota economy. That is a huge increase in dollars coming out of the agricultural sector of our State and into our entire State economy. That means school districts, that means city budgets, that means church contributions, that means so much in the lifeblood of Minnesota that will be increased and improved as a result of this bill. I want to pay tribute to Senator WELLSTONE for his leadership in bringing that about.

Would that these dollars would come out of market prices. I believe as this bill unfolds with the counter-cyclical aspect to it, and some of the other features that more of this bill will be paid for in the marketplace, not out of tax revenues. As I say, though, without it, frankly, there would not be any farms in Minnesota for anybody to be supporting.

As others have said, in terms of conservation, another one of the chairman’s initiatives, in terms of energy, combined with the energy bill which was passed in the Senate, the funds that are going now in the initiatives for biofuels, for ethanol, for soy diesel, for cellulosic, which I am convinced over the next 10 to 20 years is going to be essential to this Nation weaning itself from complete reliance...
on oil-based fuels, it is tremendously important. This bill and the energy bill combined will lead us into that direction.

In the area of dairy, Senator HARKIN, and Senator LEAHY from Vermont, have accomplished something that I think dairy producers in America would have thought here-tofore was truly impossible, and that is to create one market for the entire country, to make available across the Nation the same terms, the same pricing supports, the same formula for price support levels from the Federal Government. That has not existed in the 16-plus years of Federal dairy policy and that is an extraordinary accomplishment in itself.

This bill is not perfect, as others have said, but it is awfully good. It is so much better than what it is replacing, and given the conditions which it is stepping in to replace, to be picking at it a day or a week of something, when this bill is in place and, yes—when this bill is fully in place. Minnesotans in terms of prices for soybeans, for wheat, for dairy are going to be so much better off than they would have been if present law had been continued.

I, again, thank the chairman of the committee. I urge my colleagues to do as I will do, which is to vote in favor of this conference report.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, I ask unanimous consent to yield 15 minutes of the time of Senator LUGAR to the Senator from Nebraska, Mr. HAGEL. At the completion of the statement of Senator HAGEL, I ask unanimous consent that the Senator from Missouri, Mrs. CARNABY, be recognized for 10 minutes.

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

The Senator from Nebraska.

Mr. HAGEL. Madam President, I ask unanimous consent to yield in opposition to the conference report accompanying the farm bill.

When the current farm bill debate began more than two years ago, agriculture leaders and Members of Congress said a new approach and a new policy was needed to face the challenges of a new century. The farm bill we debate today is not a new approach, nor is it a new policy, but rather it is a step backward into an antiquite farm policy of more government command and control.

This bill could have been a good farm bill had it incorporated some of the innovative ideas that had been put forward—farmers savings accounts; a more significant role for rural development; giving USDA the ability to review environmental and endangered species legislation; initiatives and safeguards to keep farm program trade compliant with international trade laws; expanded crop insurance programs; and real payment limits.

Instead, we have been presented with an election-year document whose glaring shortcoming far outweigh its virtues. This bill will continue to expand a policy that ensures commodity prices will drop lower and remain low, and that land prices and rents will continue to go up. One farmer in Nebraska wrote me yesterday, "This farm bill is the same old thing, and will do nothing to reverse the trend of fewer and fewer farmers on the land. The number of farmers in Nebraska under the age of 35 is fading fast. The status quo represents by this bill will not help, and we do not have a lot of time to change things."

As another constituent of mine said, "This bill will not help farmers—it will only help hushels, bales and pounds." It focuses on incentives for more production—whether the market wants it or not.

There are positive provisions in this Report. It contains a modest energy title, which someday may be fuel. It substantially increases funding for conservation programs. And it does not contain programs that purchase local water rights with federal funds. But the negatives vastly outweigh the positives.

Of the many problems with this farm bill, one of the most serious is the lack of real payment limits. Currently, two-thirds of all federal payments go to 10 percent of the recipients—the largest operators and those top-sired payments encourage and subsidize overproduction; drive up land prices, land values and rentals; and allow large farm operations to outbid and buy up smaller and mid-sized producers with taxpayer dollars.

The payment limits in the Senate farm bill were completely gutted by the Conferees, despite having passed the Senate with 60 votes, and the House with 265 votes.

Without real payment limits, this farm bill will not only widen the disparity gap between small and large farmers, it will make it much more difficult in the future to gain support from non-rural Members of Congress. Without real payment limits, we risk derailing public support for the entire farm program in the future.

The farm bill should not be welfare for small farmers. But Government should not be financing the demise of the family farm. There is no justification for unlimited government payments.

Furthermore, we cannot overlook the effects this farm bill will have on the cost of farmland. Unlimited government payments will only encourage large farm operations and wealthy absentee landowners to buy more ground, no matter how low the commodity prices drop.

The Omaha World Herald recently reported that Nebraska farmland values by 17 percent last year, despite 2001 being one of the worst years on record for crop prices. The USDA reports that nearly a quarter of current farmland value is due to government payments.

Yet, in many cases, the people who actually farm the land do not benefit from higher land prices. Nearly half of U.S. farmers rent at least some of their land. The farm bill means they will be faced with even higher cash rents.

No farm bill is perfect. But this one has enough problems that we will be debating it soon. The only question marks is this bill's timing. The new farm program will go into effect this growing season—covering the 2002 crop.

That means while farmers are in the field tending to this year's crops, they will also have to worry about updating their yields and acres, and doing other necessary paper work to be eligible for the new program's fixed payments, loan rates and counter-cyclical payments. This bill means they will be faced with even higher cash rents.

The Senate should have seriously considered Senator ROBERTS' emergency assistance bill, which would have provided farmers with instant safety net this year. Under the new farm bill, it will take four checks and more than a year for producers to get what they would have received right away from a supplemental measure.

Also, by relying heavily on increased loan rates and moving away from payments not tied to production—price support instead of income support, this farm bill does not provide much of a "safety net" for those farmers who fail to produce a crop. That is a very important detail considering the severe drought in many parts of the country— including much of western Nebraska.

They are calling this bill the 'Farm Security and Rural Investment Act.' That is a bit misleading. Of the $73.5 billion in new farm bill spending over the next decade, only $870 million—about 1 percent will go to rural development. In the Senate-passed farm bill, this farm bill cuts rural development in half. That means phasing-down or completely eliminating important programs—like value-added projects for farmers that would help restore competition in the marketplace; rural business grants; and high-speed Internet access for rural areas. This is a serious short-changing of rural America, especially considering that even before the bill becomes law, it is projected to run at least $9 billion over budget.

Consider that in Nebraska, 61 of 93 counties have lost at least 10 percent of their population since 1980. Nationally, 556 rural counties have lost 10 percent of their population in the past decade. Relevant and visionary farm policy would provide a better balance between commodity support and rural investment than what is now in this bill.

Soon after the Senate farm bill passed, Senator BYRON DORGAN of North Dakota and I introduced the "New Homestead Economic Opportunity Act." This legislation, quite
simply, would attract individuals and businesses back to rural areas that have been devastated by the restructuring of agriculture. Our bill would encourage young people to live and work in rural areas suffering population loss. It would create real incentives to avoid land speculation, while protecting the value of existing homes. This is the type of legislation that should be a key part of any agricultural policy aimed at improving the lives of those who feed our nation, and assuring that the next generations feel they have a future in agricultural production and rural America.

Another glaring problem of this legislation is that it seriously impairs the best hope for American agriculture’s long-term viability and vitality—trade. America’s ability to create new markets for its products and compete in those markets—is the key to America’s future and our competitive position in the world. Our relationships with trading partners are very important to our agricultural producers. Exports account for 25 percent of gross cash sales for U.S. farmers and livestock producers—a projected total of $57 billion for this year.

This report should have included Senator Grassley’s trade amendment, which would have helped us avoid potential trade problems, which this bill will surely bring, while causing significant problems in our trade relationships.

This farm bill takes us back down the dark road of tired, old farm policy. It is a glorified carbon copy of market-distorting legislation that will accelerate the vicious cycle of overproduction, low crop prices and soaring land values. Is this where we want U.S. agriculture to be six years from now? Is this the best way to improve America’s agricultural competitiveness? We—should we have done better. I believe we will be forced to do better before this six-year farm bill expires. That means we could be revisiting this issue before six years is up.

There are many other gaping holes in this bill. The Senate’s ban on packer ownership of livestock was stripped, without even a study to replace it.

Farmers Savings Accounts was completely ignored. And by omitting the Senate farm bill’s Cuban trade provision, which would have allowed private financing for food and medicine, this bill punishes U.S. agriculture by adhering to the counter-productive strategy of using food as a weapon.

The work ethic of our agriculture producers is the best in the world. America’s farmers and ranchers produce the highest quality agricultural goods in the world. As a Nebraskan and as an American, I am proud of that effort and record. American agriculture resembles the Great Plains in rural America.

This farm bill would be allowing U.S. producers the opportunity to compete and succeed not holding them back and placing blockades in front of them.

This conference report is the result of election year politics at its worst—unimaginative legislation that throws money at complex problems requiring more than just additional dollars. The worst part is that it disregards large landowners and large farm operations. This bill will pass the Senate, as it has passed the House. We will need to come back and fix it one of these days. Maybe then, we will get it right. How?

Another, I think there are not enough margins of error left—time and markets are not on our side. I would hope my colleagues think about the consequences of this legislation. This is the wrong farm policy, at the worst possible time.

The PRESIDING OFFICER (Mr. REED). Under the previous order, the Senator from Missouri is recognized for up to 15 minutes.

Mrs. CARNAHAN. Mr. President, the farm bill conference report we are considering today is good for American agriculture. Historically, what has been good for American agriculture has been good for America.

I raised my family on a farm in rural America. We have traveled throughout rural Missouri for many years. I believe rural America’s future can be limitless if we make the proper investments now. Because our farmers feed the world, the destiny of our Nation and rural America are intertwined. It troubles me to see our rural communities struggle to compete in the 21st century. Too often dwindling populations and lack of opportunity leave our rural communities contemplating a future much different from their proud past. Many youth leave and do not return to their family farms or family businesses, the communities that generations before them had called home. Those who determine to remain and farm their land usually net for their labor, and they have not had one for the past 6 years.

We have told rural America that help is on the way. Here it is at last. The farm bill conference report will play a large role in helping rural America and American agriculture to reach its full potential. The strong commodity title will give our entire agricultural industry a degree of certainty when making business decisions, and it will provide additional support for farmers when yields are lean.

This farm bill’s strong energy and rural development titles will help our farmers add value to their products, while decreasing our reliance on foreign oil. I have visited many innovative Missouri farmers who are forming new-generation cooperatives for ethanol production. Their efforts help us create sustainable jobs in rural areas. This farm bill places our reliance less on the Middle East and more on the Midwest.

The rural development title provides our communities with more opportunities to enhance basic services such as fire protection, wastewater and drinking water programs, and much needed rural business investment programs. I am also pleased this bill commits $100 million toward broadband access, to improve telecommunications in underserved areas. It is important that families in rural areas have access to the technology of the 21st century.

Missouri is the confluence of American agriculture. Parts of northern Missouri resemble the Great Plains. Southeast Missouri’s agriculture has much in common with the Deep South. Missouri ranks second nationally in the number of farms in the State and second in beef cattle production. We rank among the top 10 in production of soybeans, corn, rice, cotton, and hay. Farmers and business people all across Missouri support this farm bill because it is fair to all segments of our agriculture industry. A farm bill that is equitable to Missouri’s diverse agriculture is fair to the Nation.

I joined my colleagues from States with traditionally southern crops in urging the conferees to produce a compromise that is fair to all regions. Southern crops, namely rice and cotton in the State, are highly capital intensive. Family farmers growing these crops would not be competitive if the payment limitations provisions were to stand as passed in the Senate. The payment limitations compromise will preserve the viability of Missouri’s rice and cotton producers while denying benefits to millionaires and others whom farm prices are not intended to benefit. I commend the farm bill conference for producing a fair compromise.

I also commend Senator HARKIN and Senator DASCHLE for their outstanding leadership.

Agriculture and a vibrant rural economy are critical to my State and to the entire Nation. I will be pleased to vote for the farm bill that I sincerely believe marks a new beginning for American agriculture.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield 10 minutes to the Senator from South Dakota, after which I ask unanimous consent, if there is no one on the opposite side who shows up, that the Senator from Montana be recognized for 10 minutes.

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

The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise today to support and discuss the new farm bill, the Farm Security and Rural Investment Act of 2002, legislation the Senate will send to President Bush for his signature. This new farm bill is not perfect. If this farm bill contained all of the initiatives I helped include in the Senate-passed bill, it could have been more beneficial to South Dakota agriculture, which generated $17 billion in economic activity in 2000 to South Dakota.
May 8, 2002

CONGRESSIONAL RECORD — SENATE

Dakota’s economy, approximately twice that of the second largest industry in my state. However, overall, it is a modest step in the right direction. I have advocated for the passage and implementation of a new farm bill since the program was reauthorized in the current program were revealed in 1997, a time when a significant drop in crop prices eventually developed into a longer-term price crisis. Therefore, I look forward to the President signing this important legislation and anticipate the United States Department of Agriculture, USDAs, take seriously their job to implement the new farm bill in a timely manner. I hope that USDAs can administer the new bill for the 2002 crop year. I will work with USDAs to make sure South Dakota’s farmers and ranchers are treated fairly and appropriately under the new farm bill.

I wish to take this opportunity to thank my friend and colleague, Senator DASCHLE, for his enduring leadership and tireless work to finalize the farm bill. From day one, he has been determined to pass legislation that would benefit America’s family farmers and ranchers and additionally recommend Senate Agriculture Committee Chairman HARKIN for his persistence in shepherding this complex farm bill and reaching a compromise with our House colleagues in the conference committee. The substantial differences between the Senate and House bills. From the beginning of the farm bill process, Senator HARKIN listened to my concerns, included my initiatives for South Dakota’s farmers and ranchers in the Senate bill, and resisted many efforts by the special interests to remove these important reforms from the final bill. I thank as well, Brian Jennings, from my Senate staff, for his excellent work on this bill.

Most importantly, however, I am pleased that we finally have a farm bill for South Dakota’s agricultural producers, who have been busy with fieldwork and preparations for the 2002 crop year. Indeed, South Dakota’s winter wheat crop has long-emerged from dormancy, winter wheat harvest will begin in the South within days, and my State’s farmers have planted much of the spring wheat crop and other small grains already. Crop row seeding is underway in South Dakota, with over ten percent of the corn crop in-the-ground, and soybean and sunflower planting will begin soon. Last year, South Dakota farmers produced 370 million bushels of corn and approximately 140 million bushels of soybeans, making us the nation’s eighth largest producer of those commodities. Additionally, South Dakota ranks second in the nation as a producer of sunflowers, flaxseed, hay, and proso millet, and we’re within the top 5 States in that production. Of course, it is critical that we act quickly to move this legislation to the President’s desk, allow USDA to begin implementation, and let South Dakota producers know how the legislation will affect their operations.

Americans are the envy of the world because we enjoy the most affordable and the safest food, spending only 10 percent of their household income on groceries. Yet today, our agricultural producers receive about half the price for crops they pocketed 6 years ago. In some cases, production costs exceed farm income. Furthermore, inclement weather has destroyed crop and forage production, while meatpacker concentration, the strength of the U.S. dollar, and unfair trade agreements have contributed to the demise of independent producers. Without policy changes to provide a much needed booster-shot to the farm economy, USDA estimates that net farm income in 2002 could drop 20 percent, its lowest level since the 1980s farm crisis. Without a new farm bill, our Nation would be unable to maintain food security. Farmers, enjoy environmental benefits, and maintain food security and affordability. I am hopeful the passage of the Farm Security and Rural Investment Act will help forestall the economic decline in rural America and the economic health of our communities return to prosperity and growth.

South Dakota’s farmers and ranchers have made it clear to me that they want a farm bill that benefits the marketplace, not the government. For that to happen, Congress must mend the income safety-net and restore fair competition to agricultural markets. That is why I worked hard in the Senate months ago to include many meaningful provisions in the farm bill, provisions that were priority-items for South Dakota producers. A number of my initiatives were included the final bill in some form, while others were dismissed by the House conferees and stripped from the bill. In summary, this farm bill meets most, but not all, of the objectives I set out to accomplish when we began to develop and write the bill last year. Namely, this bill secures the income safety-net for farmers, restores modest market competition for livestock producers, greatly increases our commitment to conservation, devotes more assistance to value-added agriculture and rural development, and focuses new attention on home-grown energy solutions. Mr. President, this bill provides meaningful reform in farm policy, and I’m pleased with a number of provisions.

First, the farm bill contains language from S. 280, the Consumer Right-to-Know Act, legislation I sponsored to require country-of-origin labeling for beef, lamb, pork, fruits, vegetables, fish, and peanuts. Despite strong opposition from the Bush administration, the meatpackers, and other special interests, we prevailed in this effort that was included in the final version of the farm bill in the House of Representatives. In fact, my first meat labeling bill was introduced in 1992, 10 years ago. Western South Dakota cow-calf ranchers will be proud to know that the standard for “U.S. beef” under my provision will require it to come from cattle born, raised, and slaughtered in the United States, despite a last-minute campaign by opponents of a country-of-origin label at grocery checkout. While the House-passed farm bill merely covered fruits and vegetables, the Senate-passed bill included an amendment I worked on with Senator WELLSTONE to cover meat and other products. The conference committee nearly prevented the labeling of meat because it was not in the House farm bill, but, I am pleased that we overcame their opposition. I want to express my heartfelt gratitude to all of the South Dakota farm organizations for supporting this legislation. Furthermore, I wish to commend the national farm and consumer groups that helped lead the way on this effort, including, the National Farmers Union, the American Farm Bureau, R-CALF USA, the Consumers Union of America, the National Consumers League, and a host of others too numerous to mention. In fact, over 200 organizations in the U.S. have written me in support of this provision. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the National Farmers Union regarding the passage of country-of-origin labeling in the farm bill.

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


Hon. TIM JOHNSON, U.S. Senator, Washington, DC.

DEAR SENATOR JOHNSON: On behalf of the 300,000 family farm and ranch members of the National Farmers Union, I write to commend you for your leadership and your tireless efforts to enact policies that benefit our nation’s independent producers.

NFU enthusiastically congratulates you on your success in the inclusion of mandatory country of origin labeling for fresh produce and meat products in the conference-agreed farm bill. Unequivocally, this is a hard-won and a hard earned victory for our producers, growers and consumers. We greatly appreciate your steadfast opposition in the face of sizable opposition to carry through in conference the provisions of your original bill that require products receiving a U.S. label must be “born, raised, and slaughtered” in the U.S.

NFU lauds your assiduous efforts to enact a prohibition of packer ownership of livestock. You were the only Senator to introduce the packer ban as stand-alone legislation. And you were a leader in the fight as your legislation gained considerable attention during the farm bill debate, drawing as many supporters from the countryside as opponents in agribusiness. While the large packers and agribusiness were able to obtain the packer ban included in the final version of the farm bill, we know the issue remains a priority as both the
House and the Senate Agriculture Committee Chairmen have stated they will hold hearings. Likewise, the tremendous grassroots support for a ban on packer ownership continues to grow.

NFU, again, congratulates your success for country of origin labeling. We look forward to working with you in strengthening the ban provision as well as other legislation that increases competition and transparency in agricultural markets. You are champion to family farm and ranchers across the country.

Sincerely,

David Frederickson
President

Mr. JOHNSON. Mr. President, commodity programs in the new farm bill will furnish America’s farmers with three features to secure the farm income safety-net. These commodity programs will maintain the planting flexibility popular under the current program, but, they will also provide more predictable support when prices are low. First, the farm bill will continue the practice of providing farmers of program crops with marketing assistance loans or loan deficiency payments, LDPs, to help them market their crops and manage price risk. These 9-month non-recourse loans provide farmers with the necessary support to make market-based decisions. Second, the farm bill will also continue to provide de-coupled direct, or fixed, payments to farmers regardless of price or production. The 1996 farm bill first introduced these direct payments, known as AMTA or production flexibility contracts. Finally, the farm bill will complement these two payment features with a new counter-cyclical payment program to provide additional support when crop prices fall very low profitable levels. These new counter-cyclical payments will also be de-coupled in a sense, because they’re not directly tied to what a farmer plants. I am hopeful the revisions made to commodity programs will help restore and strengthen rather than weaken the safety-net for our agricultural producers.

South Dakota farmers will be pleased to know that for the first time since 1981, the farm bill will include a significant increase in loan rates which are the basis for marketing assistance loans and LDPs. I believe that increasing loan rates is one of the best ways to mend the farm income safety-net. First, loan rates are tied to actual production, instead of decoupled like direct and the new counter-cyclical payments. Second, marketing loans are available at harvest, when prices are historically the lowest during a crop year. Third, marketing loans or LDPs are paid on 100 percent of production, not a partial percentage. Fourth, the loans go to actual producers who raise crops, rather than absentee landlords. I am also pleased that producers of honey and wool in South Dakota will benefit from the inclusion of marketing loans for their products. This is important that the new bill recognize the Nation’s fourth largest honey and sheep producer. Finally, I would note that for the very first time, cold season legumes such as chickpeas, peas, and lentils will receive marketing assistance loan support. The inclusion of these so-called pulse crops in the marketing loan program is similar to S. 977, legislation that I cosponsored to provide marketing loans and LDPs for pulse crops. Cold season legumes are gaining in popularity in South Dakota, and I am pleased to help provide certainty for farmers wishing to plant them.

Individual farmer crop-yields used to calculate support under the direct and counter-cyclical payment programs are critical to South Dakota’s farmers because our yields have dramatically improved in recent years. Despite strong opposition from the House, the new farm bill will reward South Dakota farmers for their productivity with a modest yield update permitted for new counter-cyclical payments. This is good news for farmers in my State because yields have increased significantly since the 1981–85 period, a time frame used to base direct payments under the House farm bill and AMTA payments under the 1996 farm bill. For instance, according to the South Dakota Farm Service Agency, the House bill would base payments on a 64 bushel-per-acre corn yield, but the Senate bill would account for a modern-day 108 bushel-per-acre corn crop, a 44-bushel increase to reflect realities in corn production. A farmer in Brown County, SD, called my office just yesterday to note that his yields are remarkably better than the levels set in the House-passed farm bill. Moreover, the House farm bill would base wheat payments on a 24 bushel-per-acre wheat yield, yet most wheat farmers in South Dakota produce wheat crops yielding approximately 36 bushels-to-the-acre today. Wheat producers in Stanley County would agree that given a choice, they would opt to operate under the rules of the Senate bill which rewards them for yield improvements. The final agreement will also provide farmers to use updated and proven yields from the last four years and apply a 93.5-percent factor to that updated yield for their counter-cyclical payments. While the new counter-cyclical payments may be made based upon these updated yields, the fact that the House forced the conference committee to not update yields for direct payments is a significant cost to producers. This money is, in effect, taken out of the pockets of South Dakota farmers and continue to provide the bulk of direct payments to large cotton and rice operations in the South. According to calculations by the South Dakota Farm Service Agency, if the final farm bill had rewarded farmers by allowing them to prove-up modern-day yields to base direct payments, as the Senate farm bill did, then these payments to South Dakota farmers would have doubled from $135 million to $271 million per year. I believe not only should the Senate think a yield update is a crucial element in the farm bill, consider the following. If the new farm bill froze crop yields at levels in the House bill, farmers in South Dakota would be forced to use yield data nearly 30 years old by the time this farm bill expires, meaning young farmers may be using data older than they are to calculate price support.

I am very pleased that under the new farm bill conservation programs will experience the most significant amount of funding ever in a farm bill, an 80-percent increase over current levels. I believe farm programs should place more emphasis on conservation initiatives that benefit crop farmers, livestock producers, and American taxpayers, who realize tangible benefits from clean air, clean water, and more wildlife habitat. I fought to increase our investment in conservation because I desire to help farmers keep lands in working condition while protecting our soil, water, and habitat. To improve the Conservation Reserve Program, the Conservation Reserve Program, CRP, will be expanded from 36.4 to 39.2 million acres under the new farm bill. I am pleased to note that the Farmable Wetlands Program, the Conservation Fund, the Grasslands Reserve Program, and a new-and-improved Environmental Quality Incentives Program, EQIP, will all be in the final farm bill as well. Inclusion of the Farmable Wetlands program is modeled after the pilot legislation I authored in 2000, S. 2980, the Conservation of Farmable Wetlands Act. The continuation of this program will ensure farmable wetlands are eligible for enrollment in the Conservation Security Program Chairman HARKIN included in the farm bill is similar to S. 932, the Conservation Security Act that Senator HARKIN and I sponsored. These programs provide a positive contribution to the stability and delicate ecosystem, while providing landowners and producers adequate incentives to participate. It is also important to note that if the United States is planning to continue working within the World Trade Organization, conservation programs provide so-called green payments to producers that do not violate spending limitations established by the WTO.

I worked with Chairman Harkin in developing the new and innovative idea for an “energy title” in the Senate farm bill because it’s time to recognize that U.S. farmers and ranchers can help develop home-grown solutions to energy problems. While the House-passed farm bill did not include an energy title, the final farm bill will contain one for the very first time. It will launch a number of new initiatives, including a biobased products purchasing requirement for Federal agencies if the products are comparable in price, performance, and availability to traditional products. The farm bill will also establish a new program to educate consumers about the benefits of bio-diesel use. Moreover, the energy title will provide grants and loans to farmers, ranchers and rural small businesses for renewable energy systems.
and energy efficiency improvements, and, a complementary grant and loan program is established so that farmers, ranchers, and rural small businesses can purchase renewable energy systems and make energy efficiency improvements. In particular, the bill will provide $204 million over 6 years for the Bio-Energy Program, similar to S. 1690, the Bio-based Energy Incentives Act of 2002 that I cosponsored. My provision in the farm bill will reimburse existing and new ethanol and biodiesel facilities for using commodities to produce renewable fuels. A total of 42 ethanol plants and 12 bio-diesel facilities in 19 States received payments under this program last year. Ethanol plants such as Heartland Grains Fuels in Huron and Aberdeen, Brion’s in Scotland, and Dakota Energy in Wentworth were South Dakota’s recipients. This year, three new ethanol projects in Milbank, Watertown, and Rosholt, SD, are poised to produce over 100 million gallons of ethanol. Because my legislation was included in the final farm bill, they will benefit from this incredible program.

Agriculture is entering an exciting new era of value-added production and processing, and I have sought to ensure the energy and rural development titles of the farm bill will collectively help South Dakota create more success stories in value-added agriculture. When agricultural producers capture a more significant share of profits by adding value to their commodities or livestock before they are sold, it’s called value-added agriculture. South Dakota has quickly become a leader in ethanol production, and given the number of projects operating in the state or at various planning stages, we’re poised to produce over 200 million gallons annually. A typical 40 million gallon ethanol plant in South Dakota will provide a new market for 60 million bushels of corn, provide jobs and over $1 million in annual payroll, and help South Dakota farmers become part-owners of the United States’ energy supply. The new farm bill may help create several of these ethanol plants, which will multiply the financial benefits and put thousands of South Dakota farmers in a better economic condition. South Dakotans are working hard to create a new value-added agriculture sector beyond ethanol industry, including projects such as soybean processing, dairy cooperatives, beef and pork marketing co-ops, and venture capital initiatives. From the fledgling Dakota Value Capture Co-op in Sioux County to the existing South Dakota Soybean Processors plant in Volga, farmers will be able to capitalize upon the assistance in this bill to become price setters rather than price takers.

A recent study by the Bureau of Labor Statistics shows that farmers and ranchers are expected to lose 328,000 jobs over the next ten years, more than any other sector of the economy. Given this startling forecast, the attention this farm bill places on rural development and job growth is critical to the future of rural States such as South Dakota. The farm bill contains a rural development title which will help foster positive results for our farmers and citizens. I am very pleased the Value Added Agricultural Market Development Grants program will receive a total of $240 million—$40 million annually—to provide crucial grant assistance to value-added agriculture ventures. While the funding level for this program was $75 million annually in the Senate bill, it’s important to keep in it the farm bill. Another benefit of this rural development title is the establishment of the Northern Great Plains regional authority, as provided for in S. 1681, my legislation to re-authorize the Northern Great Plains Rural Development Authority. As a result, South Dakota is one of five States that will have access to $30 million per fiscal year to provide grants for Great Plains Authority projects for which the local match requirement is waived. This program will receive a total of $240 million annually.

Also, for the first time, the farm bill will help provide $80 million for rural citizens to access local television stations via satellite. This program provides loan guarantees to launch satellite systems that provide critical and timely information to rural residents via their satellite. The LOCAL TV Act and loan guarantee began because of legislation I sponsored in 2000, S. 2097, the Satellite Home Viewer Act. We also must strive to bridge the digital divide, and the inclusion of $100 million for broadband service will allow rural citizens to receive high-speed, quality broadband service.

As an original co-sponsor of S. 1111, I am very pleased to report to South Dakotans that the Rural Development Partnership Act was included as a part of the rural development title as well. I believe it is important for local coordination to be a part of the larger national strategy to enhance rural development. The entire State of South Dakota is considered rural, and in many places it is critically depressed. Through this new program, rural economic development efforts will utilize the expertise of Federal, state, local, and private sector officials. Too often, the facilitation and implementation of rural development initiatives does not reach its full potential because of the lack of local participation. The primary goal of this new program is to engage in meaningful conversations that will allow for the greatest success of all rural development initiatives. South Dakota will be a true beneficiary of the new National Rural Development Partnership, and I am honored to have been a part of its establishment.

The farm bill is not only supportive of crop farmers and rural communities, it also authorizes essential nutrition and food assistance programs. I am pleased that a provision of mine was included that will essentially save school lunch programs all over the country $100 million over the next 2 years. S. 1179, the Emergency Commodity Distribution Act, is my legislation included in the farm bill to fix the way that commodities are calculated for the school lunch program. While not large in overall budget terms, this fix contained in my legislation and the farm bill will maintain the price support level and ensure stability for South Dakota and nationwide school lunch programs. Moreover, the farm bill continues the great progress made by the McGovern-Dole Global Food for Education Initiative, a program that I helped create by serving as an original co-sponsor of S. 1036, the bill that codified the incredible idea former Senators McGovern and Dole had for an international food for education and child nutrition program.

Finally, the nutrition title will restore programs such as the Food Stamp Program for legal immigrants who have lived in the United States for at least 5 years, and the immediate restoration of food stamp benefits to legal immigrant children and the disabled. This provision was a bipartisan endeavor, with President Bush helping to lead the way for this reform.

I am also pleased the farm bill will reauthorize farm lending programs and provide rental assistance for beginning farmers and ranchers. Under the final bill, USDA will increase its share of down payment loans for beginning farmers and extend the term of the loans. Additionally, the bill will furnish $1.3 billion over 6 years for research programs such as those successfully carried out by land-grant colleges like South Dakota State University.

Also of interest to South Dakota is the inclusion of a new dairy program, to replace the controversial compacts that divided dairy farmers between regions of the country. This is critical for new dairy operations in eastern South Dakota, and dairy processing facilities such as cheese plant hoping to begin operations near Lake Norden. In addition to extending the very important dairy price support program at $9.90 per hundredweight, the farm bill creates a new counter-cyclical program that will provide assistance to farmers when the price of milk falls below $16.94 per hundredweight. We in the Upper Midwest have argued over the years that all dairy farmers should be treated the same. The end use of their milk and I am pleased that this bill supports that position.

Despite these and other farm policy improvements, a real interest prevalent upon the House conferees to eliminate a number of important initiatives from the final farm bill. As a result, Mr. President, I am very disappointed that the final farm bill may exacerbate the long-term problems for rural America. First, the farm bill won’t include my “Johnson Amendment” to ban packer

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ownership of livestock. The opposition from the House conferees and packer-apologists was overwhelming according to Senator DASCHLE and others on the conference committee. In the end, it appears the fact that the House did nothing on my amendment to ban packer ownership was critical in the Senate's defeat in the conference committee. The Johnson amendment to ban packer ownership of slaughter livestock and the new “Competition Title” were necessary because the national food industry continues to grow economically while independent livestock producers receive a small share of the consumer market power in favor of major meatpacking firms at the expense of family-sized livestock producers. While the Competition Title was narrowly defeated in the Senate Agriculture Committee, we conquered well-funded opposition twice during Senate consideration of the farm bill and amended my packer ownership ban provision to the ultimate bill. Many livestock producers in South Dakota told me that the packer ownership ban was one of the most important farm bill items. Despite bipartisan Senate support and an affirmative vote by the Senate Agriculture Appropriations subcommittee, the House of Representatives unani mously objected and the provision was stripped from the final farm bill. While the opponents of making livestock markets more competitive are probably the same industry that defeated my Johnson amendment in the farm bill conference, it’s critical that Congress demonstrate leadership and a willingness to act on this issue in a timely manner. I have already written Chair man HARKIN to call for hearings in the manner. I have already written Chair woman to act on this issue in a timely manner. I wish to thank the many South Dakota farm and ranch organizations that provided real leadership on this, and the Center for Competitive Markets and Senator GRASSLEY. Together, we will continue the fight.

While my country-of-origin labeling bill was included in the final farm bill, the provision to prevent USDA quality grades from being applied to foreign beef and lamb was left on the cutting room floor. It’s discouraging to see South Dakota’s cattle and sheep ranchers that are not allowed to compete with foreign beef and lamb which is camouflaged with a USDA choice or prime seal. I vow to continue to fight for a change that will only allow USDA quality grades on domestic beef and lamb. Also, the Senate insisted on changes to the payment limits provision I co sponsored in the Senate that virtually render the payment limits meaningless. The new farm bill weakens what are already flawed payment limitations and may provide a larger share of payments to the Nation’s mega-farms than any other farm bill in history. While the overall limit was reduced from the House level in the conference committee—the House limit was $560,000 and Senate was $275,000 the inclusion of the “triple entity rule” would allow large farms to double their $180,000 payment to $360,000. Further more, the Senate also imposed real limits on gains from marketing assistance loans because large farms can receive unlimited marketing loan gains through use of generic certificates. The Center for Rural Affairs has estimated that a 25,000-acre California cotton farm would receive $8.4 million, thanks to the meaningless limits in this bill. While the bill was debated on the Senate floor, an overwhelming majority approved the Dorgan-Grassley-Johnson amendment to forestall large corporate farms from receiving these huge government subsidies at the expense of family farm operations. Yet the House provision contained virtually no limits on these payments. The integrity of this bill and its negotiation is dependent upon common sense limitations. We cannot expect the American taxpayer to continue subsidizing corporate farms who take advantage of programs that are intended to assist small family farmers. I was pleased to see the increase from a $2.5 million adjusted gross income cap on eligibility for participation in farm programs and that some level of transparency will be included. Hopefully, this will shed light on those operations using a leasing or vacation of property arrangement. With the new citation, the Farm Program Payment Commission will also be established to study and make recommendations regarding farm program payment limitations and the impact of payment limit policy changes on farm income, land values and agribusiness infrastructures. I vow to continue working with groups such as the Senate version of the farm bill, and the new farm bill because several agricultural producers in South Dakota are the main reason he has been such an outstanding and effective advocate for all family farmers and ranchers here in the Nation’s Capitol. Brian’s parents, Keith and Patti Jennings, should be very proud of Brian, as his upbringing by them on the Jennings’ Ranch is the main reason he has been such an effective and strong advocate for South Dakota’s farm and ranch families.

I also want to thank Sharon Stroschein of my Aberdeen, SD, staff, and Katy Ziegler of my Washington, DC staff. Sharon and her husband Larry Stroschein operate their family farm near Mansfield, SD, in Spink County. Sharon is one of my original South Dakota staff members after I was elected to the House of Representatives in 1986. Her first-hand knowledge and understanding of South Dakota agriculture has helped her to provide critical insights on many issues that have been helpful to me and members of my staff during consideration of the farm bill.

I will conclude my statement by saying that while a farm bill is necessary for a cure all, the new farm bill should provide a long-term economic stimulus package for family farmers, ranchers and rural communities. Whether you support or
The Great Falls Tribune wrote, which is one of the largest papers in our State:

Experts are predicting a harvest more disastrous than last year’s record-low winter crop. Instead of supporting their seedlings this spring, farmers in north-central Montana’s Golden Triangle are watching their topsoil swirl away in the wind. As dust storms blow down Main Street, agriculture—businesses are talking about layoffs and bankers are running out of slack for debt-ridden farm families.

Congress has yet to pass a disaster payment to cover last year’s failed crops. Many producers are banking on the money to pay off last year’s operating loans. Without the Federal assistance and a decent harvest, 2002 could be the end of the line for some producers.

This picture shows Mark Peterson harvesting wheat north of Havre. This picture does not do justice to the problem.

I was home last weekend. This is dust blowing across the highway, which is 20 or 30 miles south of where this picture was taken. I couldn’t believe it. I have never seen nothing like this.

This next picture is a photo that shows a Liberty County employee. Liberty County is supposed to be a very large wheat-producing area in our State. What is Al Green, a Liberty County employee, doing? He is clearing a culvert that is supposed to carry water. It is carrying dust. The culvert is being filled with topsoil. You can barely see the culvert. In fact, he had to dig it out; otherwise, the culvert would be full of soil from the blowing dust.

Here is another example. This chart shows a makeshift fence just south of Chester in Liberty County. That is also in the north-central part of Montana. I was there a short while ago. I walked out in the fields. It pulls at your heart. It is so sad, so tragic to see there is nothing there, to see people not making it. The soil just crumbles in your fingers.

As you can see, here are the fences. This fence is about 3⁄4 to 4 feet high. Why is it there? The farmer is trying to desperately save topsoil from blowing away. Clearly, you can’t keep topsoil from blowing away unless you have a crop, unless you have moisture. But in this case, it is gone. He is losing his topsoil.

The reeling drought in my State has brought economic hardship not only to agricultural producers but to very widespread areas of the State. In 1996—just a few years ago—the year before the 4-year drought kicked in, Montana received $347 million in cash receipts from wheat sales. In 2001, 4 years into the drought, we received not $347 million but $317 million in cash receipts. That is a 62-percent decline.

Why? Drought. It is true a lot of farmers have crop insurance. That is a critical risk management tool widely used by Montana farmers. But as the above graph shows, crop insurance coverage declines during consecutive years of drought because a decline in actual production history
means your coverage is less. That is the way the law is written. It is a vicious circle. So the producers maintain their insurance, but they have crop insurance that provides virtually laughable coverage.

Agriculture is about 50 percent of Montana’s economy. It is the backbone of our State. The drought affects not only farmers and ranchers, it is felt throughout the rural communities. It means a loss of jobs. Small businesses are forced to close their doors.

For example, in the first 3 months of 2002, feed sales were down about 20 percent. That is an indication that there are fewer livestock in the area.

Take Fort Benton, an average-sized agricultural community. About 80 percent of Fort Benton’s businesses are agriculture-related. Clearly, producers are suffering. The town suffers. Those who sell agricultural equipment—for example, tractor dealers—close their doors.

Here is a farmer I would like you to listen to: Dale Schuler, past president of the Montana Grains Growers, and a farmer in Chouteau County, MT. He estimated nearly 2,000 square miles of crop in his area of central Montana have gone unharvested. So 2,000 square miles, in a part of Montana which usually produces tremendous wheat yields, has gone unharvested. That is about equal to the area of your State. An area the size of your State has gone unharvested in Montana. The entire State has gone unharvested.

As Dale said:

Farmers and our families haven’t had the means to repay our operating loans, let alone buy inputs to plant the crop for the coming year. Chouteau County is the largest farming county in Montana. And yet our last farm equipment dealer [in the community] had no choice but to close his doors. Our local co-op closed its tire shop. One farm fuel supplier quit. And the fertilizer dealers and grain elevators are laying off workers. I believe that to see a mass exodus from Montana that has not been seen since the Great Depression of the 1930s.

I have talked to a lot of farmers in this area. I asked them to honestly compare this situation to the 1930s. Their answer was, “worse.” These are honest people. I asked them, why? They said, because during the 1930s, there was 1 year in between the drought years where it rained. There was moisture. And so some could hang on. We do not have that interval year of moisture. It has been consecutive. So when it does rain now a little bit, were it to rain this year, it sinks down. The moisture just keeps going down. It does not stay in the topsoil.

We are seeing unexpected drought. It has been consecutive. The moisture just keeps going down. It means our coverage is less. That is the way the law is written. It is a vicious circle. So the producers maintain their insurance, but they have crop insurance that provides virtually laughable coverage.

For last year, 2001, there was no farm bill that made any sense whatsoever, there were no payments that made any sense to farmers, and crop insurance didn’t work, for the reasons I mentioned. And this is not just in my State of Montana.

Mr. President, I wonder if you saw last Friday’s New York Times, the front page. There was a photograph of the drought in the West. It was not Montana; it was another State. It was the same situation for all of his other States. There was a photograph very similar to this one I have in the Chamber. It was on the front page of the New York Times last Friday. I encourage you to look at it.

One final point. We in the Congress have helped New York in times of desperate tragedy. We came to the rescue of New York, as we should have, and as we did, without reservation. It was the right thing to do. We are one country.

There is also a lot of criticism of the aid and assistance of other needs in this country. There are lots of different examples. I could think of flooding in America. We have come to help out in that regard. It is very important.

Here is another disaster we are facing. I know Senators from urban States do not quite understand it, just like we from the western States do not fully appreciate the devastation of New York City. But we are here together. We have helped New York. We will continue to help areas in distress.

I urge my colleagues to remember, we are one Nation. In our part of the country, the north-central States desperately need help. A good example of that, this is a map of January of this year. The red indicates severe drought. So it is not just Montana, but it is also Wyoming.

I ask unanimous consent to speak for an additional minute.

Mr. HARKIN. I yield 1 additional minute.

Mr. BAUCUS. Montana and Idaho and Wyoming are in red, which means severe. But also look at parts of Texas, Oklahoma, Kansas, and New Mexico, look at the eastern seaboard, and these yellow areas, which are areas that are strained. We all know that since January—actually, this is dated December 8, 2001, to January 10, 2002—it has been worse. A little intermittent moisture here and there, but it is worse.

So I say to my colleagues, I support the conference report to the farm bill. I deeply regret that the other body did not agree to include agricultural disaster assistance in the bill, even though it was adopted in the Senate with 69 votes.

I urge my colleagues to sit back and listen and be supportive of what we need so much in our part of the country.

I thank the Chair and thank my good friend, the Senator from Iowa.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I am going to yield some time to Senator LUGAR’s time to Senator VOINOVICH in a moment.

I thank the Senator from Montana, first, for being a valuable member of our Agriculture Committee, and thank him for all of his hard work, and who is in developing this farm bill.

The Senator from Montana is correct. He did succeed in putting in in the committee this emergency funding which not only helped Montana but all those other parts of the country. We kept it here in the Senate. We went to conference, but we were told in the conference that both the administration and the House opposed it in the farm bill. So, therefore, we were not able to keep it as we came out of conference.

We were told that if we were to come up with an emergency package, that would be different, that they would support that outside of the regular farm bill.

I assure the Senator from Montana, as soon as this farm bill is over with, that as the chairman of the Agriculture Committee, I will try to bring our committee together, hopefully, as early as next week, to, once again, mark up an emergency disaster relief bill and get to it on the floor as soon as possible.

The Senator from Montana is right. When we have a hurricane that hits Florida, if we have a tornado that hits Oklahoma or Iowa, we come in with emergency disaster assistance. The drought that hit these areas of the country that the Senator from Montana spoke about is the same as a hurricane, tornado, or fire. It is a disaster that we, as a nation, should respond to with emergency funding. I assure the Senator from Montana, we are going to do everything we can to make sure we do that.

Mr. BAUCUS. If the Senator will yield, I very much thank the distinguished chairman of the Agriculture Committee. He has put in such long hours to get a good agriculture bill passed and working through the conference. It is above and beyond the call of duty.

I thank the Senator very much for his indication of holding a hearing soon in the Agriculture Committee and reporting out a bill that gets disaster assistance to the people in our State.

Mr. HARKIN. We have had the hearings. We just need to mark it up.

Mr. BAUCUS. I appreciate the chairman helping out.

Mr. HARKIN. Mr. President, I yield 15 minutes off the Senator’s time to Senator VOINOVICH.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today as a friend of agriculture from one of our Nation’s leading agriculture States to oppose the farm bill.
conference report currently before us. It is too expensive, doesn’t help those it claims to help, refuses to acknowledge other priorities and challenges currently facing our nation, and will only worsen the problems with overproduction which it seeks to remedy.

According to recent members from CBO, this bill authorizes at least $180 billion in mandatory spending over the next 10 years, an $83 billion increase over existing programs. Increases such as this—an 80 percent spending increase—are irresponsible during times like this and totally ignore that we are at war abroad, trying to strengthen our homeland defense against terrorism and that our economy is in trouble. When you have a situation like this you’ve got to set priorities and stick to them, even if they force you to make hard choices.

If Congress approves this conference report, it is sending a message to the American people that fiscal responsibility does not matter, that deficits, although in our conference record in the last couple of years should give them a clue that we are not a fiscally responsible Senate.

The Cleveland Plain Dealer said it best in its editorial yesterday, “No Republican who votes for [this bill] can ever say with a straight face that he or she believes in limited government or market economics. No Democrat can hold that she believes in balanced the budget or preventing runaway spending.” I agree.

That is why I would not approve this bill today, but rather we should send it back to the conference committee from where it came and we should tell them to make the cuts in spending necessary to fit this bill into the new reality we’re facing in this country.

I agree with my colleague from Ohio, Congressman JOHN BOEHNER, a member of the House Agriculture Committee who served on the Conference, who said last week in a press release, and I quote, “We must stay true to the free market philosophy laid out in the 1996 Freedom to Farm Act which sought to return farmers from their own judgment, skill, and hard work.

We should pass a supplemental aid bill now to help farmers during this year’s crop season and once the November elections are over—when sound, long-term policy takes preeminence over Washington politics—we should revisit the Farm bill and make the right choices for Ohio and the nation.

I take a back seat to no one in terms of my concern for the American farmer. I am pleased that I was referred to as the “Ag Governor.” When I was Governor of Ohio, agribusiness was my number one economic development initiative. Many people—even Ohioans—don’t realize that food and agribusiness means more than $73 billion to Ohio’s economy alone. In fact, one in six Ohioans is employed in one aspect of agriculture or another.

Nevertheless, I cannot support this conference report, and honestly, I am disappointed at the apparent lack of respect some of my colleagues seem to have for the American farmer. Every farmer worth his salt knows that if he or she wants to stay in business, they have to be fiscally responsible and make tough choices. Farmers are some of the most fiscally disciplined people in business and they know that the United States has to be fiscally disciplined as well. They understand that the farm bill does not focus on proper planning and making the right choices, but rather “getting while the getting is good.”

This bill dispenses with any lip service toward fiscal conservatism and the other obligations our Nation now faces and plunges full speed ahead with the most expensive farm bill in American national security needs, and it does nothing to acknowledge the long-term fiscal responsibilities of our Nation. Instead, this conference report really just helps the Nation’s agricultural conglomerates receive lots of money from the Federal treasury. It’s an enormous transfer of wealth. It’s really that simple.

Gone are our efforts to let farmers operate in a free market economy and benefit from their own choices. We’re turning our back on the market-oriented philosophy laid out in the 1996 Freedom to Farm Act which sought to weaken farmers from large Government subsidies. And yes, in a free market there will be losers, but the free market is what has made this country great, and it is what can make agriculture thrive if we let it operate without Government interference.

Instead, when the waves of economic change get a little rough, Congress tries to retreat into the safe harbor of Government handouts in the expectation that it will solve the problem. The real truth is, however, that this will only worsen the problem. The effect of this legislation will be to encourage production resulting in commodity surpluses, lower prices, and the need for greater government support.

And I’m not just talking about small farmers. The bill includes heightened incentives for large agribusinesses to overproduce as they seek to maximize the Federal subsidies for which they are eligible. The result will be continuing downward pressure on prices and continuing calls for emergency farm rescue legislation. When will we end this cycle and truly let our farmers free to work as they see fit and respond to the changing market with their own judgment, skill, and hard work?

The agriculture community in my State recognizes this trap and has told me that this bill sends the wrong message to farmers by encouraging farmers to grow for the program and not for the market.

Many of my colleagues constantly discuss how this bill so effectively meets the needs of America’s small farmer. As the Cincinnati Post so eloquently responded to that claim in its editorial yesterday, “That is hogwash.”

This bill does nothing to help the small farmer, but rather penalizes the small farmer—the supposed beneficiary of this bill. There is no effective payment cap, which will continue to allow large agroindustrial operations to continue to reap millions of federal dollars in subsidies, perhaps using them to buy out small family farmers in the end.

The majority of America’s farms do not benefit from Federal subsidies, and the formulas created in this bill will result in 10 percent of the producers getting two-thirds of the money.

To make matters worse, I was disappointed to read in the Akron Beacon Journal that this bill includes a provision that would protect payments made under this program from public scrutiny. I believe it important for the American taxpayer to have access to information regarding how their tax dollars are spent.

I also believe that the specific programs in this farm bill demonstrate very little understanding of the broader needs of American taxpayers. It is a regional rip-off that includes new program payments for sugar, peanut, and dairy producers. It also increases the payments to large cotton, rice, corn, wheat, and soybeans producers. Finally, it revives programs which were terminated in the 1996 Farm bill—the honey, wool and mohair payments.

Additionally, I am concerned that this bill could have a devastating effect on farm exports. The formula for countercyclical payments included in this bill could place us in violation of our WTO obligations. Is it reasonable to expect that a political appointee will have the strength necessary to monitor foreign farm programs?

For that reason alone the Bush administration should veto this conference report.

I have heard many of my colleagues on the other side of the aisle comment that this legislation does not present a budget problem because it is within the budget parameters outlined in the FY2002 Budget Resolution. I disagree.

The new budgetary outlook argues against the bill.

Late last year, as the Senate began debating the farm bill that ultimately passed the Senate, Senator KENT CONRAD, the chairman of the Senate Budget Committee, who clearly must understand our country’s financial condition, said, “the money is in the budget now. If we do not use the money . . . it is very likely not going to be available next year.” He was more prophetic than he could have ever imagined.

The conference report currently before us represents the budget resolution last year and allocated $83.5 billion to reauthorize the farm bill, the budget outlook appeared much brighter than it now does. At that time it
looked like we had surpluses as far as the eye could see. Well, my friends, things have changed.

When we passed the FY2002 Budget Resolution, we will borrow it, and CBO's latest budget estimates for FY2002, released this past March, and you deduct the $51 billion cost of the recent economic stimulus package, and you subtract the part of the $27 billion defense supplemental we will pay out this year, and then you consider that tax receipts are running $50 billion less than expected, you end up with at least a $100 billion deficit in the current fiscal year.

Put another way, the budget outlook for FY2002 swung by $400 billion in just over a year. I remind my colleagues, when I talk about a $100 billion budget deficit, I am talking about an unprecedented budget deficit. And on the other hand, this year we are going to borrow the entire $163 billion Social Security surplus and then go out and spend all of it and then on top of that we are going to go out and spend all of that.

Put another way, we are going to have to borrow at least $208 billion to fund the Government this year. And next year it will just as bad. We are on track next year to borrow and spend the entire $179 billion Social Security and on top of that go out and borrow another $100 billion to pay for the operation of the Federal Government. Since last year's surplus this year or next year, and I doubt anytime soon, I ask my colleagues, from where is the money for the farm bill going to come? Well, I will tell you from where it is going to come. We will borrow it.

When people come to my office and ask for new or additional spending I always try to point out to them that every dollar of new spending is going to require us to borrow more money. And I ask them, do they think their request warrants borrowing money to pay for it? Is it just that simple. Every additional dollar of spending we enact puts on the debt ceiling, which now stands at $5.95 trillion. Last year we were told that we would not have to worry about raising the debt ceiling till the end of the decade.

But now with what we are going to bump into the debt ceiling in a couple weeks. Again, this illustrates the extent of our budget predicament and how the situation has changed.

The budget outlook is bad and bound to get worse. The fact is that these recent budget deficits are a systemic problem; they are not a cyclical issue that will take care of itself. Here is why.

First, the recent and large increases in military and homeland defense spending are permanent increases. Almost all this spending is going to be mirrored in future budgets. The need to defend the homeland is not going to go away any time soon and neither will those costs.

Likewise, increases in defense spending to rebuild the military involve long-term commitments that won't decline any time soon. My point is that neither of these significant expenses is cyclical; they are here to stay.

Second, when I ask my colleagues that CBO's projections already assume robust growth. In fact, CBO projects that the economy will grow at 5.4 percent next year. This is the same level of economic growth as the consensus Blue Chip private forecast. My point is that CBO's numbers are based on the assumption that the economy is going to experience robust growth; it's already built into the numbers.

And the fact is that if the economy got going much faster than CBO and the private sector project, that would probably mean an increase in inflation. And we all know what happens when we face inflation, or even the threat of inflation. The Federal Reserve puts the brakes on this very, very beginning, fighting for a better farm policy than the old one, and I have fought all the way through this past year up until this very moment. With this bill, we reach out to virtually every part of rural America. We strengthen the safety net for farmers of major crops in every part of the country by adding a new countercyclical program to help them combat low prices in some of their toughest of times and by strengthening support for other farm production in dairy and specialty crops.

We encourage greater care of our environment by an 80-percent increase in

straightforward language in a May 7 editorial. "This farm bill is really, really bad." It's that simple folks. I cannot in good conscience vote for this conference report, and I urge my colleagues to join me in opposing it. If it fails, I respectfully urge the President to veto it. If he doesn't, and we choose to give out this type of money with this bill, every other group with a concern or problem will come before us and say, "Well, you did it for them." And what will our response be? Won't we have our say? The PRESIDENT OF THE UNITED STATES.

Mr. HARKIN. Mr. President, I yield 15 minutes to the Senator from Arkansas, and I ask unanimous consent that after her remarks, the Senator from Mississippi be recognized for 10 minutes.

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

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I rise today in support of the farm bill conference report that I believe will help rebuild rural America, strengthen our rural infrastructure, and protect our rural communities and our main street businesses. If there is anyone in this body who thinks that is not necessary at this time, I urge them to travel to rural America, visit the rural communities in their States, to better understand the devastation that rural America has been going through over the past 10 years.

Many in our country have experienced the benefits of a good economic time. Yet in rural America we have not seen all of those benefits. This farm bill will come to our rescue. It is with great relief, after years of struggle under the Freedom to Farm debacle, that farmers can now hope for a new farm bill that will offer them a helping hand in growing the safest, most affordable, and most abundant food and fiber supply in the world.

After almost a year of hearings and studies, drafting and redrafting, committee meetings and markups, debates and amendments, we have finally arrived at a bill that addresses the many needs of the broad and diverse mosaic of the American farming and rural lifestyle. Like my colleagues on the Senate Agriculture Committee, I entered into this fray at the very beginning, fighting for a better farm policy than the old one, and I have fought all the way through this past year up until this very moment. With this bill, we reach out to virtually every part of rural America. We strengthen the safety net for farmers of major crops in every part of the country by adding a new countercyclical program to help them combat low prices in some of their toughest of times and by strengthening support for other farm production in dairy and specialty crops.

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The conservation programs, including the establishment of the Conservation Security Program, which will make for better farming practices on land that is in production, rather than simply protecting marginal lands out of production. As many people in Arkansas know, the conservation programs offered through this farm bill—the Wetlands Reserve Program, Conservation Reserve Program, and the new Grassland Reserve Program—are all tremendously beneficial not only to our farming operation, taking marginal land out of production and allowing producers to refocus their efforts on their more productive lands, but they enhance the beauty of the environment that we as rural Americans all cherish.

We also provide better support for livestock producers in the greater funding of the Environmental Quality Incentives Program. We expand agricultural trade programs to assist our farmers in the marketplace, providing increased funding for important programs, such as food aid, which have played an instrumental role in foreign relations in the last difficult 8 months.

To those who complain about whether or not this amendment would put us in compliance with WTO, I say we have. For those who complain about it—particularly those from other countries who have liked to talk down and talk badly about this bill we have come up with—are we just going to let them run over us or are we going to stand up and say we are simply asking for a level playing field for our producers, to be able to have their Government support in a global economy, just as those other nations have continued to provide their producers in this global marketplace?

We significantly expand the nutrition title, making important changes to and increasing funding for the Food Stamp Program, and for emergency food assistance. The $5.4 billion in the nutrition title is essential to States such as Arkansas, where even though we may be unbelievable producers of food products, we still suffer desperately from hunger in our children. The school nutrition programs, as well as the feeding and nutrition programs for our elderly, are absolutely essential to show our Nation and the rest of the world that our producers are not only the best, but that our Government is concerned about making sure these products get to some of the neediest.

We also improve the soundness and reliability of the farm credit system.

We increased funding for agricultural research to assist producers to be even more efficient and effective in their production.

This bill provides permanent funding for technical assistance programs to our Nation’s private forest landowners, and it establish a new energy title with funding dedicated to renewable resources and biofuel development which produces a tremendous amount of benefits: It lessens our dependence on the importation of foreign oil, it creates a better environment, and it creates an additional marketplace for our grower and producers to be an effective part of lessening our Nation’s dependence on foreign oil.

Together, these improvements to our new farm policy will help reverse the course toward disaster on which rural America has been sliding and will put our farmers back on the road to financial recovery and provide hope for the future in rural America.

Of course, whenever Congress rewrites major authorizing legislation, particularly legislation this complicated and varied, there are going to be provisions that have different impacts on very different parts of the country. So we compromise and put together the best bill we possibly can, one that best responds to the diverse needs of our vast country, and that is exactly what this bill represents. In this respect, I believe this farm bill is a great compromise.

It is said that success has many fathers, and so, too, does this farm bill. It is the product of many people on both sides of the aisle and on both sides of the Hill. This process has taken us all the way from our full floor on the Senate floor and in conference, more than 5 months already. We have spent about 6 or 7 weeks in debate alone. Every stone has been turned. Every nook and cranny has been looked into. Nevertheless, given the enormity of this process and the complexity of this bill, it is not surprising perhaps that some people want to prolong our consideration of this bill, either to return this report back to the conference for more revision, or simply to prevent the passage of any farm bill at all. They do not believe our farm producers deserve their Government’s support.

I have spoken on the floor many times about the urgent need to pass a new farm bill this year. Cotton farmers have already begun their planting season. Many of them were forced to alter planting decisions or forego planting altogether because they were unable to arrange financing with local financial institutions which were, in turn, unable to extend credit without some commitment by Congress to support the farmers.

Those farmers were able to go ahead with planting or did so with the expectation that support in some form would be forthcoming this year. And they need that support as soon as possible. In other words, Arkansas farmers needed this bill yesterday, not today and not tomorrow. But there are others in this body who want to continue to talk about this bill. So let me address some of the concerns I have heard expressed, particularly perhaps concerning the payment limitations.

I have heard many complain that the conference report does not retain all of the restrictive provisions inserted in the Senate bill by the Grassley-Dorgan amendment on payment limitations. By now everyone knows of my unyielding opposition to the Grassley-Dorgan payment limitations amendment, and by now everyone has heard me or one of my colleagues explain the catastrophe the Grassley-Dorgan amendment would have wrought on my State and others who grow cotton and rice. I am greatly relieved that the Grassley-Dorgan amendment was modified by the conferees because in its original form, the amendment would cost my State more than $400 million in direct losses, and more than $1.3 billion in indirect impact. It would have affected more than half of my cotton farmers and a third of our rice farmers. It would have impacted entire counties, not just individual farmers but also the local bankers, the farm supply stores, the corner grocers, even local schools and churches as a result of the significant reductions in land values and tax revenues.

By now, everyone knows of the utter unfair and disproportionate impact Grassley-Dorgan would have had on Southern farmers versus farmers in other parts of our country, but this bill still provided a compromise on payment limitations. We expanded the $50 limit in the House, compared to the 275 limit in the Senate, to 360, which was a good compromise. That does not mean there will not be people who will be hurt or who will be affected by that 360. There will be. But I believe it is a reasonable compromise that we could reach.

Why, then, I find myself still asking, would other Members of this body from large farm States continue to seek the bankruptcy of my State’s largest industry and largest source of employment? What is it that they think Grassley-Dorgan would accomplish that would remedy the problems in their own areas?

They say two things: First, they say they are trying to prevent large farmers from hogging an unfair share of Government subsidies that are then used to drive smaller farmers off the land.

Looking back on the debate we have had so far, I have had a hard time reconciling this explanation with other points that are made. For example, I remember hearing that only a small portion of farmers would have been affected by this amendment, but if so few farmers would be affected, then its impact on land values would also have been very limited.

I was also bothered by something that my good friend from Iowa, Senator GRASSLEY, mentioned during his floor statement on the subject yesterday. I have deep respect and appreciation for Senator GRASSLEY and have enjoyed working with him on a multitude of issues, but I could not disagree with him more strongly, more vehemently than I do on this particular issue. I suspect that our disagreement is driven by the sheer disproportionate effect his payment limit amendment would have on my State compared to his.

Senator GRASSLEY described the conference report as something that
should make cotton and rice farmers happy and something that would make Iowa farmers unhappy, ostensibly because his payment limitation amendment had been moderated by the conference. But given that my State consists largely of cotton and rice farmers and that the State has none of these crops, it really sounds like a concession, perhaps, that the amendment would have had a disproportionate effect on Arkansas.

What, by implication, is the alternative? That he would be happy only if cotton and rice farmers were not? I do not believe that is the case, truly. Or that the interest of my farmers in my State are opposite to the interest of the farmers in his State? I do not believe that either. I reject that. I reject that categorically.

It used to be that farm policy was written with the interest of all farmers in mind, and that is exactly what our chairman and the other members of the conference committee have tried to do. It is unfortunate that so many people have abandoned the notion that legislators from across the country should recognize their shared interests and work together to write farm policy that serves all farmers.

Any problems this farm policy may eventually have are likely to be due to the collapse of this farm coalition among States. I hope we learn from the experience the next time we have a conference of States. I hope we learn from the collapse of this farm coalition among States. I hope we learn from the collapse of this farm coalition among States.

The second argument I have heard is that the cooperative in Stuttgart, AR—Riceland Foods—should not have been established? That it should not be allowed to serve its members as a cooperative?

Well, that is exactly what is implied by the expressions of shock that such an entity as Riceland Foods would receive so much in farm supports. I would bet many of the Members of the House, who have cited the amount of support sent to rice as an example of why stricter payment limits are needed are also many of the same Members who have voted time and again to encourage the development of cooperatives.

The PRESIDING OFFICER. (Mr. CARPER.) The Senator’s time has expired.

Mrs. LINCOLN. I ask unanimous consent for 2 additional minutes, at least. Mr. HARKIN. I have other Senators lined up who have 2:30 appointments.

Mrs. LINCOLN. I yield 30 seconds.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

Mrs. LINCOLN. I add my compliments to the chairman of this great committee, also to our majority leader, Senator Daschle, as well as to the other members of the conference committee who have worked so hard.

I am very proud of the incredible improvements and increased technology that our American farmers have accomplished over the past 20th century and I think this bill complements that. Our producers grow the safest, most abundant and affordable food and fiber anywhere in the world with some of the strictest environmental regulations and rules and with great pride and appreciation for their environment.

The American people enjoy a safely grown food supply for which they pay less than any other country in the world. I am proud to support this bill, and I am more than proud to support the American producer and the American farm family.

The PRESIDING OFFICER. The Senator’s time has expired.

The Senator from Mississippi.

Mr. HARKIN. Will the Senator yield for a unanimous consent request?

Mr. COCHRAN. Yes.

Mr. HARKIN. The Senator from Mississippi, under the previous order, has 10 minutes. I ask unanimous consent that after he finishes, the Senator from Pennsylvania, Mr. SANTORUM, be recognized for 10 minutes off of Senator GARRETT’s time, and Senator HARRIS of Texas be recognized for 10 minutes off of my time.

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

The Senator from Mississippi.

Mr. SANTORUM. Mr. PRESIDENT, writing this new farm bill was a very difficult challenge. I am very pleased our conference committee has now completed its work and the legislation now in the form of a conference report has been approved by the other body and is now before the Senate.

It is a bill that has the support of President Bush. This is the statement by the President that was issued on May 2, which I will read.

I congratulate Chairman Combest and the other House and Senate conferees for a job well done in completing the Farm Security and Rural Development Act of 2002. I am pleased that the compromise agreement on the farm bill resulted in better balanced commodity loan rates, spending that is no longer frontloaded, and the strongest conservation provisions of any farm bill ever passed by Congress. The final provisions of the farm bill are also consistent with America’s international trade obligations, which strengthen our access to world markets for American farm products. While this compromise agreement did not satisfy all of my objectives, I am pleased that this farm bill provides a generous and reliable safety net for our farmers and ranchers and is consistent with the principles I outlined. I thank the conferees for their hard work and urge Congress to send the farm bill to my desk promptly for signature, to help ensure the immediate and long-term vitality of our farm economy.

One of the primary objectives of the new farm legislation should be to improve the predictability and effectiveness of the financial safety net available to farmers. This bill does that. Farmers across the Nation will now be able to make better management decisions for their farm operations. This farm bill will continue the marketing loan program and provide farmers with a newly designed target price mechanism to stabilize and make more predictable the level of Government support when market prices are low. The target price will remain constant throughout the 6-year life of this farm program.

Farmers have requested that the new farm bill allow for updated crop base
acres and crop payment yields. This bill does that. It provides producers with the option to update both base acres and payment yields. By updating base acres and yield, the makeup of farm operations will be determined by recent planting history as opposed to outdated records from the 1980s.

This bill will protect more of our natural resources by increasing the number of acres eligible for enrollment in conservation programs. The Conservation Reserve Program acreage cap is increased from 39.2 million acres. The Wetlands Reserve Program acreage cap is increased from just over 1 million acres to 2.75 million acres. The Wildlife Habitat Incentives Program is authorized at $700 million over the life of this farm bill, compared with $50 million under current law.

The Environmental Quality Incentives Program, which provides cost-share assistance to the livestock industry to comply with environmental regulations, is increased from $1 billion in the 1996 farm bill to $9 billion over the life of this bill.

This bill also authorizes programs to increase our market access in other countries for both commodities and value-added products.

The nutrition title contains increased Federal support for school food programs. Free and reduced-priced meals will help students nationwide do a better job in the classroom. The bill not only provides funding for the School Lunch Program, it establishes a pilot program to provide school children with fresh fruits and vegetables.

The rural development title of the bill will enable rural communities to receive high-speed broadband services.

The conference committee also noted the large backlog in waste and water assistance programs at the Department of Agriculture. The bill authorizes funds to eliminate this backlog of pending applications for grants and loans. That will greatly assist rural communities, some of which are facing emergency drinking water shortages.

A Rural Business Investment Program also authorized in this bill will provide loan guarantees for new and better job opportunities in rural communities. If the Senate does not adopt this conference agreement, the Congress will be forced to consider yet another ad hoc financial assistance package that could result in billions of dollars of additional emergency spending without providing farmers a dependable agricultural policy for the future.

I thank the members of our staff who worked so hard in our conference committee to bring about the result that we achieved. Especially, I wish to mention Chuck Connor, who represented the President, the administration, at our conference meetings. He was available to answer questions and assist with the logjams that we needed. Matt Shipman, who represented Secretary Ann Veneman, the Secretary of Agriculture, did an outstanding job providing assistance to the members of the conference committee. I want to mention Mary Waters, who also is an assistant to the Secretary of Agriculture, who was very helpful to us all. And members of my personal staff, Hunter Moorhead, the recipient of my agricultural legislative assistant, worked long and hard nights and weekends, for many months, to help put this legislative package together. He did a truly outstanding job; my chief of staff, Mark Work, who seriously undertook that role, also provided very valuable and helpful information, insight, and assistance, along with one of my newer staff members, Emily Brunini, to help staff. For their services and assistance, I am particularly grateful and want the Senate to know of their outstanding work.

The PRESIDING OFFICER. under a previous order, the Senator from Pennsylvania is recognized for 15 minutes.

Mr. SANTORUM. Mr. President, I rise in opposition to the conference report. I do so first by talking about a couple of things that are good in this bill. Oddly enough, the thing I am most excited about in this bill is a move from a Depression-era farm program, the Peanut Program, that has actually been taken into somewhat more of a modern era—not to the market, which is what I would like it to ultimately have gone to, but the Government has taken it from a quota system, where the Government is micromanaging the production of peanuts, excluding those who did not have a license or quota to grow peanuts, to something at least of the government-controlled program, and the farm bill is treating peanuts as we do the rest of the commodity programs.

In that respect, we have a program way out here on the left, regarding Government involvement, and moved it to the right. The problem is in the rest of the bill. We were to the right, and we have moved it to the left. We now have Government back into the business of trying to micromanage what goes on around the country, leading to what has been heard from many who oppose the legislation, to more certain misery in farm country, more concentration, more large farms. The money in this bill for production is going to the row crops. In Pennsylvania, we have some corn, we grow a little bit of beans and other items. But the bottom line is most of my farmers are like my dairy farmers who qualify or participate in these programs. The benefits will not go to the vast majority of States and, I argue, farmers in this country who do not live in the South or Midwest, who are the people who are the major beneficiaries of this program. Two-thirds of the commodity money will go to 10 percent of the farmers in America. Two-thirds of the money in this bill for production will go to 10 percent of the farmers in America.

All of the programs are justified because we need to help rural America, the small farms. We have to keep the fabric of rural America. Two-thirds of the money goes to 10 percent of the farmers. They are not small farmers. As to this concept that we are here to preserve the rural way of life and this bill is going to do that, I think we have the President to thank for this. Rural America, this is another nail in the coffin of the family farm in America, by the Government not only giving all this money to these large farms and, by doing so, creating an oversupply situation so those who do not get the money are going to have lower prices, but our little farmers will not have markets to be able to make any kind of profit in what they do.

This is bad policy for farming. If we did anything such as this for any other industry in America, we would be called one of the great socialist regimes in the world. Imagine talking about the paper industry and saying we will provide all the subsidies and programs for anyone in the paper industry who just does paper or in the lighting business. We would be laughed out of this place if we tried to do that. Yet we are going to micromanage agriculture and pour hundreds of billions of dollars into big farms, essentially limiting those who are going to benefit from this program. It is wrong for America. It is wrong for farming. It sets a horrible precedent. The sad thing is, on top of all else, it will be very expensive for the taxpayers of America.

Senator LUGAR has reestimated a $57 billion increase in commodity supports for crops. We are talking about a $57 billion increase over the next 10 years. I guarantee today—I put a nickel on the table—that number will be at least $25 billion more, just in supplements for farmers. Why? Because prices will be so darn low, we will have to put in more money to bail out those who are hurt.

Most of the way, most of this helps farmers who have a crop. If you don’t have a crop, there is not as much help. We will come back and help folks for the floods, for the droughts, and for everything else. This is going to be much more expensive than what we are talking about today. We have shown the rest of the world we are really not interested in opening markets, we are not interested in growing our exports, we are really not interested in setting an example for the world as to how we can do better trade with our partners.

It is incredibly ironic, when we negotiate trade promotion authority, we bring up a bill that has everything we deplore about the Europeans. That is what we are doing in this bill. We are setting a bad example that costs the taxpayers billions, and we are not helping the little farmer who needs the help. We are not helping the little guy out there trying to make it.

Why? Because all of the subsidies are going to the big farms. They will produce. They have no incentive not to produce. They are being guaranteed a price to produce. Produce all you want.
Drive that price down. Put my little farmer who gets no subsidy out of business. Congratulations. We struck a blow for rural America. We struck a blow for the taxpayer. The problem is, the blow is right between the eyes. And in too many cases it will knock them down, and in too many cases it will knock them off. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Under the previous order, the Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, these past few years have been horrible for farmers. Low prices, the recession, and weather-related catastrophes—like the drought conditions we suffered in my home State of Texas—have made it extremely difficult for our Nation’s agricultural producers to sustain their farms and ranches, and maintain their ability to feed Americans and people around the world. These extraordinarily difficult times reinforce the need for Congress to support a strong and effective farm bill that provides a solid safety net and enhances the ability of our farmers and ranchers to compete domestically and abroad.

This farm bill is not perfect, and I understand why many of my colleagues are opposing it. There are many provisions that concern me as well. This legislation undercuts the very foundation of the Freedom to Farm concept. Freedom to Farm was the right approach for American agriculture, but our farmers were denied open markets and fair trade because of our competitors’ subsidies and tariffs. Now, instead of opening up the market for Texas farmers and ranchers, we are moving back to direct price supports. I am worried this could stimulate overproduction and drive commodity prices down even further. I am also concerned with the uncertainty that will follow this bill’s country of origin labeling requirements.

However, Texas farmers and ranchers are backed against the wall. Like many farmers all across America, Texans have been praying for two things—rain and commodity prices. Texas farmers have been waiting for months to make their planting decisions for this year’s crop, and their lenders cannot help them until this farm bill is passed. This is a difficult vote for me. However, at the end of the day, this bill provides critical assistance to those who produce our food supply. This is why I will reluctantly vote for this imperfect legislation.

This farm bill will answer the desperate calls for help from America’s farm and ranch country. Most importantly, it provides a strong safety net for our farmers. The payment incentives in this bill will free America’s farmers from depending on Congress to continually provide emergency assistance when prices drop. Over the last 4 years, Congress has spent nearly $30 billion on such emergency assistance for farmers. This aid was necessary, but its inefficient delivery did not provide the certainty that farmers and lenders need for crucial management and financial decisions.

This farm bill may threaten our World Trade Organization commitments, so I am pleased that the Secretary of Agriculture is authorized to regulate this spending on our domestic farm programs. Currently, more than 25 percent of American farm income comes from exports. We must continue to fight to open these markets, and we cannot hinder access to foreign consumers who will provide new opportunities and income for our Nation’s farmers and ranchers.

Finally, this legislation protects the States’ water rights and creates the strongest conservation provisions of any farm bill in history. Many of America’s livestock and dairy producers depend upon these programs for essential soil and water conservation. The severe drought and flooding that has occurred across the country makes this funding even more critical as farmers work to sustain and enhance the productivity of their land. America’s agricultural challenges must be addressed immediately. This bill takes a step—I hope the fundamentals will improve, so we can attempt to freedom to farm again in the future.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HARKIN. Mr. President, how much time does this side have left?

The PRESIDING OFFICER. The Senator has 29 minutes.

Mr. HARKIN. And how much time does Senator LUGAR have?

The PRESIDING OFFICER. He has 75 minutes.

Mr. HARKIN. Mr. President, if there are any Senators who wish to speak on the farm bill, now would be the time to do that; otherwise, we might be wrapping this up very soon. But we will run the clock a little longer to give any Senators an opportunity to come over and speak. Whoever, pro or con, they will be recognized to speak. With that understanding, I suggest the absence of a quorum and ask the time be divided equally.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALLEN. Mr. President, I rise today to offer my concerns about the conference report on the farm bill. I understand the desire—to make improvements in existing farm legislation. I know the conferees worked very hard to address all of the concerns of Senators and Representatives from all over this country. A strong farm bill is of high priority, and I certainly agree with others who share those views.

In my home State, the Commonwealth of Virginia, agriculture accounts for a significant part of our diverse economy, contributing to jobs and income and providing essential food and fiber for our citizens and the people around the world. I worked with members of our Senate Agriculture Committee to address the concerns of Virginia growers and the agricultural communities.

While I may not be joining with him at this time, earlier I thanked him because if this conference report was like the Senate version, I would be up here today saying this is a good bill. However, with regard to Virginia peanuts, this conference report is not a good bill. In December, I objected to the consideration of this bill, not just for peanut farmers but for others, as the current farm bill doesn’t even expire until the end of this year. I thought, and continue to believe, it is unfair to our farmers and ranchers to hold hostage their way of life, to debate and implement changes that may harm their income in the middle of the year—indeed, during the plowing, planting, and now the growing season. I do not think it is right to move the votes on someone after the ball has already been kicked.

In 1996, when the Senate last debated the farm bill, the target price for peanuts was lowered from $670 a ton to the current level of $610 per ton. This level was not due to expire until the end of fiscal year 2002, which is September 30 of this year.

Today, a farm bill will pass, and the conference report on it takes that level from $610 a ton to $495 per ton, a decrease of almost 20 percent. I worked hard to make some positive changes in the Senate bill. We increased on the Senate side the target
price of peanuts from $490 in the House version to $520 in the Senate bill.

We increased the marketing loan rate from $350 to $400 and we increased the quota transition payments from 50 cents to 55 cents. Unfortunately, the conference report takes most of these gains.

Virginia has about 76,000 acres of peanuts and 4,000 peanut farmers. While these numbers may not look large to some Senators who have big corporate farms in their States, these peanut farms are the basis of local communities throughout Southeastern Virginia.

The fact is, they are going to be devastated by this bill. And that means it is going to affect the implement and equipment dealers, those who sell the fertilizer, seed, and herbicides. Obviously, it will affect the whole community. Despite the hefty expense of this bill—which for taxpayers is an expense of $4 billion—it will ensure the demise of many Virginia peanut farmers.

Last week I brought a tin of Virginia peanuts to the Senate floor. I also did so today because I want to share with my colleagues this great product which will continue to disappear, sadly, from the landscape of American commerce. The fact is, if it is simply unfair for our hard-working farmers to be dealing with a moving target—at the expense of the American taxpayer.

The peanut section of this bill alone will cost every American man, woman, and child almost $15 during the life-time of this bill. Compare this to the current peanut program which operates at no net cost to the taxpayers. The way I see it, it is a losing proposition. The taxpayer loses, as does Virginia peanut farmers.

The second point of concern is regarding the budget. The bill not only is expensive on the peanut front, but it also busts the budget.

The Budget Act allocated $73.5 billion for the farm bill. The Congressional Budget Office now says the legislation will increase agricultural spending by $82.8 billion over the next 10 years—nearly 80 percent over the cost of existing programs. The 10-year cost of this bill, estimated at no less than $170 to $180 million, equates to a subsidy of agriculture of more than $640 by every $180 million, equates to a subsidy of agriculture of more than $640 by every man, woman, and child in America.

In a time where budget surpluses have turned into budget deficits—we are fighting a war and fighting through a recession with the highest unemployment rate in over 8 years—we should not be diverting money from Social Security.

And the inevitable increase in interest rates will only compound their problems. The result will be a continuing downward pressure on prices and continuing calls for emergency farm rescue legislation.

The third point of concern I would like to mention is trade. While this bill is not officially a violation of WTO, it is inevitable that there may be trade violations and claims made by foreign governments. This bill has already come under attack from U.S. trading partners. And I want to note that our current efforts to strike free trade agreements.

The Uruguay Round agreement on agriculture limits U.S. spending to no more than approximately $19 billion a year on domestic farm supports. The reason for that was to not distort production and trade. It is very likely that these limits will be exceeded in the future.

Furthermore, the new country of origin labeling requirement, besides being fundamentally impracticable and unworkable, will trigger retaliation from some of our most important trading partners—Canada and Mexico.

I also have other concerns about cuts in some specific programs that were at least in the Senate version going in the right direction which were beneficial to the people of Virginia.

The conference report drastically cuts rural utility service funding that would deploy rural broadband programs and loans to rural electric cooperatives for service upgrades.

Also, the conference report deletes the Senate provision for $70 million for a nutrient reduction pilot program in the Chesapeake Bay.

I know the Presiding Officer has a few tributaries that flow into the bay, as of course, does Virginia, Maryland, and Pennsylvania. Unfortunately, the Senate provisions were knocked out.

As Governor, we worked very hard—and I know the Presiding Officer did as well when he served as Governor—to reduce nutrients going into the bay so that grasses, fish, crabs, oysters, and mollusks could return. Unfortunately, that valuable nutrient reduction program was knocked out of the conference report.

In summary, ultimately, I would like to see us pass a solid farm bill that provides a quality safety net to our hard-working farmers, which also keep prices affordable and low for consumers, which doesn’t raid Social Security, and which does not grow the size of Government at the expense of every hard-working American.

Indeed, I voted for the Senate version of the farm bill. While there are many salutary improvements in this bill, there are too many harmful results for Virginians and Americans.

Today, regressively and sadly, I will have to vote against this bill, and in doing so represent the interests of Virginia peanut farming communities and also the long-term interests of all farmers who deserve both adequate support and adequate predictability.

I vote for fiscal responsibility and to protect the Social Security trust fund. I vote to keep the word of the U.S. to our trading partners that is vital to expanding markets for American farm products. And I vote on behalf of the taxpayers of Virginia and nationwide who understand the great importance of agriculture but simply cannot afford excessive, wasteful government spending.

Thank you, Mr. President. I yield the floor.

Mr. HARKIN. Mr. President, before I yield time to the Senator from Nebraska, I wish to respond to my friend Secretary Glick in a special way. I think we have a good relationship. We have worked closely on this.

Let us be frank. I wish we could have had the whole Senate bill passed, as we passed it once before. As you know, we had to work through these issues out in conference.

As concerns the Chesapeake Bay, this has been a concern of mine for a long time, especially in terms of the agricultural runoff. That is why I was supportive of the provision that the Senator mentioned. But the House would not accept the carve-out of EQIP for the Chesapeake Bay nutrient reduction pilot program.

Experience being the best teacher around here, we put it in the conference report.

There is a new authority for the Secretary under a section called Partnerships and Cooperation. In which the Secretary can designate special projects and enter into agreements with non-Federal entities to provide assistance. This could well help with the Chesapeake Bay. In fact, the Partnership & Cooperation authority was specifically crafted with programs like the Chesapeake Bay Nutrient Reduction Pilot Program in mind. I want to read the language:

The managers intend for the Secretary to use this authority to help producers avoid the need for further Federal and State regulations to protect both water and air. The Secretary is strongly encouraged to be proactive in establishing partnerships in critical areas such as the Chesapeake Bay.

The Chesapeake Bay is the only specific region mentioned in the entire Partnerships & Cooperation report language section. That is intended to give the Secretary notice of the special status of the Chesapeake Bay. I wanted the Secretary to be aware of this report language.

I also say to the Senator, as long as I am chairman of this committee, we intend to make sure the Secretary follows through on this. This is one of our Nation’s national treasures, the Chesapeake Bay. We fully intend that the Secretary will use her authority to enter
into those arrangements just as we specified. It is the only area specified in the report. We did not specify any other area than the Chesapeake Bay. That is just under that program. They draw on the existing conservation programs.

Secondly, we increase the Environmental Quality Incentives Program, which the Senator mentioned, from $2 billion to $11 billion, a 5½-fold increase. Under the EQIP program, farmers in the Chesapeake Bay area could receive funds and help for mitigating the runoff of nutrients.

The third part that will help the Chesapeake Bay is the new program called the Conservation Security Program that is in this bill. It is a new entitlement program—open to all producers. For example, if a farmer in the Chesapeake Bay wants to cut down on nutrients, wants to cut down on fertilizer, wants to stop soil runoff, wants to have resource management improvement, and to be the best manager of that land, that farmer could qualify to receive a payment from the Government by entering into an agreement with the Secretary.

So I say to the Senator from Virginia, there are at least three parts of this bill which will be helpful in mitigating and stopping the runoff of nutrients and soil in the Chesapeake Bay area.

I am sorry we could not get the specific carve-out, but I can assure the Senator as sure as I am standing here—that under those three provisions in the conservation title will provide producers in the Chesapeake Bay more opportunity for conservation in the next 6 years than there has been in the past. That is all I can assure the Senator.

Mr. ALLEN. If the Senator will yield?

Mr. HARKIN. Yes.

Mr. ALLEN. I thank the Senator. I hope the Senator heard my remarks and how complimentary and grateful I am for the work the Senator did on the Senate version.

Mr. HARKIN. Thank you.

Mr. ALLEN. All of those different approaches are good. And there are competitive grants. I am going to work with the Senator.

We did have that $70 million for that nutrient reduction pilot program. While I voted—while I am not—while I did not vote to go, I am glad you were able to provide that—it is still not as good as the other version. If the House would have only listened to you more. But, again, I thank you for at least keeping that. And we will work together to reduce nutrient runoff, whether it is filter strips, grass strips, riparian buffers, to reduce the nutrient and sedimentary runoff into the tributaries of the Chesapeake Bay.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. NELSON of Nebraska. I thank the Senator for his remarks. The Senator from Iowa, the distinguished chairman of the Senate Agriculture Committee, recognizes the Senator from Nebraska, my neighbor to the east from Iowa, the distinguished Senator from Nebraska.

I say to my friends and colleagues who oppose this bill, and appear to prefer nothing to something, if you like importing 50 percent of the energy needs of this Nation, you will love importing 50 percent of our food needs, if this measure fails and domestic agriculture as we know it fails. I am not sure whether I am pained more by the current state of the farm economy—which pains me greatly—or by many of the attacks on this farm bill, which I believe will set production and agriculture in financial stability over the next several years.

This farm bill, by every measurement, is not perfect. It was not perfect when the Senate passed it in February by a vote of 58 to 40. Neither was the House bill that passed last year in September. But both the House and the Senate recognized, then, that their respective bills were a vast improvement over the so-called Freedom to Farm legislation that preceded it. And we passed it at the time level. Granted, changes were made in conference, changes which I wished had not been made. But the overall bill is still a good piece of legislation. It will provide substantial new funding for commodity, conservation, and nutrition programs. The bill reflects many priorities that Nebraskans have asked for in this bill, including a reliable commodity program, higher loan rates, funding for important conservation programs, a new incentive program for hard white wheat, and new funding for renewable energy initiatives, just to name a few.

The farm bill includes a continuation of direct payments and a new counter-cyclical program. Direct payments are fixed over the life of the bill. Loan rates are fixed for 2002 and 2003 and reduced by 1.5 percent for the 2004 through 2007 crop years. Target prices will increase as loan rates are decreased.

The bill will increase funding for conservation programs by 80 percent, providing $9 billion in additional funding for the Environmental Quality Incentives Program and increasing enrollment in the Conservation Reserve Program—a very popular CRP Program—from 36.4 to 39.2 million acres. It also establishes the new Conservation Security Program which offers incentives to producers to conserve land under production.

Media reports place the amount of 2002 subsidies available for Nebraska at $1.1 billion compared with $675 million under the 1996 law. That is a half billion more dollars to Nebraska farmers. This is good for Nebraska's farmers, and it is good for Nebraska's economy.

As I said throughout the long process of the passing and economic legislation to help the agricultural sector of the economy. It seems to me that agriculture is an afterthought for most policymakers in Washington, often left out of important tax and economic legislative initiatives, as well as an afterthought in many of our trade initiatives and agreements.

Now, with this bill, I think we have change that attitude. With the new farm bill, and with the energy bill's emphasis on ethanol production as an alternative to foreign oil dependence, and other renewable energy, we have taken steps to improve agriculture's position on the priority ladder. This bill must be looked at as not only food, but fiber and fuel.

Again, as with any piece of legislation, this conference report isn't perfect. I am disappointed, in particular, that the final version of the Senate provision I cosponsored that required payment limitations to huge farming operations. But we can have that fight another day, and I hope it will be soon.

On balance, the new farm bill is a giant step forward from where agricultural programs had been under the dramatic failure of the 1996 Freedom to Farm Program. It improves the efficiency of Federal programs and provides a higher level of assistance to our farmers. For this reason, I will vote for this legislation because I believe it is a vote in favor of fairness and stability for rural communities and the Nation's agricultural economy.

Throughout the development of this bill, I have always sought ways to support our farmers and ranchers. And I have looked for reasons to vote for this bill at every opportunity. But it seems to me that some of those who have looked for excuses to oppose it, and now they threaten to kill the conference report and cast our producers back into the disaster known as Freedom to Farm.

It strikes me that many of those who oppose the bill were some of the same ones who supported Freedom to Farm. These are strong words, I know, but this is a very difficult time for agriculture.

I am here today to tell you that nothing is not better than something. This bill represents an honest attempt to improve farm programs for our farmers. Sure, maybe we could have done better—but the conference report which is before us today is such a vast improvement over the past that we cannot let the perfect become the enemy of the good, particularly when our farmers need the support provided in this bill. And they need it now.

In the final analysis, my decision to support this legislation was easy.
conference report provides the much-needed stability that farmers in Nebraska have lacked for the last 5 years. It is about time. It allows for major expansions of conservation, nutrition, rural development, and trade programs.

It fits within the budget, and, on the whole, it is a good bill for Nebraska. I see positive reasons to vote in favor of this conference report which I think will be good for American agriculture. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I yield 10 minutes to the distinguished Senator from Missouri, Mr. BOND.

Mr. BOND. I thank my colleague from Iowa, the distinguished chairman of the Agriculture Committee. I compliment the chairman and ranking member mem bers who worked so hard to produce a final product. This one was not easy. There is the old saw about watching sausage and the law being made. It probably applies to this bill as well as any others.

I commend our House colleagues for continuing the tradition of bipartisan work on the farm bill, for soliciting broad input, for finishing the bill early this year, for not pinning farmers against farmers and one region against another, processors against farmers and consumers against farmers. In my view, the House did succeed in avoiding the temptation to politicize farm policy, and I believe the product they have reached in conference with the Senate is good for all agriculture.

The staff worked long days, nights and weekends, as did, of course, the conferees. It is not very often that we do anything around here ahead of time. For that, the conferees deserve special recognition.

Clearly, there are many provisions in the bill that I support. There are some issues on which each of us would have a much different take, we would have handled differently, if not burdened by the natural constraints of a democracy. I know that some Senators are making a strongly held case that this legislation costs too much. I have my own misgivings about the price of farm policy. I will focus on that in my remaining remarks.

First, if any estimate, it is based on assumptions. The new assumptions used in this case to calculate a score include new expectations of market prices for individual commodities years in advance of reality. These estimates are done in good faith. But, of course, it is laughable to think that we know what farm prices will be over a period of years that depend on world demand, trade preferences, the relative strength of foreign currency, peace, war, and weather.

The reason the latest score is higher is because the expectations of market prices have been revised downward. If market prices are less, then there is more urgency for the stronger safety net included in this bill, not less.

Let me point out something many people overlook. There are folks saying this is 70 percent more expensive than the last farm bill. If you look at the math, we didn't stick with the underlying farm bill. When the world market for commodities crashed with the Asian contagion, the Asian flu in the late 1990s, Congress stepped up to the plate. We knew we needed providing emergency assistance because banks didn't want the artificial collapse in the demand of world prices to bankrupt farmers. What we are doing now in this bill is essentially building into the safety net the level of spending that we have reached when we had to come forward with emergency appropriations for the emergency costs each year.

I guarantee, if we had passed the old farm bill, if we had kept the old farm bill in place, if the year 2003 rolled around and we were going to have the same disastrously low farm prices we have this year, we would have come right back here and people would have said: Yes, you can't have large segments of agriculture going bankrupt. You can't get a return from the marketplace. As most of us know, when farmers come into our Senate offices, they have a broad agenda. Some of it we deliver; most of it we have not, despite the best efforts of a good many Members of this body. I will mention on my side alone, Senators LUGAR, ROBERTS, GRASSLEY, COCHRAN, and others. Yes, farmers want a stronger safety net, but they would much rather get their returns from the marketplace than the mailbox. They would rather have lower taxes and less regulation, more market and trade opportunities, modernized transportation options, all of which we as a body, collectively and individually, have promised them but have delivered too little.

I yield.

Many Senators who oppose the farm bill argue that trade and taxes and relief from regulation are what farmers need. I agree. Farmers heard that 7 years ago. It hasn't been delivered, despite the best efforts of a determined minority of us. I will continue fighting for all of those measures that are good for farmers, for the economy, and which will significantly reduce the cost of the farm bill.

In the meantime, I am going to support a responsible safety net built in to provide relief for farmers when the world demand situation and our exclusion from the world market keep prices artificially low. If we want to reduce the cost of this farm bill—and certainly all of us do—we should pass the full farm agenda, not just the farm bill. We should pass a trade bill. We should pass the energy bill, such as the bill we passed out of the Senate. I hope our House colleagues are taking a look at it because that is very good for farmers as well as for energy and the environment.

We should not place more mandates on farmers every time regulators have a new idea. We should improve our land and water transportation. We should reduce taxes. We should encourage more use of farm products. We can be sure that the farm bill will cost much less. American farmers will be getting their return from the marketplace rather than the mailbox, and the American farmers will be happy. The taxpayers will be happy, and we will all be happy. Farmers, just as others in this economy, should be able to fail, but they should also be free to succeed. That will not happen if we continue to ignore the rest of the farm agenda.

There is another criticism of the farm bill; that is, that it provides a disincentive for international market liberalization. It will encourage foreign trade-distorting subsidies. I think the opposite is the case. I do not believe our European trade competitors find it compelling or would be so洲hard to produce a final product. This one was not easy. There is the old saw about watching sausage and the law being made. It probably applies to this bill as well as any others.

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Additionally, I know many Members are sensitive to editorial opinion that is decidedly against this policy. I was asked today by some reporters about an editorial in a newspaper I generally respect. They said they really condemn this as pork.

I said: Normally, they write good editorials, well-reasoned and based on facts. This one was not one of them. They don't know what they are talking about.

Many of those newspapers are published in high-rise buildings in some of our wonderful metropolitan areas. I doubt if they know what a combine is or how you raise cattle or the impact of the world market on farmers.

Still, I can't say that all the points the editorial opponents raise are invalid. But there are a great many people in the ivory towers take for granted. They take for granted the volume, the low price, the high quality, the unparalleled safety of our food supply and the national economic contribution made by U.S. farmers and the many suppliers who ultimately end up with the farmer's money.

Editorial writers may be critical of farm policy, but they are critical with full stomachs. In the emerging countries of Asia and Africa, they say that a well-fed country has many problems, but a hungry country has but one problem. Fortunately, we don't have it. We ask our farmers to produce more with less, to accept more Federal mandates
without the ability to pass costs on to consumers, and we ask them to compete in an international marketplace with competitors whose government gives much greater levels of assistance. Then we have a period of good worldwide weather that has produced surplus world prices, which has resulted in market prices around the world being low. The big city papers can take our food supply for granted, but those of us who live in flyover country—the real America between the two coastscann-not and neither can the consumers in this country and elsewhere, who are unwittingly the biggest beneficiaries of the hard labor and sacrifice of those who struggle on the farm.

I do agree that those critical of this bill are raising an argument that we need to have, and that is where we draw the line. Given the numerous ad hoc disaster bills, it is clear that the status quo is yielding little discipline from a fiscal standpoint. With this new program, we are strengthening rather than weakening the expensive safety net. I say to farmers: The criteria for additional ad hoc disaster is now significantly more demanding, if not prohibitive.

The budget issues raised by those critical of this bill are not without validity and we will have a good opportunity to see if those who support this dramatically stronger safety net will resist the impulse to pile on more and more in the months and years ahead.

While I support this farm bill, I warn all farmers that like the previous farm bills, the commodity title will not increase market prices. Those who came to the floor with frequency the previous 4 years suggesting the previous farm bill was a failure because market prices were low knew better then and I hope everyone understands now that this commodity section is a safety net only. The rural development and research titles should help expand markets and reduce costs to some degree but not the commodity title.

If we want a chance to increase market prices over the long term, we will have to give the rest of the farm agenda of trade, taxes, transportation, energy, and regulatory relief a fraction of the urgency we have demonstrated here in being so generous with other people's money.

The President has indicated that he approves of this legislation and the House passed it on a bipartisan basis by a 2:1 margin. The farm groups and livestock groups support the legislation. I congratulate the chairman and the ranking member and those who participated and worked so hard on this conference report and urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, I yield myself as much time as I may require.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, yesterday, during the course of the debate, I pointed out that ever since the conference report came to the other body and the House of Representatives passed that conference report, there has been a reevaluation of the amount of money that the bill we are now looking at would spend.

Frequently, in the past, we have talked about the budget of a year ago, allocating $73.5 billion over a 10-year period of time for farm legislation. In fact, when we commenced the conference—that is, the Senate committee with our House conferees—the evaluation of the bill the Senate had passed was that it was $79.5—$6 billion too much—with the action we took here on the Senate floor. So in the early days of that conference, the $79.5 billion that was estimated for our product had to be scaled down by $6 billion. That came out of many programs. But in due course it was achieved, so that we could at least confer with our House friends on the basis of both of us having a $73.5 billion budget.

I dwell on that because much has been made of $73.5 billion of additional spending beyond the so-called baseline. The baseline is a euphemism for the totality of farm programs that continue on—in essence, funded by Freedom to Farm, and some were provided by other farm bills in the past; in other words, a pretty large aggregate of farm spending. That baseline was frequently estimated in many speeches during this debate at $79.5 billion. So in rough figures, the debate started with the thought that we would have about $100 billion of baseline—all the programs that continue on and an additional $73.5 billion of spending—and that would occur on a 10-year basis at $73.5 billion. Now we know the $73.5 billion has now been evaluated as $82.8 billion, so it is up $9.3 billion. The reason is that the Congressional Budget Office, taking a look at our assumptions—and the assumptions came down as a result of the higher prices and the higher target price. As a result, not only will there be surprises that have come out on the floor in the last 2 days in which some have thought, in essence, that a downward trend of prices is continuing.

So since we are now providing much higher target prices or, in fact, reinstating those in a countercyclical program, and we have raised, as since the base market prices are expected to be much lower, the gap is larger; thus, the taxpayer input into the farm bill. So we have moved from $73.5 billion to $82.8 billion. Now comes the news that the baseline likewise has been reevaluated by the Congressional Budget Office. I have gone back to the drawing board, and the baseline was not exactly $100 billion. Our staff, by our best calculations, finds that it was $97.6 billion. So we had $2.4 billion too much in the baseline. That is the good news. But the bad news is the new baseline is $107.155 billion. That is roughly $9.5 billion higher.

So our assumption, as we start this conference, that we had $100 billion of baseline and $73.5 billion of new spending—thus, $173.5 billion—is in fact now $82.8 billion. That is the new situation for the new spending and a baseline of $107.155 billion, for a grand total now of $199.971 billion, or roughly $190 billion.

Now, that is a lot more money, Mr. President. That $173.5 billion has been transformed, even in the course of this debate on the Senate floor, up to $190 billion—a change of $16.5 billion, just for the same bill, with no change in any of the stipulations. Mr. President, I made a prediction yesterday—and many have ratified that in their remarks, and some disagree with it—that we are likely, in fact, to see CBO look at the same programs year after year and reevaluate them higher—both baseline and new programs. Why? Because this farm bill stimulates overproduction. It does nothing with regard to our trade situation.

We have had extraordinary speeches in which some have said we are really fouling up the waters if we hope to ever get more exports to deal with other countries in some sort of diplomatic way to gain entry for our crops, which we certainly need to do. But others have said, listen here, this is an American bill, this is not a French bill, or an English bill, or a Canadian bill and, by golly, it doesn't make any difference anyway, think they think it through. But, of course, it does, because we are hoping to negotiate with these countries for entry for our exports. At some point, perhaps we will be diplomatically successful. Every farmer prays that will be the case. But it is certainly not the case for the moment.

As a result, the supplies continue to pile up. Why? Because this bill is very generous to the row crops in offering incentives to plant more and to take advantage of the higher target price and the higher target price. As a result, not only will there be surprises that have come out on the floor in the last 2 days in which something that used to be $173.5 billion is now $190 billion of expenditures, but those figures are likely to escalate further each of the 6 years of the duration of this bill, unless amended.

Now, Mr. President, at some point, Senators may say this is simply too much money, and we may have others, that the $15 billion that is spent on additional reestimates of what we have done is money that might have been spent on health care—either reforming Medicare, for prescription drugs for the elderly, for shore-up Social Security, or for education programs that come up even in this debate. The distinguished senior Senator from Massachusetts, Mr. KEN NEDY, decried the lack of attention, really, to the President's suggestion to look no child behind and the funding needed for that.

I once again point out that we find it, I suppose, possible to discuss farm bills
in a total vacuum, but without realiza-
tion of the war, homeland defense, or
the basic issues in most of our cam-
aigns, there is almost an obsession with spending this money—all of it.
Without being redundant, I point out, as
the others have pointed out, that if, in fact, this money were to go
to small farmers, medium-size farmers, even fairly large farmers who are in
danger of going out of business, a case
could be made for some of it. But the fact is because the row crop situation
and this is roughly 60 to 70 percent of
all the moneys, even after you talk
about conservation, research, and
the small crops, and so forth; that the
basic row crops is roughly 60 to 70 per-
cent of the money and two-thirds of
that money goes to just 10 percent of
the farmers—it is an inescapable 60
percent, three-fifths of all the farmers
in the country do not get the row crop
money at all, and that is where almost
all the increases have come from in the
Congressional Budget Office reevalua-
tion.
It is that part of the program that, in
fact, has attracted most of the money,
has concentrated it on relatively few
farmers, and even when the Senate
passed a fairly modest cap that no indi-
vidual farmer should receive more than
$275,000 each year—not in the total of
the farm bill, but each year—there
were loud protests from our House col-
leagues. As a result, that was scrapped.
Throughout the two- or three-entitled
rule or all the various rules, certificates,
what have you, the net effect is there
are no limits.
If, in fact, you are an ingenious farm-
er and a big farmer, this is a bonanza.
Already bankers have sent in testi-
mony in behalf of this and said things
ought to be in pretty good shape for
the next 6 years, in terms of the collat-
eral for loans because land values esca-
late, and that is the basic collateral,
unless you are one of 42 percent of
farmers who rent and unless, in fact,
you are a small farmer which no
amount of money from a country bank-
er is likely to resuscitate, and cer-
tainly not this bill.
After one bromide after another about
how it brings stability, cer-
tainty, and so forth to American farm-
ers, I say a few American farmers—very
few, as a matter of fact—will do
very well.
What I find baffling is how this body,
with these facts squarely in front of us—established now as we know by the
Environmental Working Group Web
site farm by farm, county by county so
there is incontrovertible evidence of
exactly who gets what and in what pro-
portion, what percentage, State by
State—it is not speculation any
longer—to the dollar, year by year,
even updated for 2001 now in a recent
update of the site—still Senators due
to the thought that somehow Freedom
to Farm and this bill in favor of us
now will make an enormous dif-
ference for most farmers in the coun-
try.
My own view is that it will not. In
fact, I believe most farmers in the
country will be hurt. These speeces
that I give on the floor I give in my
home State. Despite some of the rhet-
oric in which people have talked about
people in skyscrapers writing articles,
people who don’t know the difference
ever seen a cow—I will testify I have
seen a combine, I have seen a cow, I
have even seen a farm, even own one,
even tried to deal with these programs
year by year so that I understand ex-
actly what money goes to farmers as
a product of what we do.
Mr. President, I simply want to offer
as one explanation of what we are doing a remarkably timely article that
appeared in the Washington Post this
morning. This is not the Washington Post editorial writers or someone re-
move from farming, but it is a gifted
economist, Robert Samuelson, who has
long written for Time, Newsweek, and
others. I quote portions of what Sam-
uelson says:
Farm subsidies are a splendid example of
old-fashioned politics: using public money to buy votes. It’s the quest for popularity and
politics over all else that matters.
Under the new bill, the subsidies are
estimated to cost almost $300 billion over
the next decade.
Samuelson misses that, according to
my calculation, by $10 billion. We are
now up to $190 billion, but with the
meter still ticking.
If farm prices (mainly for wheat, corn, soy-
beans, and cotton) are lower than expected,
the subsidies will be higher.
He is right on that point.
Similarly, higher farm prices would
mean lower subsidies.
The point is to stabilize farm incomes—to
implement them in up periods of low prices
and thereby save “family farming.” The sub-
sidies have existed in one form or another for
almost 70 years, and there’s no evidence that
they work. Farmers and farm workers ac-
counted for 23 percent of the labor force
in 1929, before the New Deal’s first agriculture
legislation. Their share today is about 2 per-
cent, even though the amount of land in
farming is almost the same (1 billion acres in
1951, 922 million in 1997).
Bigger tractors, more fertilizer and better
seeds now mean fewer farmers. There are a lot
of people who are very sympa-
thetic with regard to American agri-
culture, and many of them are in this
Senate. But I also suggest that the
American people and the risk of a farm crisis
are a lot of people who are very sympa-
thetic with regard to American agri-
culture.

Indeed.
Samuelson concludes, at least the
good thing is that it is democracy at
work; people appealing to voters. What
each one of us, I suspect, will have to
determine is who the voters are.
Without farm programs, all would be much
less important.
To sustain their power, farm legislators
will have to court. Both parties are in a bid-

war.
The result is much much much more
important.
Without farm programs, all would be much
less important.
as I mentioned. The distinguished Senator from Kansas, Mr. ROBERTS, mentioned that due to very technical aspects of payments—the Senator stated, very gifted as he analyzed the bill and understands it—many farmers who are expecting to get money this year will be disappointed. The checks will be spaced out in various increments. The Senator from Kansas was suggesting that perhaps it would have been in the better interest of most farmers to have a supplemental bill that costs much less than the one that we are talking about, and to have provided the money as anticipated.

Now, the Senator did not advocate another supplemental bill, but if my analysis is correct, others will. And why not? Why should this be the final farm debate of the year if in fact more need and difficulty can be found, as it clearly will be in the administration of this bill should it pass?

There will be a number of people who will lose the employment of the U.S. Department of Agriculture. Hundreds of hours will be spent by ordinary farmers figuring out whether they take the base of the past or the base of a recent year’s yield, and how to apply for all of our programs. We have quite a turmoil ahead of us, and the money does not necessarily flow in that process. The Senator from Kansas recognized that and described it rather acutely.

In addition to that, the distinguished chairman of our committee has mentioned he might wish to call a meeting of the Agriculture Committee next week to mark up disaster assistance legislation, maybe in the order of $2.4 billion. I made the prediction yesterday, despite all of the certainty, finally, and the thought that this does as opposed to Freedom to Farm, we are very likely going to have two debates every year in addition: One, for a supplemental, a group, wherever it may be in our society, who believes that somehow they work out what to give them; secondly, disasters, weather disasters, health disasters, whatever may have happened in the appropriations process.

I simply ask of Senators, once again, how much and how long does this process continue? I trust there will not be any further reestimates by CBO even in the course of this afternoon. The shock of going from $173.5 billion to $190 billion during the course of this debate should be substantial. I hope that both at USDA, at the White House, as well as in this Senate, people are evaluating the sums of money that are now involved.

I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Nevada.

Mr. REID. Mr. President, I have spoken to the two managers of the bill. It is my understanding the manager for the minority, the senior Senator from Indiana, has agreed graciously to the minority, the senior Senator from Idaho, Mr. CRAIG, the leader of the White House, as well as in this Senate, that the course of this debate should be subject to the ranking member of the authorizing committee on Agriculture, Senator LUGAR, for yield, yield, time, and the flexibility offered to me by the assistant majority leader to speak to this conference report.

I have for the last few moments been listening to the senior Senator from Indiana talk about his frustrations and problems with this conference report and with agricultural policy. I must say I agree with so much of what he said.

When one is handed a political document and they try to fix it, and the politics gets worse, the document ultimately does not get better. Tragically enough, that is what we were handed in the Senate in the bill coming out of the Senate Agriculture Committee. We tried to make it better. It was not only better, it was a balance to consider the concerns of this conference, and I am not sure what we now have is a much improved version.

I say that not only as a student of agricultural policy, once having served on the authorizing committee, but now serving on the Appropriations Committee, growing up a farmer and a rancher, being active as an agricultural young person in FFA, both as a State officer and a national vice president, I have been involved and closely connected to agriculture in my State and around this country for a long while. As someone who recognizes the importance of agriculture to my State and good farm policy, I am in a quandary, as are many of my colleagues, because we spend over the last several days to the issue of a new 5-year agricultural policy for our country.

How do I evaluate this in the context of how will it impact my State, primarily, and then secondarily, what does it do to the country, both to the producers of agriculture, the farmer, the rancher, but what about the consumer? How does it fit in the consumer market basket? How do we put all of that together? That is really the charge of the Congress when they evaluate agricultural policy?

It is with those thoughts in mind that I joined with Senator ROBERTS some weeks ago on the very thing Senator LUGAR was talking about a few moments ago, and that is the opportunity of a supplemental to send a message to production agriculture, as the tractors are ready to go into the fields across America, that there was a policy in place, that we were not going to play politics with it and that they could take something to the bank to negotiate with the loan officer on a line of credit for the farming year.

Mr. LUGAR. The Senator is correct. We would be pleased to give 20 minutes of our time to Senator HARKIN so that speakers can be accommodated.

Mr. REID. I would, on behalf of Senator HARKIN, yield 10 minutes to the Senator from Idaho, Mr. CRAIG.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank the ranking member of the authorizing Agriculture Committee, Senator LUGAR, for yielding time, and the flexibility offered to me by the assistant majority leader to speak to this conference report.

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Mr. ROBERTS introduced that legislation a couple of weeks ago, as the conference committee was pushing toward finality. We now have that in this document, in this conference report. The question is, What does it mean? What is its impact? How long does it take to make the document in a way that gets to the ground?

We will live out this year’s farm policy because it does not expire until the end of the fiscal year. It is possible, while I think some will meet with it reasonably, that we will still need a supplemental on the floor to solve some of the immediate problems because this bill does not deliver immediate aid to American agriculture. It spreads it out over an extended period of time when, in past policy and in current policy today, they would have received some immediate assistance.

This does not solve a problem in the short term. Then, again, farm policy is more about the long-term view as well as the day-to-day problems of agriculture, in policy but also with the supplemental.

How do I evaluate this farm bill? Let me state what is bad. That is how I looked at it—what is bad, what is good, how do I balance it out, how do I vote on it? How do I vote for Idaho farmers and ranchers.

Idaho is one of the fastest growing dairy States in the Nation. We rank fifth in overall numbers of cows producing. It is a growth area in Idaho agriculture, that 500-, 1,500-, 2,000-cow units. We are one of the big growth dairy States. Frankly, policies that access markets and open up markets are the best policies for Idaho. We are an exporter. We do not have to be in the business of subsidizing an efficiency for the sake of the politics of the local dairy environment. Our farmers have transitioned into a much more competitive situation in modernizing themselves to fit the needs of the current consumer base.

When I look at a national milk program that basically only subsidizes or helps build a floor for cow units of 170 cows or fewer, my guess is that is talking about what used to be when it comes to dairy policy instead of what ought to be. That is not good policy because it perpetuates relative inefficiency or it subsidizes it in a way we ought not be about. We have always been proud in American agriculture that efficiency was our game. Our production set us apart from the rest of the world. We ought not be about subsidizing something that is not efficient today. We ought to promote efficiency and productivity. I don’t think dairy policy does that.

If we really want to help out the bottom line of our Nation’s dairy men and women, it would be much more advantageous to look at alternatives to this bill’s price support program, which is purposely biased to a select dairy operation size.

What about forestry? Yes, when we talk agriculture, we talk forestry. One
of the largest divisions of the U.S. Department of Agriculture is the U.S. Forest Service. It is tremendously disappointing to see the biomass and stewardship provisions stripped from this farm bill. Why can't we get involved in actively managing our forests instead of putting them grow old, die, and burn up? Right now, forests are burning in Arizona and New Mexico. It is a dry year. Part of the reason they are burning is that we have had no active management. We have watched the stock of those forests build. That is true in the Black Hills, an area not far from the chairman's home area. It is critically important we actively manage our forests instead of putting the fence around them and saying to the environmental community: Here is a preserve. Come look at it while it is alive because it is dying unless we create dynamics in it that will build back life and vitality.

We did not do that. We walked away from that. The House and the Senate could not agree. We will do what we have been doing for the last several years: We will legislate through appropriations. That is not necessarily a way to create policy, but that is probably what we will end up doing because this was the wrong way to do it.

The Senator from Iowa and I and others got involved with the assistant majority leader in an issue over water rights. As a result of that, we have watched the State's water rights and reshape them and create water banks, denying Western States their prerogative on western water rights. We were able to get a big chunk of that knocked out. But then Nevada got a sweet deal, a couple hundred million dollars to go to a specific area in Nevada. That is the name of the game around here. At least we saved water rights. Water rights cannot be bought, nor should they be owned, by the Federal Government. They ought to have rights that the water is needed and water is utilized. But in western arid States, that is a provision that is exclusive the States'.

In my opinion, those are some of the bad provisions in this bill.

Now let me talk about some of the good provisions because there are some. I have been on the floor numerous times in the last good number of years trying to take the Stewarts' water rights and reshape them and create water banks, denying Western States their prerogative on western water rights. We were able to get a big chunk of that knocked out. But then Nevada got a sweet deal, a couple hundred million dollars to go to a specific area in Nevada. That is the name of the game around here. At least we saved water rights. Water rights cannot be bought, nor should they be owned, by the Federal Government. They ought to have rights that the water is needed and water is utilized. But in western arid States, that is a provision that is exclusive the States'.

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Mr. GRAMM. I yield myself 4 minutes. I have permission to do that.

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

Mr. GRASSLEY. Mr. President, today the Senate will vote on and most likely pass a farm bill.

Supporters of the bill say it will cushion family farmers and rural America from financial hardship. That may be true, but unless you are a big meatpacker or a cotton and/or rice producer in the south, the new farm bill is not what it is cracked up to be.

I am afraid that for Iowa farmers, the bill’s shortcomings outweigh its virtues. So I will cast my vote against the bill.

There are two main reasons:

No. 1, during the last year, farmers in Iowa made clear to me they wanted Washington to crack down on the sky-high payments going to large corporate farms. It is ridiculous that we shovel the lion’s share of the farm benefits to a handful of large corporate farming operations.

No. 2, Iowans also urged me to push public policy that would keep competition alive in the livestock industry by banning packer ownership of animals fed for slaughter.

My amendments got these two main family-farmer priorities included in the Senate version passed last February, but my amendments were dropped by the conferees.

Was this bad for? It is bad for small and medium sized farmers, the very people a farm bill is suppose to help. Throughout the history of farm bills, their intent has been to aim the lion’s share of the farm benefits to a handful of large corporate farming operations.

The average family in America, two-wage-earner family, earns about $49,000 a year. When President Clinton was in office we tried to reduce the taxes paid by two-wage-earner families by stretching the 15-percent tax bracket. Our Democrat colleagues said they were opposed to it because they said it only helped rich people. I remember pointing out on the floor that these rich people made on average $21,600 a year. When we eliminated the three-entity rule, the one who were going to benefit of stretching this 15-percent bracket, made $21,600. Many of my colleagues said those are rich people.

I pointed out, when did $21,600 a year qualify you as being rich? But, nevertheless, we were unable to do it because President Clinton vetoed the bill. When the Senate debated this bill, we had an amendment that Senator Grassley offered that put a cap on the amount of payments a person could receive under this bill. His amendment said that no one could get more than $275,000 of taxpayer money under this farm bill. Remember that many of our Democrat colleagues said if you made $21,600 you were too rich for a tax cut. Senator Grassley offered an amendment that said the Government can give you over 10 times that amount—$275,000 per farmer. We adopted that amendment. I am proud to say I voted for it. It will keep the farm bill from being a welfare program for the wealthy.

The bill also allows people who came to the United States illegally to get food stamps. I am opposed to that. I am not trying to be hardhearted. But there is a very real problem when you give benefits to people who violate the law—yes, I encourage them to violate the law.

When the Senate debated this bill, I offered a compromise which was adopted. That compromise said anybody who has been here for 5 years and is now here legally can qualify for food stamps. That will keep the farm bill from being a welfare program for the wealthy.

So the Government, once again, is going to be telling people what to grow and what not to grow. I think that is a step in the wrong direction.

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This bill also allows people who came to the United States illegally to get food stamps. I am opposed to that. I am not trying to be hardhearted. But there is a very real problem when you give benefits to people who violate the law—yes, I encourage them to violate the law.

When the Senate debated this bill, I offered a compromise which was adopted. That compromise said anybody who has been here for 5 years and is now here legally can qualify for food stamps. That will keep the farm bill from being a welfare program for the wealthy.

The bottom line is, you can get millions of dollars under this farm bill. One individual can get millions of dollars. So apparently it is OK to pay one person in agriculture millions of dollars, but we can’t give a tax cut to people who make $21,600 a year because they are rich. I don’t understand that. I don’t know how you can justify it. Needless to say, since I am voting against this bill, I am not going to have to.

By raising these loan rates in this bill, we have guaranteed that we are going to glut every market with every commodity. Under this bill, every commodity that gets this loan guarantee is going to be under pressure to over-produce. Anybody who knows anything about the functioning of the farm economy knows that when you set that loan rate above the market price, this bill does, you are going to have people producing far more than the lion’s share of the market. The commodities are then going to be dumped on the markets.

For 6 long years under this bill we are going to have gross overproduction, we are going to drive prices down, and we are going to have all kinds of commodities storage. We are going to have all the excesses we had under the farm bill prior to the bill that we are considering here.

But that doesn’t seem to be enough. This bill brings new commodities into these programs. We eliminated some of these programs before but now they are brought back to life.

It seems to me the bottom line of this bill is that it is going to guarantee over-production—I am sorry this is going to happen because I think it is going to be very harmful to rural America. It is going to guarantee depressed prices, and it is going to mean increased Government interventions to try to limit production.

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The reason I offered this compromise is because we want people to come to America who want to work. We want
people to come to America with their sleeves rolled up, not with their hand held out. It fundamentally changes America when you do that. Having a provision that says you can come here illegally and still get food stamps is like putting a neon sign up on the door that says, ‘Come into America illegally, and we will give you food stamps.’

Let me sum up by saying I am not saying this bill is the embodiment of all evil. There are some good things in this bill. Doing away with the old peanut quota, God knows, was a good thing. But I believe we are paying people too much to buy out the old quota.

The point is: Having the Government limit the ability of people to grow peanuts makes absolutely no sense. But by setting these loan rates so high, we are going to end up with a peanut-like program in all of these other areas over the next 6 years because we are not going to be able to pay for this program.

Finally, we said when we adopted the bill that it was going to cost $73 billion. It turned out that it cost $82 billion. Every penny of that will come right out of Social Security.

We urge those who stand up on the floor day after day saying don’t spend the Social Security surplus. When you vote for this farm bill, you are spending the Social Security surplus.

Not everything in this bill is bad. There are some improvements in the bill. But, overall, it is a move back to Government control of agriculture.

Is there a silver lining in this? I think there is. I think this will probably be the last farm bill we pass. I think what has happened is, thanks to the Internet, people understand that while we talk about the small farmer, the fact is the top 10 percent of the people are getting 87 percent of the benefits as the small or mid-sized farmer. This bill goes so far that it tilts the balance. In the end, I think this will undo this type farm bill, and in the long run it is good for America.

I yield the floor.

The PRESIDING OFFICER. Who yields time? If no one yields time, the time will be charged equally to both sides.

EFFECT OF PAYMENT LIMITS MEANS-TEST ON CONSERVATION PROGRAMS

Mrs. LINCOLN. Mr. President, I want to thank Chairman HARKIN and Ranking Member LUGAR for their excellent work on the farm bill. And I want to point out, in particular, their work to improve conservation programs.

I would like to engage Chairman HARKIN in a colloquy to elaborate on congressional intent behind the effect of the $2.5 million means-test with regard to conservation programs. It is my understanding that the purpose of the means-test is to prevent wealthy individuals from participating in the farm bill. Although the means-test overall has been successful in driving many small farmers and mid-sized farmers to enroll in the program, there are few who meet the eligibility requirements. The purpose of the means-test is to ensure that the program is accessible to small and mid-sized farmers who are in need of assistance.

Mr. HARKIN. I thank the Senator from Minnesota. Yes, I believe that the changes we have made to this program will allow USDA to fund a wide variety of value-added projects that benefit small and mid-sized farmers and ranchers. I certainly agree that USDA should seek to fund a broad diversity of projects that increase agricultural productivity and value-added products, as well as to increase the income and market share of small and mid-sized farmers.

Mr. WELLSTONE. Mr. President, in the final bill, it is my understanding that the language of this provision will allow USDA to do this?

Mr. HARKIN. I thank the Senator from Minnesota for his hard work on this provision in committee, and for his support of the changes we have made in the program.

CHESAPEAKE BAY

Mr. SARBRANES. Mr. President, would the distinguished floor manager yield for the purpose of a colloquy concerning two programs of great importance to the continued efforts to restore and protect the Chesapeake Bay.

Mr. HARKIN. I would be happy to yield to the senior Senator from Maryland.

Mr. SARBRANES. I am deeply disappointed that the conference report does not include two provisions included in the Senate-passed farm bill which sought to address the critical environmental needs of the Chesapeake Bay. The first provision, the Nutrient Reduction Pilot Program, sought to encourage the development of innovative solutions to the nutrient pollution problem in the bay by creating new incentives for farmers to reduce the application of nitrogen by at least 15 percent below what is normally considered best practice and to provide financial protection in the event of reduced yields. The second provision strengthened the role of the U.S. Forest Service in the restoration of the bay watershed. While I understand that disagreement within the House Conference prevented the inclusion of these programs in the final bill, it is my understanding that the conference report does include...
provisions that will be helpful in implementing the Nutrient Reduction Pilot Program.

Mr. HARKIN. The Senator is correct. In fact, the conference report includes specific language in section 2003 that establishes Commodity Credit Corporation, a program specifically intended to allow states like those in the Chesapeake Bay region—and the Chesapeake Bay is specifically mentioned—to submit innovative proposals which coordinate and implement all of the conservation programs in the bill to achieve priority conservation objectives. It is modeled in many ways on the Conservation Reserve Enhancement Program. The language specifically provides that all of the resources of the different conservation programs can be used, and indeed it provides that in addition to committing acres and resources from the different conservation programs to a special partnership, the Secretary has special flexibility with regard to 5 percent of the funds available for all conservation programs to use them for any activities authorized by any conservation programs. This bill will allow an average of $1.2 billion per year available for the Environmental Quality Incentives Program; any of these funds can be committed to a special partnership, and I think it would be reasonable and I would certainly be willing to work with the Senator from Maryland to encourage the Secretary to commit $20 million per year to the Chesapeake Bay region’s innovative proposals to reduce nitrogen application using market-based strategies. Maryland is also specifically included in Section 2501, the Agricultural Management Assistance Program, making it eligible to share in at least $110 million to implement, among other things, resource conservation practices.

Finally, the Senator from Maryland has my commitment and the commitment of the majority leader that we will work with him to address his concerns. I am continuing to work with the Senator from Maryland to encourage the Secretary to provide additional resources and emergency spending to deal with the problem. This has been a problem not just in my state of Iowa or in your state of Indiana and Mississippi; it has been a nationwide constraint on conservation.

Mr. COCHRAN. I thank the Chairman for the clarification, and I would inquire whether the legislation under consideration will fix the problem of the section 11 cap for conservation programs.

Mr. HARKIN. I thank the Senator from Mississippi for his attention to this important issue. Section 2701 of the Farm Security and Investment Act of 2002 recognizes that technical assistance is an integral part of each conservation program. Therefore, technical assistance will be funded through the mandatory funding for each program in the bill. As a result, for directly funded programs, such as the Conservation Security Program (CSP) and the Environmental Quality Incentives Program (EQIP), funding for technical assistance will come from the borrowing authority of the Commodity Credit Corporation, and will no longer be affected by section 11 of the CCC Charter Act.

For those programs such as the CRP, WRP, and the Grasslands Reserve Program (GRP), which involve enrollment based on acreage, the technical assistance funding will come from the annual program outlays apportioned by OMB—again, from the borrowing authority of the CCC. These programs, too, will no longer be affected by section 11 of the CCC Charter Act. This legislation will provide the level of funding necessary to cover all technical assistance costs, including training; equipment; travel; education, evaluation, and assessment, and whatever else is necessary to get the programs implemented.

Mr. LUGAR. I thank the Chairman for that clarification. With the level of new resources and new workload that we are requiring from the Department, and specifically the Natural Resources Conservation Service, I hear concerns back in my state that program delivery should not be disrupted, and the gentleman has reassured me that it will not.

Mr. COCHRAN. It is then my understanding that, under the provisions of this bill, the technical assistance necessary to implement the conservation programs will not come at the expense of the good work already going on in the countryside in conservation planning, assistance to grazing lands, and other activities supported within the NRCS conservation operations account. And, further, this action will relieve the appropriators of an often occurring problem.

Mr. HARKIN. Both gentlemen are correct. The programs directly funded by the CCC—EQIP, FPF, WHIP, and the GIP—as well as the pairwise programs—CRP, WRP, and the GRP—include funding for technical assistance that comes out of the program funds. And this mandatory funding in now ways affects the ongoing work of the NRCS Conservation Operations Program.

Mr. LUGAR. I thank the Chairman for his efforts to resolve this problem. Mr. COCHRAN. I also appreciate the Chairman’s work to ensure that adequate resources are available for technical assistance.

ALLOCATION OF SENIORS FARMERS’ MARKET NUTRITION PROGRAM

Mr. KOHL. Mr. President, first, I would like to thank Senator HARKIN for his continued work together this Farm Bill. One of the most important parts of this legislation deals with nutrition, and ensuring that all Americans have access to a healthy meal. I am especially pleased to see an additional $5 million in funding provided for the Seniors’ Farmers Market Nutrition Program for fiscal year 2002. In the 2002 Agriculture Appropriations bill, we provided $10 million for this important program, and encouraged the Secretary to use additional funds from the Commodity Credit Corporation if necessary. However, although there is a clear need for these additional funds, and the Secretary has been reminded of this language on several occasions, these additional funds have not been released. As a result of this is that 9 States and territories, including my state of Wisconsin, received funding for this program last year and applied this year to continue their programs, but were turned away. I intend to include report language in the homeland security supplemental bill I am currently working on in the Appropriations Committee directing the Secretary to use any additional funds that become available to provide funding for those States. I appreciate my friend’s efforts to include this additional money in the farm bill, and am hopeful that it will provide at least partial relief to the drastic funding cuts being felt by these States.

Mr. HARKIN. I thank my friend from Wisconsin for raising this important matter. I agree with his comments and am pleased that we are able to provide additional resources, through the farm bill, to assist States that did not receive funding for this year. I also hope that funding for successfully completed applications, and received insufficient funding, is increased. Clearly, there is a funding
shortage for this program and I want to stress that the purpose of the $5 million in the farm bill is not meant to replace the CCC funds mentioned by my colleague, but rather to supplement them. I support my colleague in his efforts to ensure that no State territory participate in this program is turned away. The Senators' Farmers Market Nutrition Program provides an important service, one that brings low-income senior citizens and local farmers together in a mutually beneficial relationship.

TREE ASSISTANCE PROGRAM

Ms. STABENOW. Mr. President, I thank Senator HARKIN, and congratulate him for his leadership over the past year. The farm bill is a tremendous victory on so many fronts. I want to especially thank him for the landmark inclusion of specialty crops in this farm bill.

Mr. HARKIN. The Senator informed me from the beginning that specialty crops like apples, cherries, blueberries, cherries, and asparagus are critically important for Michigan's agriculture economy. She has been a powerful advocate for specialty crops and I appreciated your hard work throughout this process to include them in this farm bill.

Ms. STABENOW. The farm bill before us has a $2 billion specialty crop program which provides a minimum of $200 million per year in USDA Section 32 purchases for nutrition programs. This increase of funds will provide much needed help for growers of fruits and vegetables. It has been a true privilege to work with the Senator to develop this new program.

Mr. HARKIN. I think all of our colleagues on the Committee on Agriculture, Nutrition and Forestry and in the Senate would agree that the Senator's strong backing was absolutely instrumental in obtaining the $2 billion specialty crop purchase program.

Ms. STABENOW. I thank the Senator from Alaska both for his comments on the conference and for his question. His observation that fish are hatched rather than born is well taken, and I am glad he has rephrased the definition. It is indeed our intention that the definition of "wild fish" apply only when they are released shortly after hatching, and live the rest of their lives in the same environment as naturally occurring fish of the same species.

I wish to ask the managers if my understanding is correct, and agree that the definition of wild fish should be interpreted to mean "naturally or artificially hatched fish that grow to maturity and are harvested in the wild."

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Mr. HARKIN. Mr. President, I am grateful to my colleague for bringing this point to our attention, and concur that wild fish should be those which spend most of their lives free of confinement, whereas farm-raised fish are those which are held in pens or tanks until harvested.

Mr. LUGAR. Mr. President, I am grateful to my colleague for bringing this point to our attention, and concur that wild fish should be those which spend most of their lives free of confinement, whereas farm-raised fish are those which are held in pens or tanks until harvested.

KLAMATH BASIN

Mr. WYDEN. I want to thank my Senate colleagues, specifically Chairman HARKIN, for their continued attention to a matter of such importance to the people of the Klamath Basin in Oregon and California. I especially want to thank my friends and colleagues, Senators Gordon Smith, Boxer, and Feinstein, for their initial help in getting Klamath language and money accepted into the farm bill. And I want to recognize the hard work and dedication of the chairman, Senator Daschle, and their staffs for sticking by the Klamath Basin until the bitter end. I also want to thank my friend on the other side of the Capitol, Representative Thompson, for his strong support for the Klamath Basin. Thanks to his collective bi-partisan effort, today I can come to the floor to discuss the future for the Klamath Basin with some hope.

Mr. HARKIN. Your dogged attention to the Klamath provision was critical and appreciated. I thank you for all your support in getting this important legislation off the Senate floor.

Mr. WYDEN. The conference report provides $50,000,000 under section 12401 Ground and Surface Water Conservation. It is important for the legislative history of this section to note that the conference report states: In carrying out the program . . . the Secretary shall . . . shall apply this definition to hatchery fish only when they are released shortly after hatching, and live the rest of their lives in the same environment as naturally occurring fish of the same species.

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be considered under this provision: benefits to the agricultural economy through incentives for the use of irrigation efficiency, water conservation, or other agricultural practices; wetland restoration; and improvement of upper Basin watershed and water quality. Related to the administrative matters of all farm programs, I remain hopeful that this provision will be implemented in a manner that respects and uses the local expertise of the Klamath Basin. In addition, this program should be implemented in the Klamath Basin while the administration considers the long term effects of the water savings.

The original Senate Klamath language required the USDAs to spend $375 million over 5 years, through the Natural Resources Conservation Service and the Farm Service Agency, on Klamath Basin hydrology and wetlands restoration using any applicable USDA program. The particular programs were not noted in order to provide some flexibility for the Department and basin farmers. The current language limits that flexibility, but fills an important purpose in the basin.

I applaud the President established a cabinet level Klamath Working Group, made up of the Secretaries of Interior, Agriculture, and Commerce, thereby fulfilling another purpose of Senate Klamath language that pursuant to the creation of a Klamath Basin Interagency Task Force made up of agencies from the Departments of Interior, Agriculture, and Commerce. It is my hope, however, that while the Senate Klamath language required public non-federal notice of work and intended plans by the Interagency Task Force to provide local awareness and the conference report does not, the current Administration Working group would provide such public notice.

There is more work to be done. While the $50,000,000 provided for producers to conserve water in the Klamath Basin is a start, it will not complete the entire hydrological restoration necessary in the basin. The basin requires specific projects such as these I list here to restore the basin: $3,479,000 for feasibility studies by the Bureau of Reclamation, included in the Presidents funding request for the Klamath Project for FY 2002; $4 million to purchase lands, $27 million for the construction of a dam in the middle of Goose Bay in Upper Klamath Lake (TNC); $25 million over 5 years for the restoration of the Upper Klamath Lake tributaries (such as the Sprague, Williamson, and Wood Rivers); $40 million over 5 years for the restoration of historic Upper Klamath Lake wetlands; $20 million over 5 years for the restoration of Lake Ewauna below Upper Klamath Lake that is essential for sucker habitat; $1 million for riparian fencing, grazing management, streambank and riparian buffer under CRP; $5 million for the purchase of the Barnes property by the Bureau of Reclamation for the whole project to be managed by the Bur Rec, county commissioners, local water irrigation districts, USDA and F&W Service and the Tribes, using some portion of the money for a set-aside to match state and private wetland restoration dollars from entities such as OWEB and other State and Federal funds. And finally, some portion of the money for scientific work including scientific work by the Klamath Tribe Department of Natural Resources; $4,500,000 of new funding for the U.S. Fish and Wildlife Service to conduct in-stream flow studies in the basin deemed necessary by the Secretary, including in-stream flow studies below Iron Gate Dam; $20 million for the voluntary lease of water rights; $1 million for the evaluation of intentional winter flooding of volunteer agricultural lands: Dry Year Reserve—to idle basin irrigated acreage—promoted by Water Users through Bur Rec but could be done through shorter contracts in WRP; $15 million for the purchase of water easements; $10 million for the construction of groundwater wells in conjunction with USGS surveys; $5 million authorized for grants to local irrigation districts, through the Rural DevelopmentUtilities accounts to improve irrigation of Klamath Basin practices that will conserve water and improve water quality.

In addition to the above concerns, this money will not be available to the native American tribes in the basin, the Klamath Tribe, the Hoopa, and the Hoopa. This is a shame. These tribes make up an important user group in the basin and no real long-term solution will be achievable without them.

Mr. HARKIN. Senator WYDEN, where appropriate and within the jurisdiction of the Committees on which I serve, I will be happy to work with you in the pursuit of beneficial programs and funding for the Klamath Basin.

Mr. WYDEN. Thank you, Mr. Chairman.

CONSERVATION PROGRAMS IN THE EVERGLADES

Mr. GRAHAM. Mr. President, I thank Chairman HARKIN and Ranking Senator LUGAR for their excellent work on the farm bill before us today. I am pleased to recognize that this legislation expands and improves many of the conservation programs administered by the U.S. Department of Agriculture. Farmers are the best conservationists in the world and this farm bill gives them more reasons to be even better stewards of the environment.

I would like to engage Chairman HARKIN and Senator LUGAR in a colloquy to elaborate a bit on the very good language in the Statement of Managers that calls upon the Secretary of Agriculture to work with appropriate State and Federal officials to use USDA conservation programs to supplement the work of the Comprehensive Everglades Restoration Program. As implemented in the South Florida Ecosystem. Our success in restoring the Everglades depends on the health of Lake Okeechobee and the systems which feed into that great lake, such as the Kissimmee River and its chain of lakes. It is my understanding that the direction in the Statement of Managers is intended to use conservation programs to enhance the health of those ecosystems.

Mr. HARKIN. The Senator is absolutely correct in his interpretation of that language and I wish to thank him for his assistance to the committee on this matter. There has been no stronger advocate of the Everglades through the years than the senior Senator from Florida.

Mr. LUGAR. I agree with the Chairman. I, too, have been pleased to work on behalf of Everglades restoration through the years. The conservation programs of USDA are improved by this legislation and I am pleased that the conferees to the farm bill will recognize the promise of these programs to assist in Everglades restoration.

Mr. GRAHAM. I thank the distinguished Chairman and the ranking member of the Senate Committee on Agriculture. Farmers are the best advocates for their work on the farm bill and the assistance it will render to restore the Everglades. For instance, work in areas such as the Kissimmee River system will serve, among other things, to enhance the natural storage of water necessary to the health of the system. Implementing the type of conservation practices included in these Department of Agriculture programs in areas such as the Kissimmee River and Lake Okeechobee can improve restoration efforts substantially.

I look forward to working with Secretary of Agriculture Veneman, and other State and Federal officials to utilize these programs in a coordinated and effective manner.

Mr. INOUYE. Mr. President, title X of the farm bill contains provisions that would provide country of origin labeling for certain covered products. This program will specifically inform consumers right at their local markets whether they are eating U.S. products, or products produced under the laws of another nation. In a time of uncertainty about our economic, environmental, and personal security, we want to provide this level of assurance to our citizens and to our producers. U.S. origin labeling is important because it will allow consumers to vote with their wallets to support U.S. farmers, ranchers, and fishermen. This is important in the case of wild-caught fish, particularly in Hawaii, where we traditionally relied on our vast ocean “backyard” for sustenance, chasing highly migratory species like tuna and swordfish as well as closer to shore species.

I ask the distinguished Senator from Iowa, one of the managers of the bill, if this is not the purpose of the country of origin provision?
Mr. HARKIN. Indeed, the distinguished Senator from Hawaii is correct about the intent of the provision.

Mr. INOUYE. I thank the Senator. As Senator HARKIN has since learned, the provision contains a technical matter that underlies this important purpose. As Hawaiian fishermen well know, because of their migratory nature, certain species of fish are often caught outside of the 200-mile U.S. exclusive economic zone—more than 50 percent of all fish catch landed by Hawaiian vessels are harvested on the high seas. These include tuna, swordfish, and squid. Whether U.S. fishermen are in U.S. waters or on the high seas pursuing highly migratory species like tuna, from the time they leave the dock to the time they return to port, our fishermen are subject to U.S. law—some of the most stringent conservation, safety and health restrictions in the world. This has often led to economic hardship. I do not object to the purport of the measure, namely a U.S. law. What do I tell these fishermen when they are undersold in the market by the foreign-caught fish, which are harvested in an indiscriminate and environmentally unsound manner? I would like to know how they will be treated from a U.S. label, and that their legal compliance will be rewarded in the marketplace. But the technical matter in the farm bill will not allow this to happen. Moreover, it will result in a labeling gap that will confuse consumers.

Several years ago, I introduced legislation to establish a new Federal broadband program. The chairman is a cosponsor of this legislation. And now, under the Senate's new rules, similar to my bill, the farm bill gives the rural broadband program under the Rural Utilities Service an authorization and funding. That funding will create hundreds of millions of dollars of broadband services to rural America, as Senator INOUYE brought this matter to my attention, I welcomed their support.

Mr. HOLLINGS. I thank Senator INOUYE for summing up a complicated issue in simple and clear language. When you and I discussed this issue, I was somewhat concerned. The provision appears to be a simple solution for labeling of wild-caught fish: allow fish caught by a U.S. flag vessel to be labeled with the U.S. as the country of origin. This would have the added benefit of bringing the point of sale label into conformity with the approach taken by U.S. customs regulations. Moreover, the extreme perishability of some ocean products require processing at sea. For example, squid must be processed where ever they are caught or it will be wasted. If the wild-caught fish instead of a U.S. label, and that their legal compliance will be rewarded in the marketplace. But the technical matter in the farm bill will not allow this to happen. Moreover, it will result in a labeling gap that will confuse consumers.

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given the treasury rate of interest assumption of your question, $302 million a year in direct budget authority provided could generate a minimum loan of $750 million a year.

Mr. DORGAN. I thank the chairman. Mr. President, as the author of S. 280, the Consumer Right-to-Know Act, and the provision in the new farm bill requiring retail-level country of origin labeling for beef, pork, lamb, fruits, vegetables, peanuts, and other comestibles, I feel compelled to offer a few views on how country-of-origin labeling should be implemented by the U.S. Department of Agriculture, USDA. This farm bill provision is not overly prescriptive because I believe USDA deserves some degree of discretion to develop rules and regulations to ensure this labeling program is effective. That being said, I believe it’s equally important for USDA to adhere to the intent of Congress in passing this important labeling legislation, and to comply with my intent as the primary author.

Well-funded opponents of country-of-origin labeling who like to import cheap meat and other products into the United States and camouflage those products as ‘Made in the USA’ will make outrageous claims about how country-of-origin labeling is difficult to administer, how it will cost them and USDA resources, and how it just can’t work. It’s awfully ironic they say these things, when virtually every single country of origin labeling applies to retail level. Well-funded opponents of country-of-origin labeling claim that labeling will indicate their country-of-origin. The fact is that labeling can be implemented in a low-cost manner, and Congress expects USDA to work with all interested parties to make labeling a reality.

Nevertheless, passage of country-of-origin labeling will not stop those who don’t want consumers to know the origin of meat and other items at the retail level to try to water-down and discourage country-of-origin labeling will not stop those who don’t want consumers to know the origin of meat and other items at the retail level to try to water-down and discourage this legislation through the rulemaking process and other avenues. Therefore, it’s important that USDA know my intent with respect to this program.

My labeling provision amends the Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) and adds subtitule D, a requirement for retail-level country-of-origin labeling for covered commodities at the final point-of-sale for consumers. The section mandates retail-level, country-of-origin labeling for covered commodities, including beef, lamb, pork, farm-raised fish, wild fish, peanuts, and perishable commodities. The purpose of the section is to inform consumers about the origin of the meat, fish, peanuts, and perishable goods they purchase at the retail level. The intent is to require labeling of all covered commodities with respect to their country-of-origin. Under present law, most products require labeling according to their country-of-origin if they are produced outside of the United States. However, some products, such as fruits, vegetables, and peanuts have been excluded from this requirement. Further, meat from livestock or fish born outside of the United States, or born and raised outside of the United States, and slaughtered or processed within the United States, are not required to be identified as a foreign product.

With respect to meat, the labeling requirement in the farm bill shall apply to all muscle cuts of beef, pork, and lamb, including, but not limited to, steaks, roasts, chops, loins, as covered commodities that must be labeled as to their country-of-origin. Furthermore, ground beef, including, but not limited to hamburgers and ground beef patties, and chicken, frozen dinner, frozen entree, or frozen pizza, whether roasted, baked, or other clear visible sign on the country-of-origin of a covered commodity. The section does not require the country-of-origin of covered commodities that are prepared or served to consumers. Because many polls indicate consumers wish to know the origin of the food they eat, and many individuals involved in the industry are encouraged to voluntarily notify the consumers as to the country-of-origin of the food products sold at restaurants.

At this point, I want to make it unconditionally clear that what is meant by this provision with respect to “retailer” is that any retailer selling any covered commodity, beef, pork, lamb, fish, peanuts, or other clear visible sign on the country-of-origin of a covered commodity or on the package, display, holding unit, or bin containing the covered commodity at the final point of sale to consumers. For purposes of consistency and equitable national treatment, I encourage the Secretary to work with industry to create a label that includes the country-of-origin and the commodity. For example, a cut of beef to be labeled as a product of the United States may be labeled ‘United States beef.’ Similarly, a tomato from Mexico may be labeled ‘Mexican tomato.’

With respect to labeling, it is unquestionably clear that the only reason S. 280 and the farm bill country-of-origin labeling language refers to the word “retailer” is that Congress wanted it to be understood that country-of-origin labeling would be required at the retail-level, the final point of sale, as opposed to labeling in restaurants, regardless of whether the product to be labeled is country-of-origin was a meat or vegetable. The intent is to require labeling of all covered commodities at the final point of sale, regardless of what the retailer sells, and not to inadvertently allow any retailer to avoid the labeling requirement simply because a retailer may only sell perishable agricultural commodities in restaurants.

In the case of meat, the farm bill provision intends for retailers to designate a covered commodity as having a country-of-origin label to be applied or used for covered commodities, the SEC-
section. The Secretary shall attempt to create a labeling program that is easy-to-understand and as uniform as possible for like commodities to be covered under the labeling requirement. Furthermore, retailers and those responsible for country-of-origin labeling are encouraged to develop labels that are legible, noticeable, uniform, and easy-to-understand for consumers.

My legislation gives the Secretary discretion to work with those responsible for tracking the origin of items and for designating the country-of-origin to develop a system that meets the intent of the section in an efficient and convenient manner. I recognize that USDA must develop a system by which to verify the origin of animals for country-of-origin labeling to be effective. The section provides the Secretary with the authority to require a verifiable record-keeping audit trail to help verify origin, as well as a requirement for tracking the origin of animals. One such model is the quality grade certification system that signifies the quality grade of certain meat cuts, such as USDA “choice,” “prime,” or “select.” The USDA stated in a report “The Benefits/Cost Analysis of Mandatory Country of Origin Labeling created in 2000 by the Agricultural Marketing Service, AMS, and industry could model this certification program to implement country-of-origin labeling. Additional models that can be applied include the existing voluntary country-of-origin labeling program for beef, which uses an affidavit to verify origin, “Certified Angus Beef” and similar programs that USDA implements to aid industry in promoting certain meat cuts. The National School Lunch Program, and the Market Access Program, MAP. USDA has effectively administered these existing programs. Therefore, I intend for the Secretary to capitalize upon these existing programs rather than creating a new mandatory animal identification system in order to verify origin. The programs used by USDA were listed in the section to serve as models for the department, producers, packers, retailers, and others to ensure the proper implementation of mandatory country-of-origin labeling.

Moreover, USDA Health Certificates issued by the Animal and Plant Health Inspection Service, APHIS, ensures the tracking of all imported animals for slaughter without the need for a mandatory, animal identification system. By law, no animal may be imported into the United States without being accompanied by a USDA-APHIS health certificate. The application form for this certificate requires documentation as to the origin of the animal(s) being imported into the United States. The record keeping system applied for tracking the origin of animals to the Secretary in carrying out this section.

It is also my understanding that many livestock auction markets and sale barns in the United States have requested individuals selling cattle or other ruminant animals to sign affidavits verifying that the cattle were not fed mammalian parts, so as to ensure cattle buyers and customers that those cattle will not contract Bovine Spongiform Encephalopathy, BSE, or mad cow disease. The Secretary is encouraged to determine if this system of tracking animals for prevention of the spread of BSE may work similarly for keeping the origin of origin. I intend that the enforcement of this section be implemented in a most reasonable fashion, so as to accommodate unintentional violations with the program. As such, the section provides the Secretary with the authority to first issue a warning to a retailer violating the section, rather than a fine. For example, on the first occasion a retailer is found out of compliance with the labeling requirement, the Secretary may question individuals selling cattle and provide the retailer 30 days in which to take steps to comply with the labeling requirement. If subsequent to the 30 day period the Secretary determines that the retailer has willfully continued to violate the section, the Secretary must provide notice and opportunity for a hearing with respect to the violation before any further enforcement action can be taken. Finally, after violations are taken, and a retailer remains in violation of the labeling requirement, the Secretary may fine the retailer in an amount determined by the Secretary.

In the case of enforcement, I intend that the Secretary take into account the special circumstances of small businesses affected by this section. I recognize that this new program and its requirements may require some time and complexity to comply with, especially for food businesses. Therefore, the Secretary is encouraged to cooperate with any small business affected by this section so that the requirements are understandable, reasonable, and simple. Small businesses may need additional time to comply with this section, therefore, I encourage the Secretary to take into consideration these and other special circumstances which may make it difficult for small businesses to meet the requirements to the maximum extent practicable. The Secretary shall enter into partnerships with States to enforce this section.

Finally, I intend for the Secretary to promulgate such regulations that are necessary to implement the labeling requirements under this section as soon as possible. The Secretary may be under pressure from opponents to country-of-origin labeling to delay the implementation. The section recognizes the of us who wrote this legislation and worked hard to enact it will make sure that this section is implemented in an expeditious fashion, without unnecessary delay.

Mrs. FEINSTEIN. Mr. President I am a strong supporter of the American farmer. I represent the largest farm State in this Nation and I believe in protecting the family farmer and helping to provide for rural America.

California’s farm economy produces approximately $30 billion annually and I take pride in the great number and vast diversity of crops the State produces.

From the vegetables in the Imperial Valley to the dairy farms in the Central Valley and the wineries of Napa Valley, the State of California produces more of what goes on America’s dinner table than anywhere else.

In March, I visited the great Central Valley of California to hear what my constituents had to say about the agricultural policy we craft here in Washington, DC.

I heard how many farmers depend on the programs in the farm bill and I am pleased that the Senate will be voting on the farm bill conference report today. Even though I have some concerns about what is in the conference report and this is by no means a perfect bill, I will vote to send this legislation to the President’s desk because virtually every California farm and nutrition group has lined up to support it. However, I want to highlight my serious concern over an egregious ethanol program in this farm bill that was included at the last minute in conference.

Mr. President, only 2 weeks ago the Senate passed a terrible energy bill that mandates three times the amount of ethanol we produce in our fuel supply. Now after mandating a market for ethanol in the energy bill, we are providing billions of dollars in subsidies to corn farmers in this farm bill.

On top of the subsidies to the corn growers in the Midwestern corn belt and the mandated market for ethanol, and high trade barriers that protect the domestic ethanol industry, now, in a provision in this farm bill, we will be subsidizing the expansion of ethanol production through the “Bioenergy Program.”

Many may wonder what the Bioenergy Program is. The Bioenergy Program, created in 2000 by the Department of Agriculture, provides cash payments to promote additional production of ethanol and biodiesel. The Bioenergy includes: Ethanol, made mostly from corn; and biodiesel, made mostly from soybeans.
Congress has never authorized this program until now. The farm bill authorizes spending $150 million annually over the next 4 years for a total authorization of $600 million. The Congressional Budget Office anticipates that the program will not be fully subscribed and therefore scores the program lower at $204 million.

Essentially, the Bioenergy Program pays subsidies to firms when they purchase additional corn to make more ethanol or soybeans to make more biodiesel. For example, if a company increases its ethanol production by 1,000 gallons, the government will reimburse the firm $320 for the additional corn it took to make these 1,000 gallons of ethanol.

At best, this is an incentive to help small ethanol producers expand their production of ethanol. At worst, this is another government payout to ethanol firms like ADM to subsidize corn they would buy anyway to make their product.

In 2001, 26 ethanol firms, all based in the Midwest, received payments from USDA under the Bioenergy Program. Archer Daniels Midland received the most, $7.5 million out of $32.7 million in total payments or 23 percent of the overall amount. Under the Bioenergy Program authorized in the farm bill, ADM will continue to be eligible to receive $7.5 million each year for the next 4 years, a total of $30 million by 2006. ADM has sales of over $20 billion annually, yet under this Bioenergy Program, the government is subsidizing its expansion and growth.

Consider the following:

No. 1. The Government already subsidizes farmers who grow corn, which is used to make ethanol.

No. 2. The Government subsidizes producers of ethanol by giving firms a 5.3 cent "tax break" from the 18.4 cent per gallon tax on gasoline.

No. 3. In the recent energy bill, the Senate mandated a market for ethanol that triples the amount of ethanol that needs to be produced, as the Senate Energy Bill would require.

And this week new evidence from the Environmental Protection Agency casts an even darker shadow on ethanol's environmental record. A letter was made public this week disclosing that toxic emissions from ethanol plants appear more dangerous than previously thought.

I wish we had known about EPA's recent testing of ethanol plant emissions while the Senate was debating the ethanol mandate in the Senate Energy Bill.

I would like to insert this letter for the RECORD and read from it.

The letter is to Bob Dinneen, president of the Renewable Fuels Association, the ethanol lobby. It is from Stephen Rothblatt, the head of EPA's air and radiation division in Region 5. Region 5 covers part of the Midwest.

The letter begins:

Recent testing performed at several ethanol production facilities indicates emissions of volatile organic compounds and carbon monoxide many times greater than that stated by the companies in the permitting process.

This finding by EPA raises new questions about the harm ethanol can cause to the environment. VOC emissions from ethanol plants were thought to be relatively benign. Under current law, ethanol plants are not considered "major sources" of volatile organic compound, VOC, emissions and they receive a less stringent permitting process.

However, the recent findings alluded to by EPA in this letter indicate that ethanol plants may now be major sources of VOC emissions and therefore subject to a more stringent permitting process. VOC emissions are of great concern because they contribute to the formation of ozone, the main component of smog.

And these new findings are not confined to one or two plants. The letter indicates that emissions of carbon monoxide, methanol, formaldehyde, acetic acid, and other carcinogens at levels many times greater than the plant permits allow "are not unique to the tested facilities, but rather common to most, if not all, ethanol facilities."

In response to this letter from EPA, I wrote Administrator Whitman and I would like to include the two letters I sent yesterday in the RECORD.

I have asked the Administrator why the agency's findings did not surface until this week, and I asked EPA to report on the increase in emissions we can expect from ethanol plants if we triple the amount of ethanol that needs to be produced, as the Senate Energy Bill would require.

I am also particularly concerned about a part in the letter that mentions EPA's desire to "quickly address both State and Federal concerns and resolve them in a manner most favorable to the industry."

Why would EPA want to resolve this on terms most favorable to the industry when it is children, the elderly, and people with respiratory problems who will suffer most from these harmful emissions?

It appears EPA is attempting to placate the ethanol industry because instead of enforcing the Clean Air Act by citing the ethanol plants for violations, EPA is trying to meet with ethanol industry representatives to resolve the matter quietly.

I am concerned that the EPA will not crack down on ethanol plants forcefully because, according to this letter, the agency's primary goal is to satisfy the industry and not the public interest.

I hope the EPA will be able to complete a full scientific and health study on the impact of these ethanol plant emissions on the air we breathe. And I hope the agency will be forthcoming with the scientific results that led to this April 24th letter.

I believe the testing conducted by the Region 5 office raises important questions on the health and environmental consequences of more ethanol production and use.

It is clear to me that there is a lot about ethanol we do not know yet. I am very concerned about the mandate we passed in the energy bill.

I am also concerned that this egregious provision in the farm bill that pays ethanol producers like ADM to buy more corn. This provision is unacceptable and I would hope that in the future when we authorize new ethanol programs, they are the subject of extensive hearings and debate, not just slipped into the conference report without notice.

Having said all this, I would just like to take a few moments to highlight the provisions in the farm bill that will benefit California and explain why I support this legislation.

First, I want to thank the chairman and ranking member of the Agriculture Committee who have spent a tremendous amount of time on this bill. And I want to thank all the members of the Conference Committee who spent the last three months hashing out the differences between the House and Senate bill.

Mr. President, this farm bill will help provide economic stability for producers, make farmers and ranchers more competitive in world markets, and give needed assistance to rural areas.

For California commodity crops like rice, cotton, and wheat, the farm bill provides loan rates and fixed direct payments to provide an effective safety net for our producers. Growers, lenders, and rural areas of California have anxiously been waiting for the farm bill to be signed into law. This bill will alleviate a great deal of uncertainty for commodity producers.

I am also pleased that this farm bill will increase conservation funding by $17.1 billion over the next decade. California will make great use of the programs authorized in this farm bill to enhance wild habitat, create new wetlands, clean up farm runoff, and curb suburban sprawl.
For growers of California’s fruits, vegetables, and nuts there are funding increases for the purchase of specialty crops, including $94 million for apples, and more funding for the Market Access Program. MAP funds are sought by many California growers to develop markets for their products overseas.

I am happy to report that funding for the Market Access Program, MAP, will be authorized well above the current level of $50 million annually. MAP funding will be ramped up to $200 million by 2006. Dollar for dollar MAP funding is one of the best uses of money in this farm bill.

For California dairy farmers, the bill extends the milk price support program through 2006 at $9.90 per hundredweight.

One of the most controversial parts of the farm bill throughout this debate has been the dairy section. The original Senate bill agreed to in the Agriculture committee was drafted to benefit Northeastern dairy farmers at the expense of California and other States. This so-called “national pooling” proposal would have cost California dairy farmers $1.5 billion over 9 years and driven up prices to consumers by $1.5 billion over 9 years.

After a great deal of negotiation in the Senate and again in conference, I believe we have achieved something California dairy farmers can live with. We can not expect everything we believe in, but dairy groups in California are supportive of the provisions in the bill.

For example, Michael Marsh, CEO of Western United Dairymen writes, “This bill has received more than a year of debate. The conferences worked hard to balance the needs of diverse agricultural interests and produce a consensus bill. We believe the bill is equitable and balanced.”

The farm bill funds research at $1.3 billion over the next 10 years to combat pest and disease threats and to stimulate scientific advances in agriculture. California is at the forefront of advances in agricultural research and the State will benefit greatly from the research funding in this bill.

For example, the Initiative for Future Agriculture and Food Systems program is authorized at an average of $200 million annually. This program awards research grants to California universities such as UC Davis on a competitive basis and usually a large percentage of the funding goes to California research labs and projects.

The farm bill provides $6.4 billion for nutrition. For California, nutrition groups estimate this legislation will deliver more than $1.7 billion to food stamp recipients in the State.

The farm bill also simplifies the food stamp program and restores benefits to legal immigrants. By making all legal immigrants eligible for food stamps and making adult legal immigrants eligible for food stamps after they have resided in the United States for 5 years, California will be relieved of some of the costs shifted to the State after the 1996 welfare reform bill.

The following groups are among those who have written to me to ask that I support this farm bill: the California Farm Bureau Federation; National Conference of State Legislatures; California Citrus Mutual; Western United Dairymen; the Alliance of Western Milk Producers; California Food Policy Advocates; the California Grape & Tree Fruit League; United Fresh Fruit and Vegetable Association; Northern California Strawberry Commission; Calcoto—the major cooperative representing California and Arizona cotton growers; the California Rice Commission; the Sacramento Central Labor Council AFL-CIO; the Milk Producers Council; the Nature Conservancy; National Farmers Union; the Children’s Defense Fund; and many of the major food banks in California.

I believe this broad support demonstrates that the farm bill conferences were able to reach adequate compromises on most issues.

I would also like to highlight a few special provisions for California that the conferences agreed to:

No. 1. The farm bill includes provision to strengthen produce smuggling penalties.

The conference report included language from a bill I introduced last year to strengthen penalties for criminal violations of produce laws. This provision in the farm bill conference report will protect agriculture from the invasion of foreign species by strengthening criminal penalties for organized smuggling of fruits, plants, and vegetables into the United States. Under current law, violators are charged low fines for violating plant smuggling laws—simply a minor cost of doing business, not an effective deterrent.

No. 2. The farm bill includes provision to give the Secretary of Agriculture the authority to reallocate sugar export quota shortfalls.

The conference report includes a compromise worked out with Senator HARKIN, Senator LUGAR, and Senator BREAUX that would give the Secretary of Agriculture the option to reallocate any shortfall in exported sugar from supplying countries to other nations that would export more sugar cane to the United States.

This may help C&H Sugar, a struggling refinery in Crockett, CA, obtain more sugar cane from abroad to refine. In the past, C&H has had to temporarily shut down and lay off some of its workers because they do not have enough sugar to refine. Though this is a small step, it may help some.

No. 3. The farm bill includes provision extending a crop insurance pilot program to California.

The farm bill conference report includes a provision to allow California growers to qualify for Adjusted Gross Revenue Crop Insurance—a unique risk management tool provided by USDA to give producers a “self-help” option of insuring a portion of their farm income. Adjusted Gross Revenue Crop Insurance provides protection against low revenue due to unavoidable catastrophes.

This program was first made available on a pilot basis in 1999. This year is the fourth year the program has been available and now California will join 17 other States where the program is currently offered. This program will benefit California specialty crop producers.

No. 4. The farm bill includes provision to allow California to grow, refine, and market sugar cane.

The conference report includes a provision that will allow California to join Hawaii, Texas, Louisiana, and Florida as a State with a sugarcane allocation. Growers in the Imperial Valley in California have been growing sugar cane for about 4 years now with the hopes they would be able to revive the area’s stagnant industry. California farmers will now be able to grow, refine, and market sugarcane—adding to the State’s great and diverse agricultural production.

Although this farm bill is far from a perfect bill, I am supporting it because I believe sending it back to conference would be counterproductive. Our farmers need a farm bill now and I believe this legislation will be well received in agricultural areas across this nation.

I ask unanimous consent that the aforementioned letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:


Hon. CHRISTINE TODD WHITMAN,
Administrator, United States Environmental Protection Agency, 1200 Pennsylvania Avenue, Washington, DC.

DEAR ADMINISTRATOR WHITMAN: I was surprised to read that the Environmental Protection Agency (EPA) called for a meeting this week with ethanol industry officials to discuss findings by the laboratories that convert corn into the ethanol are releasing carbon monoxide, methanol, formaldehyde, acetic acid, and carcinogens at levels many times greater than previously thought.

It is interesting to me that EPA’s study into these harmful ethanol emissions was disclosed in an April 24 letter to the industry’s trade group, yet the correspondence was not made public until this week. Why the delay? I am also concerned that the EPA may use the unusual forum of an industry meeting to cut a special deal for the ethanol industry outside the regular EPA process of plant investigations for emissions violations.

I believe that the science is pretty clear that the environmental record on ethanol is mixed and smog increases as a product of methyl alcohol.

Therefore, based on the new information from EPA that “most, if not all, ethanol facilities” and releasing carbon monoxide, methanol, formaldehyde, acetic acid, and carcinogens, I would like to ask how much these toxins will be increased across the United States if we triple the amount of ethanol currently produced and mandated by recent passage of the Senate Energy Bill. Since this energy legislation is
Mr. BUNNING. Mr. President, I rise in opposition to H.R. 2646, the Farm Security Act of 2002.

This is the first time in my congressional career that I have been unable to support a farm bill. I voted for the Freedom to Farm Act in 1996. And I supported the farm bill before that—-the Food, Agriculture, Conservation, and Trade Act of 1990. But I am one of my good friends that this bill, people I admire and trust. This is not an easy decision for me, but I sincerely believe it is the right decision.

There are a number of problems with this legislation, but rather than address them on terms most favorable to the industry, I believe that these facilities were not properly constructed or modified. We expect that this initial meeting will be helpful in determining the scope of this matter. Sincerely,

BOB DINNEEN.

President, Renewable Fuels Association, Washington, DC.

Mr. DINNEEN: Recent testing performed at several ethanol production facilities indicates emissions of volatile organic compounds and carbon monoxide many times greater than that stated by the companies in the permitting process. As a result, we believe that these facilities were not properly permitted and controlled with respect to a number of pollutants as they were initially constructed or modified. We expect that this circumstance is not unique to the tested facilities, but rather is common to most, if not all, ethanol facilities.

Normally, U.S. EPA would remedy the violations at each of these facilities, individually, by requiring a lengthy period of information-gathering followed by the traditional enforcement process. By this letter, we would like to invite representatives of the Renewable Fuels Association and Region 5 ethanol production facilities to attend a brief meeting on May 6, 2002 from 1:00-3:00 p.m. at our Chicago office on the 3rd floor in Room 3028 for the purpose of gauging your interest in exploring an expedited resolution to these issues. We feel that this approach can give certainty to the industry by quickly addressing both state and federal concerns and resolving them on terms most favorable to the industry.

We expect that this initial meeting will last not more than two (2) hours and will consist of a presentation, by the regulatory agencies, which describes the issues and our proposed path toward resolution. If you have any questions, Ms. Cynthia King, of our Office of Regional Counsel, can be reached at (312) 896-6831.

Very Truly Yours,

STEPHEN ROTHBLATT.

May 8, 2002

In hard times, farmers need help. We all know that. But instead of simply getting out the Federal Government's checkbook, the better solution is to empower farmers and rural communities, not to encourage them to become more dependent on a Federal Government that can decide from one day to the next what it's agriculture policy is going to be.

I also worry that this bill will contribute to the decline of the family farm instead of focusing on small farmer who needs our help the most. This legislation contains too many favor for the big producers at the expense of the little guys. For instance, when the Senate passed its initial version of this legislation, it capped at $275,000 the amount of government support that any producer could receive. Now the conference report not only increases that amount to $360,000, it contains so many loopholes that the actual ceiling is closer to $2.5 million. It's outrageous. The state I have seen, 10 percent of the growers will be eligible to receive over 2/3 of the total support generated by this legislation. Considering that in Kentucky the average size of our farm is 150 acres and income from farms less than $50,000 in income, this bill does not do my State that much good. The big guys and the corporate farms don't need our help; they're doing just fine. Now when we have the opportunity to help our families, this bill fails.

I am also very concerned about the spiraling costs of this bill. Plain and simple, it's a budget-buster. According to the Congressional Budget Office, this bill represents a 70 percent increase over current projections for agriculture spending over the next ten years—74 billion in all. Many of the subsidy rates in the bill are pegged at 10 percent annual increases. These price hikes are simply not sustainable. At a time when we are unfortunately facing in the 2002 fiscal year a budget deficit of $100 billion.

If we are going to balance the budget and restore fiscal discipline to the federal budget, all of us have to bear part of the load. Obviously, we cannot make up the entire budget deficit on the backs of farmers and our rural communities. But at the same time it would be unfair not to ask for at least a modicum of fiscal responsibility in this bill.

Additionally, there are problems with the fantastic complexity in this bill. As my colleague, Senator LUGAR, pointed out yesterday, the loan and payment formulae in this legislation are mind-numbingly complex, so complicated that the legislators who wrote the final version of this bill often cannot agree on exactly how they work. If the bean counters in Washington are having a hard time figuring them out, I know there are going to be serious problems when we try to implement this legislation in the real world. I know that the Farm Service Agencies in Kentucky and throughout the
land are filled with fine folks who do a good job. But the payment schemes in this farm bill are so intricate that I am not sure anyone will be able to make them work, let alone the staff at the FSA who are already overworked and understaffed. In recent years, we have seen the closing of many FSA offices around the country, especially in Kentucky. And we know that the USDA is looking to close more. To now turn around and ask these officials to do even more with less is unfair to them, unfair to you, and likely to lead to more consternation and worse farm policy. If our farmers do not already have agribusiness advisors, they are going to hire them just to sort through what payments they are and are not eligible to receive under this legislation.

On a personal note, I am also bitterly disappointed that this legislation does not include specific help for the Kentucky thoroughbred industry. Over the past several years, our breeders have grappled with devastation caused by the MRLS. In Kentucky, we have many, many small thoroughbred operations, who are all hoping to catch lightning in a bottle and to win the Derby. But, sadly, many of these farms have suffered severe setbacks because of MRLS. The House proposal provided loans for small producers affected by MRLS. The final bill does not. That is a bitter pill that I cannot swallow.

I am afraid that this bill plays a cruel joke on our farmers. On the one hand, it raises price supports quickly and holds out the possibility of putting a few more dollars in their pocket in short run. But, on the other hand, I believe all of these extra production incentives will lead to so much overproduction of crops that it will eventually drive commodity prices through the floor and cause an income disaster in the long run. The legislation tells our farmers that they can have their cake and eat it too, and I just cannot let my heart go along with this deception. I do not cast this vote enthusiastically. I want a farm bill I can support. I want to agree with many of my friends in the agriculture community who support this conference report. But I cannot, in good conscience, support a bill that helps corporate farms at the expense of family farms. I am also very much afraid that this bill will turn out to be a nightmare for farmers. I hope I am wrong; I certainly do not wish any more trouble for my farmers in Kentucky. I am just afraid that this bill makes too many false promises that it cannot keep, and I cannot support legislation that I believe misleads Kentucky farmers.

Over time, I think my friends in agriculture will realize this bill is a mistake and that they have been sold a bill of goods.

Mr. MCCONNELL. Mr. President, I have been privileged over the past 18 years to serve what I believe to be the greatest men and women on the face of the earth, that is the people of the Commonwealth of Kentucky. Serving the people of Kentucky means, among other things, looking out for the best interests of farm families and farming communities.

When I came to Washington, my first priority was to become a member of the Senate Agriculture Committee. A few years later, I was able to secure a spot on the Agriculture Appropriations Subcommittee. Over these past two decades, I have done my best to develop strong and close relationships with the men and women in Kentucky who work the land and who put food on our tables. We have worked together through good times and through lean times. I have some memorable moments and historic victories. In fact, some of those victories have been called “miracles” by the farmers I proudly serve.

We will have more victories in the future. But this year’s farm bill is not one of them.

Every farm bill, because of the nature of regional interests and political compromise, has winners and losers. However, I cannot stay back by the amount of money and the way it will be spent in this farm bill. Not because I do not believe the Federal Government has a financial role in assisting our farmers and rural communities, I do. But because the Government’s financial role should be fair and equitable and based on good farm policy. Far, far too many of the Federal tax dollars spent in this bill, will go to far, far too few farmers. I don’t believe that is good for agriculture. And, I don’t believe it is fair for Kentucky. Here’s the central weakness of this bill, big farm operators will be made stronger and the small family farmer will be made weaker. For this reason, I cannot vote “yea”.

The winners in this farm bill include: Large farm conglomerates who, because of the three entity rule and commodity certificates, will be able to receive significantly higher payments. Big landlords are almost certain to receive far higher cash rents for their land. State and local governments will recoup higher property taxes as a result of escalating farmland prices. Argentina and Brazil will be winners because they are likely to face less competition from the United States in soybeans. Trade lawyers will be retained to defend the United States from numerous complaints in the WTO. And, to help millions defer or shelter income so as to keep their adjusted gross income below $2.5 million per year so they can continue to receive farm subsidies.

It is a fact that in the United States only 40 percent of farmers receive Federal payments under the farm bill. And from 1996 to 2001, the top 10 percent of that 40 percent received 69 percent of all USDA payments and the top 20 percent of recipients received 85 percent of all payments. The remaining 80 percent of recipients received only 15 percent of all payments.

In Kentucky, only 25 percent of our 90,000 farms receive Federal payments under the farm bill. From 1996 to 2001, the top 10 percent of that 25 percent received 78 percent of all payments. This left 90 percent of Kentucky’s farmers who are recipients receiving only 22 percent of payments. Three out of 4 Kentucky farms will receive almost no direct Federal benefit from this bill.

Surprisingly this is all in a bill written by proponents that their goal in writing it was to provide a safety net for the small family farm. Yet in this farm bill, Federal subsidies to the largest and richest farmers are the hallmark of their work. These same proponents, who oppose ending the death tax, which would do more for the family farm than any amount of subsidies, write a bill that concentrates federal farm subsidy payments even more in the hands of very few large crop farmers.

In fact, the commodity title essentially tells the farmer that the market doesn’t matter anymore. The target prices now become the producer’s price guarantee. This policy will encourage over-production which, in turn, will lower prices for farmers. This favors larger farms, because the more you produce the more Federal payments you receive. The more money you have will also enable you to purchase more land to produce even more. Now let us look at some of the losers. The U.S. taxpayer will be paying a lot more and receiving very little in return. American families ultimately will have to pay more for produce, peanuts, fish and meat. Market-driven farm policy is taking a step backwards. Young and aspiring farmers will find it even more difficult to buy farmland. Cash renters of farmland will be faced with higher cash rents.

I do commend a number of the bill’s provisions such as the conservation and rural development programs. The cattlemen in Kentucky will be able to apply for EQIP funds to make environmental improvements on their ranches. Dairy farmers, particularly those in Kentucky, will benefit under a new nutrition program. Let me single out one more. Tree farmers in my State also gain under the Conservation Reserve Program, but some of the most important provisions regarding hardwoods were deleted from the conference report at the last minute, which disappoints me. And the Nutrition Title makes improvements in our food assistance programs that help the neediest of our citizens. But these bright spots are not enough for me to vote for an agriculture commodity policy that overwhelmingly benefits the largest farms at the expense of the small family farm.

I find myself in agreement with some of my colleagues on the House side.
Congressmen John Boehner (R-OH) and Cal Dooley (D-CA), both members of the Agriculture Committee and the Farm Bill Conference who voted against the conference report, stated that “On the whole, this bill ignores the lessons of the past and the need for market discipline and the free market. It represents the most sweeping non-military expansion of the Federal Government since the Great Society and will create more problems than it will solve.”

I disagree with editorials in some of the newspapers across the country and in my State which have roundly criticized this farm bill. The Bowling Green Daily News editorial had this headline: “It’s Good Ole Politics Down On The Farm.” observing it’s just election year politics deciding how our tax dollars are being spent. And the Kentucky Post/Cincinnati Post called the bill “Congressional Hogwash.” The New York Post editorial said, “Mr. President, hardwood forests and related industries comprise one of the lead agricultural commodities in my State of Kentucky. I was pleased that versions of the farm bill considered by the Senate Agriculture Committee included incentives for expansion of hardwood acreage in Kentucky and throughout the United States. Particularly, I was pleased to have helped develop the Conservation Reserve Program recognizing hardwood forests for their unparalleled conservation value. Hardwood forests are one of our Nation’s greatest naturally renewable resources providing a diverse landscape, wildlife habitat, the month to month growth and improvements in water and air quality. And the aesthetic value of trees with seasonal changes in foliage cannot be disputed among tourists and our constituents enjoying their surrounding landscapes.”

Unfortunately, in the final hours of the House-Senate Conference the incentives for hardwood forestry were scaled back with no opportunity for reconsideration, and in my opinion, no justification. In reviewing the final conference report, I was particularly concerned to see that an uncontentious provision with no financial impact was removed. This provision would have instructed the Secretary of Agriculture to “take such steps as may be necessary to ensure that all hardwood sites annually enrolled in the Conservation Reserve program are reforested with hardwood species appropriate for the site being planted, and that the highest possible enrollment priority and conservation value is assigned to hardwood sites being offered for planting with hardwood species”.

I state my strong support for this hardwood target within the Conservation Reserve.

Mr. Leahy. Mr. President, as one of seven conferees representing the Senate, I rise today to speak in support of the conference report and urge my colleagues to vote in support of this bill. This farm bill will assist America’s family farmers, expand economic opportunity in rural communities, strengthen programs to protect the environment and improve the nutritional safety net for low-income Americans. But one aspect of this new bill that makes it historic is the fact that, for the first time in a long, long, time, dairy farmers across our nation will have an adequate safety net that they can count to provide income support should prices remain low.

The national dairy program in this bill represents a carefully crafted compromise between many competing interests. First, it is a compromise between those who believe are ultimately shortchanged by the market-place out of agriculture, that I look out for and fight for every farmer in my State. These are the family farmers, the overwhelming number of whom operate small family farms, that I believe this farm bill is good for them in the long run. I don’t.

I am therefore going to oppose this farm bill because it spends too much on too few, sets U.S. agriculture policy back 10 years by taking the forces of the competitive marketplace out of agriculture, probably violates our trade agreements, and most importantly I believe it hurts the small family farm, and therefore rural Kentucky.

To understand my decision on this farm bill, you have to understand the nature of the Kentucky farmer. We are proud to have more than 90,000 farms in our State. These farms, however, are not large farms. They are not the large-scale, efficient style farms managed and controlled by corporate boards. The average farm in Kentucky is 151 acres and is dwarfed by the size of the average 434 acre farm in the United States. These are the family farmers that I look out for and fight for every day.

It is these small family farms, that I believe are ultimately shortchanged by this bill, a bill that will put the government in charge of America’s farms, cost roughly $180 billion over 10 years during a time of war and growing budget deficits, increase subsidies by 70 percent, including America’s first national dairy policy and funnel the bulk of those subsidies to a handful of large corporate farms. This farm bill may be good politics, but it’s terrible policy. It will serve some farmers in Kentucky, but not enough. For one reason, I have no choice but to vote no.
above minimum established under the prevailing federal milk marketing order in the Northeast.

The Compact Commission took testimony and held hearings and decided to establish a floor of $16.94 per hundred weight. Class I price per cwt. floor was based on the price in Boston, so the floor for milk marketed outside of Boston but within the Compact region would vary, based on the local prices. The Northeast Interstate Dairy Compact only regulated sales of Class I fluid milk—which represents only about 45 percent of the total milk produced in New England. The percentage varies on a monthly basis. The rest of New England milk is marketed directly by a producer—a rough approximation that utilization rate in the Northeast that is fixed, rather than varying on a monthly basis.

The conferees tried to emulate this formula as closely as possible, while making sure it would work on a national basis. Like the compact, whenever the federal minimum price for fluid milk in Boston falls below $16.94 per hundred weight, participating dairy farmers will receive a payment. Like the Compact, payments will be made on only 45 percent of the milk marketed by a producer—a rough approximation of the utilization rate in the Northeast that is fixed, rather than varying on a monthly basis.

The conferees didn’t just try to emulate the formula established under the Northeast Interstate Dairy Compact; they also emulated other elements of the Compact. For instance, the conference report requires the Secretary to make payments on a monthly basis not later than 60 days after the end of each month for which a payment is made. Timing of these payments is critical. The Conference wanted these counter-cyclical payments to be made when they’re needed the most which is when the milk is marketed.

Under the set forth in the conference report, producers should begin receiving payments under this new national dairy program early this fall. USDA is required to begin signing up farmers to participate in the program not later than 60 days after the new farm bill is signed into law. As under the compact, all producers will receive payments on a monthly basis: USDA is required to pay producers not later than 60 days after the end of each month for which a payment is made.

In addition to representing a compromise among those supporting dairy compacts and those opposed to compacts, the national dairy program represents a compromise among those who wanted a counter-cyclical income support program for dairy farmers and those who wanted no such program. Much to my chagrin, the program is authorized only through September 30, 2005, and payments under the program are capped.

Now, I know others also lament the fact that there is a cap on eligible production. While some of us believe the cap is too low, others complain that the cap is too high. But this is a compromise that will ensure that producers across the country benefit. Some of my colleagues have suggested that payments from this program will stimulate additional production and drive down prices. I don’t believe this will be the case. Here’s why:

First, this program is not permanent, it is temporary—it ends in 2005. Producers are not likely to make long-term investments in production based on a program that ends before they have had a chance to recoup their fixed costs.

Second, in the short term, there are practical limits to how quickly dairy farmers can expand production. Currently, there is a shortage of animals that would limit any production increases.

Third, our experience with the Northeast Interstate Dairy Compact has shown that the dairy marketing Office Reports have documented—that payments comparable to these—at least in the Northeast—have not stimulated massive expansions. In fact, last year, producers in the Northeast expanded at a rate below the national average.

But nevertheless, the Conference agreed to cap the quantity of milk on which a producer can receive payments each fiscal year. While it is clear from the text of the law, and it is clearly the intent of the drafters, I want to point out that any milk production marketed in months when no payment is made to farmers is not to be counted toward the 2.4 million pound cap.

In other words, the cap only applies to the volume of milk produced in months which generated payments by USDA under section 1502, not on all the milk produced during the year. This is set forth in subsection (d) where it says USDA is authorized to use payments up to the 2.4 million bound limit are counted “during the months of the applicable fiscal year for which the producers receive payments . . .”

Related to this point is another issue concerning the cap. Note that, if all pounds are counted when a USDA payment is made, larger family farms could hit their cap in the first few months of any year when payment rates per hundredweight might be lower. But it would not make good policy to see a large family farm get a very small payment, for example, $.10 per cwt. in the fall and then exceed the cap and get no payment when payments could reach $1.00 per cwt. in the spring.

Since this cap is intended to be counter cyclical, farmers should be allowed to pick which months they want to submit for payments, for months when a payment is due entitled. USDA should provide a very simple way for USDA to look in loan deficiency payments and marketing loan gains at time of their choosing—at any point before they lose beneficial interest in their crops. Some producers even travel to neighboring countries to lock in higher contract prices. Most are successful in locking in LDPRs during harvest-time lows, even though the season average price at which they market their crop generally is significantly higher. USDA should provide flexibility to dairy producers, allowing them to elect when to receive payments.

I am concerned about language which the other body insisted upon toward then end of the process. I am concerned about larger farm operations where several family members have joined together for efficiency but the farm is still supporting more than one family. USDA should be open to viewing those farms as true multiple operations under this program. For other programs, and in other areas such as the South, USDA permits these multiple operations.

USDA should look at the totality of the circumstances in determining who the producers should be treated as having single or multiple operations. Farmers should not be penalized for working together to enhance efficiency. That was the whole point behind the definition of producer found in 1502(a)(5). That definition would have automatically included husbands and wives, fathers or mothers and adult children, adult siblings, and the like, working on the same farm. In most cases, each of the above would have an entitlement to application of a separate 2.4 million pound cap because they would naturally share in the risk of producing milk and would likely make significant contributions to the
dairy farming operation, as required by section 1502(a)(5).

For example, for a spouse living on the farm it would be hard to imagine a situation where the spouse would not "share in the risk" since part of the household income would come from milk sales. Also, in most situations a spouse would be making contributions of labor or management or some other valuable contribution. There is nothing in USDA Notice LD–505, dated March 14, 2001, regarding the definition of dairy operations that would include the family members mentioned above from being in, or setting up, separate operations. Since the intent of section 1502(a)(5) was to make the farm bill friendly to family operations the implementation of the "dairy operation" definition should not undercut that pro-family approach.

On page 4 of that Notice, "dairy operation" is defined as "any person or group of persons who as a single unit produce milk and milk products, which may be primarily or exclusively produced from cows and whose production and facilities are located in the United States." There is no reason to suspect that USDA intended that this should be interpreted as inherently institutional. Many states were about this farm bill talk about its focus on the family farm.

In this regard, I would encourage the Farm Services Agency, USDA, to work with other USDA agencies and milk handlers and cooperatives to lessen the administrative burden on farmers. The intent is to provide a countercyclical safety net when needed most—and USDA should be aware of that goal when they are writing regulations to the extent regulations are needed.

While the text makes this very clear, it should be noted that this program is not a straight subsidy. It is a targeted safety net program to take the bottom out of crushingly low prices for small and medium dairies that also provide many benefits to rural communities and the environment even beyond the milk they produce.

Note that fresh drinking milk (Class I) prices fell $.33 per gallon throughout the Federal Order system—which governs sales of 70 percent of all U.S. milk—on December 1, 2001 because of fewer consumers going out to eat after September 11, and other factors.

Of course, the focus of this national program is on making up for the losses of the Northeast Interstate Dairy Compact Commission, which is used to compute the benefits is on "Class I milk." Payments are based on $16.94 minus "the Class I milk price per hundredweight in Boston." This is based, of course, on the formula used in calculating benefits under the Northeast Interstate Dairy Compact Commission.

A significant feature of the new national dairy program is that it will be retroactive, covering market losses due to low prices since Dec. 1, 2001. On that date there was a devastating drop in the price for Class I fluid milk. Producers should receive these retroactive payments at the same time they received their first payments early this fall.

This "transition rule" found in subsection (h), provides that those payments are "in addition to any payment that is otherwise available under this section."

As I pointed out more than once during discussions, the goal of this subsection is to address the steep drop in dairy prices to farmers starting in December, 2001. The benefits of the Northeast Interstate Dairy Compact ended on October 1, 2001. The sharp impact of that termination started hurting New England farmers during that crash in milk prices in December.

The goal of subsection (h) for those farmers was to hold them harmless regarding the loss of the Congressional consent to the Compact. A second goal, since this now is a national program, is to compensate all dairy farmers for their market losses—not just New England farmers—since December 1, 2001.

Of course, that is a different goal than the prospective "monthly" program which provides monthly payments, for future months when they are due, and operates until September 30, 2005. That prospective program has a 2.4 million pound cap as set forth in (d). Indeed, (d)(2) "Limitation," states that, "The payment quantity for all producers on a single dairy operation during the months of the applicable fiscal year for which the producers receive payments under subsection (b) shall not exceed 2,400,000 pounds."

In addition, (d)(2) sets forth a limitation regarding each dairy operation and (d)(3) gives the Secretary authority to issue rules to ensure that producers do not reconstitute dairy operations for the sole purpose of receiving additional payments under this section.

This "limitations" language was inserted out of a concern that an unencumbered program would lead to significant increases in the production of milk. Also, there was a concern that farmers would reorganize in the future just to get higher payments under the national program.

These concerns do not apply to the benefits paid out under subsection (b) because farmers would need time machines to go back in the past and increase their production or to change their legal structure retrospectively. Indeed, the amount of production covered is the amount of "eligible production" as defined in section 1502(a)(2).

This approach to those dairy market losses in a sense makes up for the fact that programs for other farmers, non-dairy farmers, continued to exist after September 30, 2001, and were to be continued until the 1996 farm bill was to end on September 30, 2002. Thus, non-dairy farmers continued to receive some types of countercyclical, or other benefits from the existing provisions of the 1996 bill. These farmers did not enjoy those protections except for the price support program scheduled to end soon.

Thus, subsection (h) gives dairy farmers some relief from the huge drop in milk prices which they have suffered since December 1, 2001. In order to allow these farmers to pay off their debts, pay their bills, and keep in the dairy farming business, it is hoped that USDA will quickly issue a "transition" payment to be made on the "quantity of eligible production of the producer marketed during the period beginning on December 1, 2001, and ending on the last day of the month preceding the month the producer entered into the contract [with USDA]." These payments should be made with the first "monthly" prospective checks to be issued under subsection (b).

Although I am pleased with the dairy provisions, I want to express my disappointment in the outcome of the downed animal provision in this bill. The intent of the Senate Agriculture Committee was to end the unnecessary suffering of downed livestock on farms that are not even healthy for us to eat, by calling for their humane euthanasia when they are brought to intermediate markets. The provision was included in both the House and Senate versions of the bill, but was changed substantially in conference.

I want to make it clear that I am unhappy with the changes made and that I am committed to passing the provision, as it was originally written, either through this committee or on another vehicle. I understand that Chairman HARKIN is interested in revisiting this issue as well and I hope that he will join me in completing the work that needs to be done for downed animals.

I request that the Secretary of Agriculture complete the study required in this bill within 6 months and I ask that she include, within the conclusions of the study, exactly how she plans to move dairy farmers off of the slaughterhouse a humane trip for nonambulatory animals. I hope she will find, as 165 of my colleagues in the House and Senate have, that the only humane action to take is euthanasia at the intermediate market.

I also want to make a few comments about the conservation programs in the new farm bill. Although I am disappointed we were unable to sustain the level of funding for conservation programs as included in the House-passed bill. I am pleased we were able to increase the level of conservation funding by roughly 80 percent.

The conference report includes a provision to increase funding for the successful Agricultural Management Assistance program created in the Agriculture Risk Protection Act of 2001. This program targets 15 states that have been traditionally underserved by crop insurance programs, including Connecticut, Delaware, Maryland, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming.
This program was also expanded in the final House-Senate bill to include aid for all organic agriculture activities and to help producers develop new marketing opportunities, including opportunities for value-added processing. I expressed the program to be administered in a very similar manner to the successful way in which it has been run over the past two years, with minor changes to accommodate the expansion of eligible activities. The program has been helpful, especially for the eligible states and I expect that it will continue to address the conservation and other critical needs of those states.

Also, during debate over the Senate version of the farm bill, Senator Harkin included in the bill, at my request, a provision establishing a $12 million minimum “floor” on conservation payments per State to address concerns I and many of my colleagues raised about previous farm bills, which tended to allocate the bulk of their funds to a minority of producers in single regions of the country.

With this language, I felt the Congress could truly show its concern that all states, in all regions of the country, receive a minimum level of much-needed conservation assistance to protect farms, community watersheds, open space, and wildlife habitat. The language was clear in its intent to ensure each state received at least $12 million in conservation assistance by April 1 of each fiscal year if it had qualified applications for that amount of funds. The language also ensured that funds unused by a state would be returned to USDA and reallocated to other States, not the General Treasury.

This “regional equity” language was altered slightly in the final bill to minimize paperwork at USDA and maximize the ability of the Secretary of Agriculture while continuing to ensure at least $12 million be made available to all states with eligible applications. The Secretary may do this however it is most effective: for example, with a reserve fund set aside to ensure all states receive needed funds.

As written in the conference report, the $12 million includes applications for all programs under Subtitle D of Title XII of the Food Security Act of 1985, 16 U.S.C. 3830 et seq., excluding the Conservation Reserve Program, CRP, Wetlands Reserve Program, WRP, and the Conservation Security Program, CSP. Before April 1 of each fiscal year, applications from producers in States that has not yet received at least $12 million in conservation funding would have priority for funding for all conservation programs except CRP, WRP, and CSP. With respect to CRP, WRP, and CSP, producers in these underserved states would compete for funds without specific priority—on an equal footing with all other national applications. Because the Agriculture Management and Conservation Program is not under Subtitle D, for eligible states, this program also effectively would not count toward the $12 million total, and would continue to be administered as it has been, successfully, since its creation in the Agriculture Risk Protection Act of 2001.

There are a number of other conservation programs that also are very important for New England States. I especially am pleased that funding for the farmland protection program—which began as a pilot program in Vermont—was increased to nearly $1 billion. Never before has FFP received such levels of mandatory funding.

In addition, the conference report authorizes a new “farm viability” program. It was the conferees intent that this program be modeled after the very successful Massachusetts Farm Viability Program for purposes of farmland protection. The farm viability program will allow USDA to make grants—through eligible States or private land trust—to producers to help them assess the long-term viability of their farming operation. Using these funds, producers can hire experts to help them develop and implement a plan to improve their long-term business prospects. This might entail shifting to a different mix of crops or livestock, enrolling in a conservation program, entering farmers markets or setting up a roadside stand, or even taking advantage of opportunities to profit from agri-tourism.

This program will help the limited funding for farmland protection go further. Many farm families enroll land in the farmland protection program in order to be able to pass along the family farm to their children. They want to know, before enrolling in the program, whether their children will be able to make a living on the farm. The farm viability program will help them determine this, and will help others who already have enrolled their land in FFP to continue to use their land as working lands.

Of course, the farm bill isn’t just about farmers. I particularly am proud of the nutrition title of this year’s farm bill. It will significantly strengthen nutrition assistance in this country. Food stamp benefits have been improved and simplified, funding for emergency food providers has been increased and numerous other advancements—particularly funding for seniors’ farmer’s markets are included in this title.

I am proud that the nutrition title of this farm bill contains so many important simplifications in the program. All of the conferees, from both sides of the aisle and both chambers, were united in our desire to do what is right for working poor families and others that need help assuring that their families receive a nutritionally adequate diet.

I also am grateful for all of USDA’s help and support throughout the conference. Time and again, Undersecretary Bost and his staff gave us invaluable perspective. They helped us understand where we needed to act and where we could count on them to fix a problem. In this context, I would like to highlight a few of the most important of the provisions we adopted.

One of the provisions that excited all of us the most was transitional food stamps for families leaving cash assistance. Although we gave states broad discretion in this area, we hope they will apply this option to the maximum number of households.

Only those that have been found guilty of wilful misconduct of one kind or another are ineligible for transitional food stamps. The many households leaving TANF for procedural reasons, such as failure to keep an appointment, would remain eligible. Many families that decide to go it alone without further cash assistance simply stop communicating with the welfare office. The family may be unable to get through to an eligibility worker to inform her or him of its decision to withdraw from cash assistance and therefore may not see the transitional benefits. Since these families may have low-wage jobs. Others may be hoping to piece together various means of support to get by until they find work. Either way, these families need the help that transitional food stamps can offer. We urge states to provide it.

Once a family begins to receive transitional food stamps, we intend for those food stamps to continue for the full five-month transitional period. Even though the state takes the action to act on changes it learns about through other programs, it should not take any adverse action against the household’s food stamps unless the state has definite information that the household is ineligible. Requiring households to contact the food stamp office or provide verification during the transitional benefit period would defeat the entire purpose of granting households a period of repose.

Another side of this, of course, is that since states would not be expected or allowed to take the usual measures to review the accuracy of the household’s benefit level during the period, the state would not be held accountable through the quality control system for any errors in that household’s benefits. As long as the state correctly adjusted the household’s benefits from the last month it was receiving cash assistance, the state would not be subject to any finding of error. Any error in the program would be counted against the state for the number of months of the transitional benefit period even if the benefit amount in that prior month turned out to be in error. The error in the prior month could result in an error only if the household’s case was sampled in that prior month.

In connection, a state should be free to designate certain types of changes, such as cost of living increases in Social Security benefits or the addition of new members to a household, that it would act upon if it received word from another program and other kinds of changes it would disregard. As usual, the QC system
would only measure how well the state carried out the tasks it had elected in its plan to perform. Thus, a state that had elected to act only on new members added to a family might be liable for failing to provide food stamps to a new welfare applicant being added to the family's Medicaid coverage. We would not be liable for processing changes in wages. In no event, however, should the household be required to provide information or verification or threatened with termination of its benefits.

The improved definitions of income and resources also should simplify the program in important ways. We repeatedly added items to the list of things that states could not exclude at USDA's suggestion so that the Department does not have to add to that list by regulation. We were pleased that the final provisions met with the Department's satisfaction and that states can move forward in reliance on the list in the statute. Only under extraordinary circumstances do we expect USDA would need to add to either list.

Although cash in bank accounts that was readily accessible to the household would still count as a resource, a state could exclude the interest on that household's bank account in income calculations. This relatively tiny source of income is easy to forget and difficult to track. Excluding it is exactly the kind of simplification state agencies and households need as we move the food stamp program from its old focus on serving welfare recipients to its new emphasis on the working poor and other diverse low-income populations.

States could, however, exclude accounts that households could not readily access, such as funds that states' TANF programs designate only to be spent for education, home or car purchases, or other specific purposes. States also could exclude any designated retirement savings, including individual retirement accounts, to the extent current regulations do not already exclude those items.

Jointly-held property also could be excluded if the household could incur legal liability by withdrawing the funds. Eligibility workers have neither the time nor the expertise to sort out potentially complicated ownership interests.

One of the simplifications that we expect will help states and households the most is the standardization of state utility allowance or SUA. In a cold state such as mine, heating and other utility bills inevitably affect low-income families' ability to purchase a nutritionally adequate diet. We believe we have crafted a provision that simplifies the treatment of utility expenses without reducing benefits for any significant number of households. The substantial cost estimate for this provision reflects that assumption.

Achieving our goals obviously depends on states having and maintaining adequate SUAs. Although the shift to a mandatory SUA should not increase federal costs except in the two respects addressed in this amendment, neither should it save money at low-income households' expense. States that shift from an optional SUA to a mandatory one should be able to increase it somewhat in the transition without increasing federal costs.

Perhaps more importantly, states need to faithfully observe USDA's regulation requiring annual reviews of the SUA's adequacy. In the past, some states let their SUAs stagnate for years at a time. We were pleased to hear that USDA has been moving recently to achieve greater compliance with the updating requirement and that it intends to continue to do so. We know that many states lack the technical capacity to conduct detailed economic surveys to determine just what the optimal SUA might be. USDA, however, has allowed a state simply to compute the increase in utility costs from the time the state last changed its SUA and apply that percentage to the current SUA. We trust that this sensible approach will continue and will be made available to all states.

At the same time we simplified in many respects, we did not intend to create unnecessary complexity. A question has arisen about the standard deduction provision of our bill. Obviously, 8.31 percent of the net income limit will not be an even dollar number since the net income limit figure is expressed in units of old dollars. We do not intend to require state agencies to process standard deductions expressed in pennies. USDA could not give households a standard deduction that is less than 8.31 percent of the net income eligibility limit, but it clearly has authority to round that number up to the next largest whole dollar. This has not presented a problem in the past and see no reason why it would now.

We set up a new system of bonuses for program performance. We in no way intend to pre-judge what system USDA will select to give out those funds. USDA could rely on statistical measurements, as it does now, but it also could allow states to apply for bonuses in particular categories. Allowing states to compete for recognition and bonus awards for the most innovative means of correcting problems in program administration could provide useful lessons that could benefit other states.

A couple of ideas were advanced that we did not adopt. We rejected an Administration proposal to cut back on categorical eligibility for food stamps. Current regulations give states broad flexibility to determine what items receiving TANF or MOE funding should be considered benefits that trigger categorical eligibility. USDA approval is required only in limited, clearly delineated circumstances.

The Department argued that this policy trade-off was one we were not persuaded. The Department is free, of course, to renew its proposal with us if it feels strongly about this issue. It should not, however, act unilaterally to restrict flexibility states have under current law and regulations.

Also, we made no change in the procedures for approving state plans to certify elderly and disabled households for food stamps based on information in the Social Security Administration's files. These would still go through the research waiver process, although as states and the Department gain more experience with these projects, we anticipate approval should become much easier. The waiver process is important, however, to ensure that we are not shortchanging households with high housing or medical costs. Also, the Department needs to make sure that eligible people are not losing out on food stamps during the period their applications for disability benefits are pending with SSA.

All in all, I believe that this package of simplifications and benefit expansions represent a significant step forward on the path the program has been traveling over the last several years. This package should strengthen the food stamp program's role as a work support and as a nutrition safety net for those going through difficult times. It deserves our full and enthusiastic support.

I would like to take this opportunity to comment more extensively on one of the most important aspects of the nutrition title, the restoration of benefits to legal immigrants. As my colleagues know, I remain deeply opposed to the benefit cuts to legal immigrants enacted as a part of the 1996 welfare law. I have worked ever since the passage of that law to ease the eligibility restrictions on legal immigrants in a wide array of programs. Immigrants are admitted into this country as legal permanent residents with the assumption that they will be a part of our communities, work and pay taxes, and serve at our nation's defense. It is unjust to exclude these hardworking individuals from access to critical work support programs and the safety net if they fall on hard times.

The legal immigrant restrictions in the food stamp program were the harshest of all of major federal benefit programs, causing more than one million legal immigrants to lose eligibility. Unfortunately, immigrants have not been the only group affected by the food stamp restrictions. Over 85 percent of immigrant families are households that include at least one citizen child. From 1994 to 1998, 1.2 million immigrants left the program, mostly due to the eligibility restrictions. Over the same period, 1 million citizen children of immigrant parents also left the program, representing a 74 percent decline for this group.

Immigrant advocates and emergency food providers believe that these legal immigrant parents are confused about their children's eligibility and that these parents believe their children to receive food stamps that it could have a negative impact on immigrant family members' immigration status.
Children of immigrants now make up a significant share of the childhood poverty population. Nationally, one in four children in poverty have immigrant parents. In order to continue to make meaningful inroads in reducing child poverty, it is key to find new ways to more effectively the children of immigrants.

Of course, the best way to resolve this problem would be to restore eligibility to all legal immigrants. Unfortunately we did not have the resources in this farm bill to provide for such a restoration. Nonetheless, we have taken major strides to significantly ameliorate the restrictive rules. The final bill is based largely upon the immigrant restorations in the Senate-passed farm bill, which were expanded upon with overwhelming bipartisan support on the Senate floor.

We decided that if the eligibility for legal immigrant children is restored the food stamp eligibility rules for children will less complicated and easier to explain. This should encourage immigrant parents to apply for benefits on behalf of their children. If states, the anti-hunger community and the immigrant community can inform families to the legal means for children to be eligible for food stamps, there will be a much greater chance of reaching those families confused about the current rules.

Another significant component of the immigrant provision is that it restores benefits to qualified legal immigrant adults who have lived in the U.S. for 5 or more years with that status. Of course, there are many types of qualified immigrant statuses. It will not matter if the immigrant held one qualified status such as asylee and then changed their status to something else such as a legal permanent resident. The five year clock begins from the time the immigrant first held a qualified status.

The adult restoration provides basic conformity in food stamp eligibility rules to those already in place in Medicaid, SCHIP and TANF. It is our hope that these new food stamp rules will make it easier for states to administer and for immigrants to understand. Finally, the legislation would allow legal immigrants receiving benefits under specified disability-based programs to qualify for food stamps.

Children will no longer be subject to sponsor deeming rules, although sponsor immigrant adults will continue to be subject to these rules. As a part of our deliberations, we reviewed USDA’s recent regulations on sponsor deeming and found them to be an appropriate policy consistent with our understanding of how deeming should operate in the food stamp program—a balance of ensuring that needy immigrants are able to access food assistance while not providing assistance to immigrants while not having their sponsors. We also appreciate that USDA was sensitive to not restricting food assistance to immigrants whose sponsors refuse to cooperate by providing requested paperwork. We do not expect USDA to make any changes in this area.

When we were evaluating how to design these provisions, we placed great emphasis on the fact that USDA provided for this package, as well as the price tag the Administration gave its own proposals in its FY2003 budget. Neither estimate assumed that any sponsors had to repay the federal government as a result of immigrants receiving food stamps. Under the new affidavits of support now in place, most sponsors are likely to be a very close family member of the immigrant’s. This means that they are likely to live together and be a part of the same family unit or food stamp household.

In all the years that I have worked on the food stamp program, Congress has never required food stamp household to repay benefits for which they were eligible. Sponsor liability should not and does not circumvent that principle. We do not intend for a low-income sponsor to incur a debt for food stamps that he or she receives along with the sponsored immigrants.

Of course, we have no intention of allowing sponsors to abdicate their responsibilities. But low-income sponsors who are a part of the food stamp household or family unit should not be billed for signing up other family members for food stamps. Consider a step-father who sponsored his new wife and step-child into the country some years ago. If he loses his job and he and his new family become eligible for food stamps, we want them to avail themselves of this critical temporary assistance. There should be no penalties for being eligible for and participating in the food stamp program.

With these restorations, we will come closer to righting a great wrong. Immigrants and immigration are a part of the history of this country. I am pleased that hard working immigrants who fall on hard times will be able to gain access to this important food assistance program. No member of our society should go without enough to eat. This legislation moves us further toward fulfilling that goal.

I urge my colleagues to vote for this conference report.

Mr. WARNER. Mr. President, it is with heartfelt regret that I must vote against the conference report. It had been my sincere hope this farm bill would improve conditions for the nation’s farmers. Unfortunately, it is a budget buster that stimulates overproduction, devastates the Virginia peanut industry, and does not adequately protect the Chesapeake Bay. While I recognize the hard work and good intentions that went into this bill, I cannot in good conscience vote for it. It is not good for Virginia and it is not good for the nation.

Agriculture is a crucial industry in Virginia. Farming has been a way of life in Virginia since the first English settlers arrived at Jamestown in 1607. Virginia is a recognized leader in tobacco, peanuts, and poultry production while cotton, corn and soybeans are rapidly gaining in importance. Farming represents almost 10 percent of the jobs in Virginia.

And there is no doubt farming is vital to the Nation as a whole. Our farmers produce the safest, most reliable, and most abundant food supply in the world. A stable supply of food and fiber is essential to standards of living, our economy and our national security. We do not want to depend on imported food the way we rely on foreign oil. Unfortunately, this conference report does little to ensure the long term health of domestic agricultural production.

This conference report will increase farm spending by 70 percent or about $82.8 billion over ten years while the budget agreement only allows $73.5 billion in new farm spending. These farm programs are still costing us more than $20 billion annually. While all this is done in the name of preserving the family farm, government subsidies since the 1930s have not prevented their disappearance.

Recently, the Congressional Budget Office estimated the Federal budget will operate at a deficit of $100 billion this year. We are fighting an expensive war on terrorism. Now is not the time to increase spending on farm programs that may hurt the American farmer more than they help. Every dollar of deficit spending now puts the solvency of social security in jeopardy for future generations.

But while the conference report is bad for the country, it is particularly bad for Virginia. When the Senate passed the 2002 farm bill, I supported it because of some key improvements over the House passed bill. First, the target price in the Senate bill was $520 per ton while it was $480 in the House bill. Second, the loan rate in the Senate bill was $400, while it was $350 in the House Bill. Finally, the Senate version contained an 11-cent per pound quota buyout for peanuts for 5 years, and the House version provided only 10 cents.

Make no mistake, the Senate target price was not as high as I believed it should be, but under the circumstances, it was a significant improvement over the House bill. In past years, the peanut-producing States have stuck together during debate on the farm bill. Unfortunately, this year, Virginia was left with few allies on peanuts. We simply did not have the votes to make the improvements to the peanut program we wanted. In both the Cochran-Roberts and the Hutchinson substitute amendments, we had
negotiated to include a $550-per-ton target price. Unfortunately, both amendments failed.

So while the Senate farm bill was far from perfect, I voted for it to support the Senate's position in conference. Now, as the Senate-House conference on the farm bill is complete, I am extremely disappointed with the results. The target price has been reduced to $495 per ton, a level far below the break even point for most Virginia peanut farmers. And the conference report makes this new peanut program effective for fiscal year 2002. Peanuts have already been planted in Virginia. In the interest of basic equity, this new program should begin in fiscal year 2003. Farmers planting under one farm bill and harvesting under another illustrates that Congress is out of touch with rural America.

While the old peanut program was supposed to be a "no-net cost" program, this new peanut program will cost the taxpayer upwards of $4 billion. This is a bad deal for the taxpayer and a disaster for southeast Virginia.

Finally, the conference committee stripped out the $70 million Chesapeake Bay nutrient reduction pilot program. The bay is a national treasure and vital to the economy of Virginia. This pilot program would have encouraged farmers in the Chesapeake Bay watershed to use less fertilizer and compensated them if this resulted in lower yields, creating a win-win situation for farmers and environmentalists. Unfortunately, the House did not agree to this provision.

This conference report hurts the very farmers it is meant to help. This farm bill is not good for Virginia and not good for America. It hurts Virginia peanut farmers. It endangers the Chesapeake Bay. It costs the taxpayers too much. And, it raids the Social Security trust fund. Accordingly, I must vote no on the 2002 farm bill conference report.

Mr. CORZINE. Mr. President, I rise to oppose the House-Senate conference report on the farm bill.

I do so, with deep regret. While I now live in a suburban New Jersey community and have for 25 years, I was raised on a 120-acre family grain farm in central Illinois. I know from experience the rewards of working the soil and tending the land and I know, too, the very real experience of living life on the economic edge, as so many of our Nation's farmers do.

But this legislation is not the way to help our farmers.

I opposed the Senate version of this legislation when it passed the Senate in February because I believed it was fiscally imprudent, hurt consumers as well as many of the farmers it was intended to help, subsidized one sector of the American economy to the exclusion of others and because it provided relatively little assistance to New Jersey's farmers. Unfortunately, the bill that has come out of conference committee is worse on all these counts. For that reason, I must vote no again.

As I stated when I opposed the Senate version of this bill, the current system of subsidies is the wrong way to support America's farmers. These subsidies have created a vicious cycle which distorts the market, unfairly benefit a limited number of the largest producers and impose excessive costs on all consumers and taxpayers. Furthermore, the system distributes these benefits in a way that favors farmers in many States, including the Garden State, with little assistance. In fact, the amount New Jersey receives is estimated at a fraction of 1 percent. Let me repeat, a fraction of 1 percent of the total.

When the Senate first considered the farm bill, it took some steps to make an inequitable system somewhat more fair. It imposed a cap on payments so as to begin to correct the inequities that give two-thirds of the commodity subsidies to 10 percent of our Nation's farms. Unfortunately even those small reforms were lost in conference. The cap on payments was raised to $350,000, but those who are net revenue losers will not be compensated if this resulted in lower payments. As a result, we have a bill that tells New Jersey farmers that they are not equal to the corn, wheat, and grain farmers in the Midwest. That their efforts do not deserve much federal support. I cannot support such a measure.

New Jersey ranks 49th in our return on tax dollars paid to the Federal Government. We don't win for our mass transit needs. We don't receive enough for our housing needs. We don't receive enough to clean up our environment, even though we have more Superfund sites than any other State. This bill highlights the imbalance in support for our nation's competing needs. I cannot support legislation that continues this inequitable distribution of Federal funds.

In fact, I wish I could support the excellent nutrition title contained in this conference report. It is outrageous that we subsidize farmers for disposing of surplus food and yet we prohibit low-income working immigrants who live in this country legally from receiving nutrition benefits. This bill would restore benefits for about 380,000 legal immigrants, which while a good first step, is still too little. The food stamp program is a much broader extension of transitional food stamps for families moving from welfare to work are measures that will ensure more children and families receive adequate nutrition and I strongly support these provisions. But, instead of increasing the food stamp increase for nutrition programs, this conference report invests only $6.4 billion in nutrition programs, which again is a fraction of one percent of the total cost of this bill.

In conclusion, this conference report is flawed in many ways. It perpetuates the existing inefficient and unfair system of farm subsidies and significantly
increases subsidies for favored crops. That means we will continue to subsidize a limited number of producers. We will continue to distort the market. We will continue to impose higher costs on consumers and taxpayers. And we will continue to treat my state of New Mexico unfairly.

For these reasons, I cannot in good conscience support this conference report.

Mr. DORGAN. Mr. President, I rise today to congratulate the chairman of the Senate Agriculture Committee, the ranking member, conferees and staff members who worked so hard to bring the new farm bill to the floor of the Senate for final passage.

I especially want to applaud them for the inclusion of a strong provision to encourage the deployment of broadband technology to rural America. Ensuring that all Americans have the technological capability is essential in this digital age. It is not only an issue of fairness, but it is also an issue of economic survival. But, as the demand for high speed Internet access grows urban America is quickly gaining high speed access, while rural America is, too often, being left behind.

Historically, our economy has been defined by geography, and we in Congress were powerless to do anything about it. Where there were ports, towns and businesses got their start. Where there were railroad tracks, towns and businesses grew up around them. The highway system brought the same evolution.

But the Internet is changing all of that. No longer must economic growth be defined by geographic flat. Telecommunications industries and policy-makers are proclaiming, “distance is dead!” But, that’s not quite right: distance can be defined by geographic fiat. Telecommunications technology, known as broadband, can ensure that all Americans have access to the Internet. This will give RUS new authority to make hundreds of millions of dollars in low interest loans each year to companies that are deploying broadband technology to rural America. Loans will be made on a company neutral and a technology neutral basis so that companies that want to serve these areas can do so by employing technology that is best suited to a particular area.

Again, I congratulate Senator Bingaman and ranking member, and the staff of the Senate Agriculture Committee for their work on this provision. This program and the loans that will flow from it will be the biggest broadband investment program yet in the United States and will go a long way toward ensuring that rural Americans have access to the next generation of technology.

Mr. BINGAMAN. Mr. President, I rise today to say a few words about the farm bill conference report on which the Senate will soon be voting.

Let me say at the outset that there is a lot of good in this bill and I wish I could vote for it. However, I will not vote in favor of this bill today, and I will explain why shortly.

Senator HARKIN and his staff have worked very hard to craft this farm bill in the face of very strong and competing State and regional interests. I know their task was not an easy one and it is not always possible to please everyone. Clearly, there are some provisions in this bill that will benefit New Mexico.

In particular, I would like to cite Chairman HARKIN’s steadfast commitment to strengthening the agriculture conservation programs that help protect the environment.

I do believe the conservation programs should be the real centerpiece of this legislation. Unfortunately, funding for these vital programs was cut $1 billion below the level in the Senate-passed bill, and the Senate did not prevail in the conference with the House. Nevertheless, existing conservation programs, such as CRP and EQIP, as well as the new Conservation Security Program, will help protect New Mexico’s farm and ranchland plus two billion dollars a year for future generations, though not as much as they would have under the Senate bill. There is a new Water Conservation Program that will help slow the depletion of the Southern Ogallala Aquifer in Texas, New Mexico, Oklahoma, and Kansas.

This bill has funding for a new Grassland Reserve Program and a Water Conservation Program that will be helpful to farmers and ranchers in my State, especially with New Mexico now in the throes of an extended drought.

There is also mandatory funding in this farm bill for the Small Watershed Rehabilitation Program, which I co-sponsored in the last Congress. This program supports reconstruction of the 100 small watershed dams in my State, many of which are 30 to 50 years old and reaching the end of their expected life.

Funding for the Market Access Program has been increased, which will help all farmers increase exports of their products.

I am pleased the conferees adopted my language that will allow New Mexico’s Valencia peanut pool to continue to operate as an effective marketing association.

Within this farm bill’s nutrition programs, I am pleased that Congress is finally increasing funding for legal immigrants who have lived here for at least 5 years and all children of legal immigrants. I also support increased funding for the WIC and senior farmers’ market nutrition programs.

This bill continues important rural development programs that have been critical to helping New Mexico’s smaller communities improve infrastructure and promote economic development. There are new programs to train rural firefighters and to extend broadband service to rural areas. The additional funding for water and wastewater projects will be especially important to rural communities in my state facing major construction costs to meet EPA’s new standard for arsenic in drinking water.

Finally, I cosponsored Senator John-son’s bill that requires country of origin labeling of meat, fruits and vegetables, fish and peanuts. The farm bill includes these new labeling provisions. I believe consumers deserve to know the source of their commercial food products.

That is some of the good in this farm bill. However, as I said, I will not be voting in favor of the bill, and I would like to take a few minutes to explain why.

This farm bill does nothing to stem the staggering cost to the taxpayers of subsidies for agricultural commodities. In fact, this legislation will increase current subsidies by nearly $50 billion over the next decade; this is on top of the baseline funding of $77 billion. The Federal Government’s role in agriculture will grow dramatically under this legislation. By some estimates, forty percent of net farm income now comes from the Federal Government.

Nearly three-quarters of all of the new money in this bill goes to crop subsidy programs. As we all now know from the analysis does by the Environmental Working Group, the vast majority of these federal subsidies go to growers in 10 central and southern States for only a few specific crops. Such massive subsidies drive up land
prices and do nothing to stem overproduction, especially when commodity prices are low.

Even more troubling to me is the new national dairy subsidy program in this farm bill, which will cost taxpayers at least $1.3 billion over the next 3 to 4 years. At the same time it will actually lower the average revenue for milk producers in New Mexico by an estimated 17 cents per hundredweight.

There is no secret for why my State’s booming dairy industry. New Mexico is an ideal location for dairies because of our mild climate, which boosts milk production and does not require sheltering the animals from the weather. In addition, producers are moving to New Mexico because of the strong dairy infrastructure, moderate land prices, and well-integrated alfalfa industry. Currently, there are plans for 35 new dairies in New Mexico, most of which will have between 1,500 and 3,000 cows. These are not some kind of mega-industrial operations, but family-run farms just like dairies all over America.

The growth in dairy production in New Mexico is coupled with rapid growth in milk processing, including production of powder, cheese, and ultra-filtered milk. Soon, the Nation’s first commercial plant producing milk protein concentrate will open in Portales, New Mexico. The economic impact of the dairy industry on New Mexico is now estimated at $1.8 billion per year.

Because New Mexico has mostly large, efficient, family-owned dairies, my State is the big loser under this new dairy subsidy program. Independent analyses show the $1.3 billion Federal subsidy will encourage overproduction and depress market prices nationwide. According to FAPRI, the preliminary analysis of this legislation, the excess production will drive down national class III and IV milk prices by 17 and 28 cents/cwt, respectively. This means every dairy producer in America will get a lower price for all of his or her milk.

Meanwhile, under existing law, the Federal Government must step in and purchase the surplus. The government already owns nearly a billion pounds of surplus nonfat dry milk, equal to an 18-month supply. In just the last month alone, the government has had to purchase 80-million pounds of nonfat dry milk at a cost of about $70 million. This legislation will add still more to the government’s already existing powder inventory. The taxpayers, of course, will be asked to bear the cost of purchasing all of this excess production on top of the new $1.3 billion subsidy. Sadly, this ill-conceived program will continue to erode the dairy industry for years to come.

Finally, we do not really know how much this program will cost because it depends on milk prices in the future and the number of participants in the program. The lower the price of milk, the higher the cost to the taxpayer. As I indicated, CBO scored the program at $1.3 billion. However, the Food and Agriculture Policy Research Institute (FAPRI) has performed an independent analysis and estimates the total cost to the taxpayers at $3.6 billion—nearly three times more than CBO’s estimate. Unfortunately, only time will tell how big the final bill will be for this program.

In short, the new dairy program is a real lose-lose proposal for the American people. There simply is no need for Congress to ask taxpayers to subsidize the dairy industry to the tune of billions of dollars.

From the outset, I said I could not support a farm bill that contained any massive new national dairy subsidy program. This bill suffers the added defect that it actually harms the dairy industry in my State. In fact, New Mexico’s producers are hurt more than producers in any other state.

I would like to read part of a letter addressed to me from the Dairy Producers of New Mexico:

The Farm Security Act of 2002 is not good for New Mexico. It introduces a new, expensive, and counterproductive direct payment provision to dairy producers on some of their milk. The over one billion dollars thrown into the dairy economy will result in reduced milk prices on all milk regardless of the size of farm that produces it. The family run dairy farms in New Mexico will be especially hard hit.

According to FAPRI, the average payment will be about 83 cents per hundredweight but that will only be on the first 2.4 million pounds produced or a maximum payment of about $30,400. This payment will be more expensive than the average on all milk of 14 cents a hundredweight. For the average dairy farmer in New Mexico that is about $52,900 per year.

This is a real loss of income. It is not a loss just to the dairy farmers, but to their families, their employees, and their vendors. The economics of the rural New Mexico communities will suffer this loss as well.

The Farm Security Act brings us anxiety—anxiety as to when and how the government will again adversely impact the dairy industry. This is not good policy for dairy farmers—it turns them from business people in the market to people on the government dole. It is not good for the taxpayers because it misses their money. It is not good for our Nation because it interferes with international trade.

History will show that your amendment offered last December was wise and those who voted for it and stuck by their votes had a better vision for dairy than you now before the Senate. It’s a battle that we appreciate you taking on and fighting on our behalf.

There are some provisions that we like. These include dairy price support program extension of $9.90/cwt for six years; authorization of a new national Johne’s disease control program; the extension of the Dairy Export Incentive Program (DEIP); fixing the statutory mandatory inventory and price reporting language to prevent further costly reporting errors by USDA; and funds for dairy and other livestock producers through the Environmental Quality Incentives Program (EQIP). Those were by and large non-controversial and should come at the great cost imposed by the dairy market loss program.

Again, Senator, we appreciate all of your hard work for the dairy industry in New Mexico. We sincerely appreciate your efforts on behalf of our family farmers.

Sincerely,

SHARON L. LOMBARDI,
Executive Director.

Mr. SMITH of New Hampshire. Mr. President, today is a sad, sad day in America. It is a sad day for the U.S. taxpayer and a sad day for the family farmers of our country. I believe the Wall Street Journal said it best when they editorialized, “That great rooting,
snoozing noise you hear in the distance, is the sound of election-year, farm-state politics rolling out of the U.S. Congress.

My colleagues know I stand for fiscal conservatism, so I don’t imagine that many are surprised by my opposition to the farm bill 2002 conference report. But a “no” vote does not adequately describe my disappointment, my disgust, or my dismay at this, the largest non-military expansion of the Federal Government since the Great Society.

House and Senate conferees approved a farm bill that expands payments to farmers by nearly $50 billion over the next decade. More than 90 percent of this increase will go to farmers producing just five crops: wheat, corn, rice, cotton and soybean. Two-thirds of this money will benefit a mere 10 percent of farmers. If the goal of the so-called Freedom to Farm Act of 1996 was to wean farmers off the trough of government assistance, this bill represents a bloated or agriculture’s dependency on the taxpayer’s dime.

In these times of war and deficit spending, should we really be directing precious taxpayer dollars in such an irresponsible manner? I read an essay that stated that this bill will increase the average American household $4,377 over the next 10 years, $1,805 in taxes and $2,572 in inflated food prices because of price supports. And for what, I ask? To prop up wealthy corporate farmers? To encourage farmers to continue overproducing unprofitable crops for which there is more supply than demand? To reinstate subsidies for honey, wool, and mohair?

Even the one provision in the Senate-passed version of the bill that made it somewhat palatable, payment limitations, was gutted to the extent that it is no longer meaningful: the cap was raised and loopholes, the prized toy of our top legislators, included to make the cap a joke. And payment control utterly ineffective. What good is a payment limitation that can be completely circumvented?

In response to some of the criticism that has been lashed on this pork-barrel monstrosity, Senators HARKIN and DASCHLE point to the $17.1 billion included for conservation programs. I find it ironic that they continue to do so when environmentalists are critical and have pledged opposition to the bill. As the Democratic member of the Senate Environment and Public Works Committee, I have to say, at what price conservation? It is worth the total price tag? I think not. What the conservation title represents is a transparent attempt to buy votes from those States that do not benefit from the commodities title. I am supportive of the conservation programs this bill funds. My State of New Hampshire relies on these programs. But I will not fall for it. Why should New Hampshire taxpayers, be asked to foot the bill for encouraging farmers to get on the Federal dole when our goal should be to do just the opposite?

This bill is a step backwards, as far as I am concerned, in agricultural policy. Our Chamber’s two working farmers, Senators LUGAR and GRASSLEY, oppose its passage. I only hope that fiscal sanity will take hold of my colleagues and prevent this fat-laden conference report from ever reaching the President’s desk.

Mr. KOHL. Mr. President, I rise this afternoon to commend Chairman HARKIN and all of the farm bill conferees on their work related to H.R. 2510, the Farm Security and Rural Investment Act of 2002. The Senate passed its version of this legislation on February 13, 2002 and I am pleased that the conferees were able to finish their work so we can send this legislation to the President for his signature and quick enactment. I am confident that the U.S. Department of Agriculture will work expeditiously to implement the new programs created in this legislation in time for the 2002 crop year.

Conservation, while not perfect for any one region, moves us beyond the regional and price limitation that can be completely circumvented. In addition to extending the very important dairy price support program, that will provide assistance to farmers regardless of location and regardless of the end use of their milk. I am also pleased with the increased investment in nutrition funding, the increased investment in conservation funding, the increased investment in WIC and Seniors Farmers Market programs. Finally, I am supportive of the enhanced commitment to conservation spending on programs like the Farmland Protection Program, the Conservation Reserve Program, the Environmental Quality Incentive Program and the new Conservation Security Program.

Of particular interest to my State of Wisconsin is the creation of a new, national dairy price support program at $9.90 per hundredweight, this farm bill creates a new counter-cyclical program that will provide assistance to farmers when the price of milk falls below $16.94 per hundredweight. The payment rate will be calculated by taking 45 percent of the difference between $16.94 and the class I, fluid, price in Boston. That payment rate will be made on the first 2.4 million pounds of a producer’s production, or approximately 153 cows. The price for programs like food stamps, the WIC and Seniors Farmers Market pro-
Second, I am disappointed that the conference report does not include a meaningful limit on the level of farm subsidies going to large farmers located predominantly in the south. This conference report, while reducing the over-all payment limit to $360,000, ultimately is meaningless as the “triple-entity” rule remains in place. The final bill retains loopholes that not only permit a recipient to double the $180,000 level to $360,000 through the “triple-entity” rule but also makes it effective in July 1995 for the purpose of marketing loan gains and loan deficiency payments. The conference report also allows for the continued use of the generic certificate program. This program allows the largest of producers to enjoy the benefits of the marketing loan program without repayment while allowing the producer to hold onto their commodity for future sale on the open market. The loopholes that remain make the payment limitation provisions in the conference report meaningless and I am disappointed that the conferees could not agree on a way to prevent large payments from going to those producers who need the assistance the least.

I regret this bill is not perfect. There are provisions and changes that I wish could have been included in the final conference report. But this bill restores a much needed economic-safety-net to an industry that experiences wide fluctuations in income. It establishes a new counter-cyclical dairy program, increased nutrition spending and an increase in funding for conservation programs makes this new farm bill one that I can support and one that I think will help our farmers and ranchers across the country. We have a commitment to rural America to ensure farming remains a viable industry in our Nation and I commend Senator HARKIN for his leadership on this very important legislation.

Mr. FEINGOLD. Mr. President, I want to make a few comments on my opposition to the farm bill conference report. While I strongly support the dairy provision that Senator Kollm and I helped secure for Wisconsin’s dairy farmers, I am deeply concerned that the conference report eliminated a number of important Senate-passed provisions that targeted assistance to small and medium-sized family farmers.

Specifically, I am concerned that the conference committee weakened the Senate-passed payment limitation amendment and reduced the conservation funding. It then used these funds for the misguided purpose of increasing payments to corporate owned farms and agribusinesses. I am also deeply disappointed that a number of Senate-approved amendments aimed at providing competition in rural America were completely eliminated in the conference report.

I am disturbed that the conferees stripped the payment limitations provision that both the House and Senate supported. As my colleagues will recall, the Senate voted 66-31 to target Federal assistance to small and medium-sized family farmers by imposing a $275,000 payment limitation on overall payments.

I support the Senate-passed provision of a $275,000 payment limitation, but this conference report permits up to $360,000 and includes significant loopholes. I am not sure who this increase is meant to benefit. I know it isn’t benefits that the provision in Wisconsin, where only 14 out of our 60,000 farms receive over $275,000 in government payments.

At the same time that the bill provides increased funds to the largest producers and agribusinesses, it reduces funding for important conservation programs that benefit family farmers of non-traditional crops such as those produced in Wisconsin. Many Wisconsin commodities—such as potatoes, sweet corn, green beans, cranberries, and cherries—are simply not eligible for most commodity programs, but do receive benefits under a number of the conservation programs.

Wisconsin certainly support a strong safety net for America’s farmers, but the responsibility for re-creating a national safety net that provides equal support to producers regardless of where they live. I am also pleased that this program has a sensible limitation in terms of its payment structure. By capping these payments, we are able to prevent large factory farms out west from flooding the market with milk and depress the price for those in the upper Midwest.

It is with regret that I must oppose this legislation, because I am proud of what Senator Kollm and I were able to secure for Wisconsin. So it is with regret that I must oppose this legislation, because I am proud of what Senator Kollm and I were able to secure for Wisconsin. But Wisconsin taxpayer dollars should not be used to support agribusinesses and others who put our farmers on an un-level playing field in the marketplace.

Mrs. BOXER. Mr. President, the farm bill has been the subject of a lengthy debate among many diverse interests. We have heard from corporate owned farmers and agribusinesses and others who put our farmers on an un-level playing field in the marketplace. It makes little sense that the conferee’s decision to arbitrate is truly voluntary and like any compromise, it is an effort to satisfy a wide range of viewpoints.

California agriculture is itself very diverse, and I have heard from many groups in the State on this farm bill. Indeed, I have heard from confused constituents overall is that on balance, this farm bill is a net positive for the State.

I have a stack of letters from Californians on this bill—and I have listened carefully to what they have to say. I have been asked to support the bill by a long list of California groups, including: the California Farm Bureau; Western United Dairymen; the Alliance of Western Milk Producers; California Citrus Mutual; California Apple Commission; California Walnut Commission; Diamond of California; California Dried Plum Board; California Strawberry Commission; Sunsweet Growers, Inc.; California Rice Commission; Fresh Juice; E C Stiller & Co.; Sacremento Central Labor Council/AFL-CIO; International Longshore and Warehouse Union, Local 17; Calcot, Ltd. representing 1700 grower members; Dunavant of California—California Cotton Farmers; Anderson Clayton Corp.—Serving the California Cotton industry; California Food Policy Advocates—representing food banks throughout the State; Los Angeles Coalition to End Hunger and Homelessness; Health Access; National Council of La Raza; Coalition for Humane Immigrant Rights of Los Angeles; National Immigration Forum; Jack Fleming Ranches; Big Valley Packers; and Meyers Farming.

These groups represent many different interests—from California dairy to specialty crops, cotton and rice farmers, labor unions, advocates for food banks, advocates for humane treatment of legal immigrants on food stamp policy, just to name a few. These groups have one thing in common. Each has asked for my support on final passage of the Farm Bill Conference Report.
Some wish California could do better in the farm bill. I do not disagree. I am particularly disappointed that the farm bill conference report includes $4.2 billion less for agriculture conservation programs than the Senate passed. The Senate version of the farm bill included $21.3 billion for conservation. Unfortunately, the House did not maintain this level of support. However, the conference report contains an 80 percent increase in conservation funding over previous farm bills, and I am pleased that it is included in the final conference report.

I am particularly grateful that the House and Senate conferees set aside $50 million to be used specifically for water conservation efforts in the Klamath region. I would have preferred the $175 million in the Senate bill, but the $50 million provided will make a significant contribution to the needs of the people and the wildlife in the Klamath basin.

The Nutrition title of the farm bill will also provide substantial benefits to my State. In California, the nutrition title has the potential to deliver more than $1.7 billion in new assistance to more than 3.5 million people. According to the California Advocates, an organization that works with food banks throughout the State, “this is one of the most important pieces of Food Stamp legislation since the landmark 1977 Act.”

The conference report also restores eligibility for participation in the Federal food stamp program for many legal immigrants who lost those privileges in 1996 as a result of welfare reform. Legal immigrants pay taxes, are eligible for the draft, and many proudly serve in the Armed Forces. Yet, 1 in 10 immigrant families with a citizen child is denied legal access to the federal food stamp program. It is inconsistent with the principles of fairness and economic opportunity that legal immigrants, who pay taxes and are productive members of society, are denied access to a program that is designed to help the truly poor.

Along with Senator GRAHAM, I also sponsored an amendment that is in the final bill authorizing $10 million over 10 years for farm worker training. Training is important to upgrade and expand their skills leads to added value for agricultural crops and increased worker productivity. It also improves worker pay, thereby helping to alleviate poverty in farm communities.

On balance, this farm bill includes key provisions that are important to the agriculture economy in California. After carefully considering the pros and cons on this important legislation, I have decided to vote in favor of final passage of the Farm Bill Conference Report.

Mr. JEFFORDS. Mr. President, I rise today to express my support for the farm bill conference report. It has taken us months to get to this point, but I know that many new California farmers will address the needs of our farmers, as well as our consumers. I thank the members of the conference committee for their hard work and dedication, and I urge my colleagues to recognize their good work by voting in favor of final passage.

The 2002 farm bill represents a step forward on many issues. This is evident in several of the provisions in the bill, especially those relating to dairy, conservation, nutrition and preservation. In these areas, the new farm bill goes well beyond current policy, building on the successes of yesterday, to help meet the demands of today.

I am particularly encouraged by the program this farm bill puts in place to protect our Nation’s dairy farmers. House and Senate conferees have achieved consensus on legislation that provides direct, counter-cyclical payments when the Boston Class I price falls below a target price of $16.94 per hundredweight. When the price of fluid milk drops below this level, farmers will receive a payment on 45 percent of the difference between $16.94 and the market price. These payments, capped at 2.4 million pounds of milk per year, will be paid to all producers across the Nation. To ensure the counter-cyclical nature of these payments, the 2.4 million pound cap is intended to apply only to milk production marketed during months when payments are made to producers.

These counter-cyclical payments are especially important in my home State of Vermont, and throughout New England, where the expiration of the Northeast Interstate Dairy Compact has left producers vulnerable to volatile dairy markets. Since July of 1997 until September of last year, the Northeast Dairy Compact made payments to producers during months when Class I prices fell below the compact over-order price of $16.94. If the compact had been in place, producers would have collected payments each of the last 5 months due to the steep decline in prices last December. Since then, dairy markets have remained depressed, with no recovery forecasted in the near future.

Recognizing that the loss of the compact has significantly impacted dairy farmers in New England, the final bill makes payments under this program retroactive to December 1, 2001. Retroactive payments will not only help our farmers in New England, but they will also make up for the losses that all producers have endured since last December. These losses have been incurred on all milk, and it is my expectation that retroactive payments will be made to cover each gallon produced during that period.

The dairy program included in the 2002 farm bill will continue to deliver payments almost identical to those producers received under the compact. And, although my farmers would rather see these payments taken out of the marketplace than out of the treasury, I know for many of my producers, these payments will mean the difference between staying in business, rather than calling the auctioneer.

While the dairy program is by far the most important provision in the farm bill, many farmers have noted that this legislation includes an 80 percent boost in funding for conservation programs. This money will increase the
funding levels of programs that have proven successful, as well as establish a new program to provide incentives to producers for continuing and adopting conservation practices on working lands.

Although some of us would have preferred that additional funding be provided for conservation programs focused on improving water quality and protecting wildlife habitat, this legislation offers important resources that will help agricultural producers improve their stewardship of the land. The Conference includes a provision in the bill to authorize the Secretary of Agriculture to enter into stewardship agreements with State and local agencies, Indian tribes, and nongovernmental organizations and to designate special projects to enhance technical and financial assistance provided to agricultural producers. This provision will help agricultural producers meet the requirements of the Clean Water Act and the Safe Drinking Water Act, and other environmental requirements.

The Senate passed farm bill had included a number of provisions that would have encouraged the development of pilot programs and new efforts to promote this kind of cooperation and partnership. Although these provisions were not included in the final bill, the Conferees have made clear in the Statement of Managers that they intend to work to use their authority to establish such partnerships. I believe such partnerships could be a valuable tool in addressing water quality issues, particularly nonpoint source pollution. There wouldn't be a better time to encourage water utilities, landowners and the U.S. Department of Agriculture to work together to utilize the conservation programs to protect drinking water source areas.

Farmers are great caretakers of our land. I am encouraged that we were given them greater resources with which to preserve our open space, protect our rivers and streams, and sustain the vitality of our rural communities and economies. I support the Senate's emphasis on conservation in this farm bill and believe that it will provide an important foundation for promoting sound environmental practices in agriculture.

I am also delighted that this farm bill encourages the development of programs for the Office of Rural Development of USDA to establish a national historic barn preservation program. This provision allows farmers to receive funds administered through States and nonprofit organizations to bring older barns into productive use, or make necessary investments in functioning facilities to prevent them from falling beyond repair. I strongly urge my colleagues to appropriate the Senate authorization level of $25 million that was included in the Senate farm bill.

In my home State of Vermont, the State Historic Preservation Office currently administers a small-grant program for barn preservation that has been funded by the Vermont Legislature since 1993. While this program has been very successful, applications continue to significantly outnumber the grants made through this program. Federal funding for the new national historic barn preservation program will help address the growing backlog of requests for barn preservation grants in Vermont and across the country.

Historic barns are some of America's greatest national treasures, symbolizing the agricultural foundations upon which our Nation was built. Preserving these barns will not only ensure their survival for generations to come, but will also provide practical benefits to farmers, and the communities and economies that surround them.

Finally, I would like to commend the Senate Conferees for their efforts on the bill. Although the conference report includes less funding than was originally included in the Senate bill, conferees fought to include $5.4 billion over 10 years for nutrition programs. This title includes several provisions that will improve and enhance the food stamp program. Although there was resistance in the House, I am pleased that the restoration of food stamp benefits to legal immigrants was included in the final bill. The benefits that were taken away from immigrants in the 1996 Welfare bill have finally been returned to immigrants that have been in the United States for 5 years.

Other important improvements to the food stamp program serve to extend transitional benefits to those leaving welfare and allow States to better align food stamp regulations with other public programs such as TANF and Medicaid. These provisions strengthen the existing food stamp program and extend eligibility to those in need of assistance.

In closing, I would like to praise the Conferees for their vision in crafting this Conference report. I believe this legislation takes a step in the right direction in improving the regional equity of America's farm policy. It is only fair that we work to help all of our farmers receive a fair price for their product regardless of size, region or commodity. I know that my farmers in Vermont work as hard as any in the Nation, and because of that they deserve the same protection against the volatile markets that others share. I'm pleased that the final bill provides them with this protection.

Finally, I would like to commend Majority Leader DASCHLE and Assistant Majority Leader REID for their leadership in negotiating this bill through the Senate, and for seeing the farm bill through to final passage. Major- ity Leader DASCHLE was instrumental in this effort, and I am personally most grateful.

To Mrs. MURRAY, Mr. President, 6 years ago, Congress passed a farm bill that simply did not work for farmers in Washington State.

It destroyed the safety net for Washington State wheat growers and did little for other farmers and ranchers in my State. Congress was forced to respond with four consecutive years of emergency payments.

The farm bill before us is not intended to guarantee any Washington farmer a profit. It simply guarantees what it should guarantee: A safety net for our commodity producers when prices are low. That is a fair approach and one I believe the nation can and must support to ensure our long-term food security.

I support this bill because it is a victory for our farmers and ranchers, the working poor and seniors, rural communities, and the environment.

However, this new farm bill is not a perfect one for Washington State. The final bill strikes some provisions that I believe in very strongly, and it makes new policy choices that do not work for my State's producers.

The Senate farm bill would have expanded Washington State exports by lifting the restriction that prohibits private financing of sales of food and medicine to Cuba. Unfortunately, the House leadership remains committed to an irrational, lose-lose policy toward Cuba. As a result, the Senate amendment died in conference.

The House leadership was also responsible for defeating an amendment by Senator BACCUS to provide emergency assistance to farmers and ranchers hurt by drought and other natural disasters. Farmers and ranchers throughout the West deserved better on this issue.

I want to say how disappointed I am with the direction this bill takes on dairy policy. On many fronts, from exports to conservation, the bill will help all dairy producers. Unfortunately, the new dairy market loss payments strongly discriminate against West Coast dairy farmers. We had an opportunity to craft a dairy policy that worked for all producers nationwide. Instead, Congress again chose to create regional winners and losers.

The Senate farm bill included my amendment to promote better cooperation between Native American tribes and the U.S. Forest Service. It also included an amendment sponsored by Senator CANTWELL that would require the Inspector General of the U.S. Department of Agriculture to investigate any future deaths of forest firefighters in the line of duty. The House refused to adopt these common-sense amendments.

Finally, the Senate farm bill included my amendment that would allow communities to develop plans to bring high-speed access to rural areas. Unfortunately, the House conference refused to accept it, and it is not included in the final bill.

I look forward to working to pass my legislation to promote rural broadband development and to promote a stronger relationship between tribes and the Forest Service. I also look forward to
revisiting the other issues I mentioned above in future legislation.

While I am disappointed with a number of decisions made by the conference committee, this new farm bill includes many of the priorities I identified prior to the debate.

I am very pleased the farm bill restores food stamps for legal immigrants who have been in the United States for five years, and it restores food stamps for all children and disabled individuals regardless of how long they have been in the United States. The legal immigrant provision is the centerpiece of a new $6.4 billion investment in better nutrition policy. The bill will also streamline the Food Stamp Program and rationalize the quality control system.

The conference bill helps Washington state recover salmon and improve conservation practices. The $17.1 billion in new conservation spending over the next ten years will promote water conservation by producers, win respect for Washington's salmon, and save farmland and open space from development through an expanded Farmland Protection Program.

The bill enhances economic development in rural communities by providing $100 million in loans and loan guarantees to establish high-speed, high-quality broadband service. The bill also makes an important attempt to reduce the backlog of water and wastewater projects in rural areas.

This new farm bill strengthens our Nation’s energy security by investing $405 million in renewable energy and biodiesel development. The Senate bill included the first energy title ever included in a farm bill. Given the uncertain future of the energy bill passed by the Senate, I am pleased this section survived the conference negotiations.

With respect to an issue I have worked for three years on, the farm bill sustains apple, apple and apricot growers through $94 million in direct assistance. With Senator CANTWELL, I fought hard to include this funding, and I want to thank Senators DASCHLE and HARKIN for their work in protecting this vital assistance in conference.

The conference bill establishes a new safety net program for many eastern Washington farmers by creating marketing loans and loan deficiency payments for producers of dry peas, lentils, and chickpeas. I was an early cosponsor of similar Senate legislation. Peas, lentils, and chickpeas are important rotational crops for our wheat growers, and they help to break disease cycles.

The bill increases the Market Access Program to $200 million by 2006. In 1999, and again in 2001, I introduce legislation to enhance our agricultural trade promotion programs. The final bill supports my efforts to open and expand overseas markets for U.S. farm products.

The farm bill mandates country-of-origin labeling for meat and fish, and fruits and vegetables. I believe this is a great idea for farmers and ranchers, but also for consumers. However, it is my understanding the conference report would not allow fish caught by U.S. fishermen in international waters to be labeled as produced in the United States. That is a concern to fishermen in my state who fish in international waters.

In another win-win situation for farmers and consumers, the final bill increases purchases of fruits and vegetables for federal feeding programs. That means more fresh produce for our children and a larger market for our fruit and vegetable growers.

Finally, I want to mention an amendment I authored that was included in the Senate bill and the final bill. My amendment authorizes emergency assistance for farmworkers when natural disasters strike. While Congress has often been slow to provide natural disaster assistance to farmers and ranchers, it has rarely provided meaningful assistance to farmworkers. We should not ignore these workers when disaster strikes.

Implementing this farm bill will not be easy and there will be challenges along the way. I look forward to working with farmers, ranchers, and rural communities to ensure that we implement this bill quickly and fairly.

Mr. WYDEN. Mr. President, today I rise to support the 2002 farm bill conference report because it is good for Oregon’s farmers at home and in the world market.

Agriculture in Oregon is a $3.5 billion business. There are 40,000 farms in Oregon, totaling over 17 million acres. The average farm size is 430 acres, with a stunning variety of crops, made up of 10,000 plus wheat farms in the eastern part of the State to 100 acre vineyards in the western part of the State.

Overall, the Oregon Farm Bureau supports this farm bill. Oregon wheat and dairy growers are anxious to see the workings of the new loan rates and market transition payments. They are also pleased to hear that all changes are in effect for the 2002 crop.

Oregon dairy producers tell me the compromise that maintains a permanent $9.90 milk price support program will help them in the long term, whereas the establishment of a 3.5 year National Dairy Program to provide assistance to all U.S. dairy producers will help them in the short term.

Oregon’s wheat producers are pleased that the conference report provides marketing loans or loan deficiency payments to them based on a loan rate of $1 per pound for graded wool and $.40 per pound for non-graded wool.

This conference report also provides $94 million, nationally, for apple producers who have suffered low market prices.

But those are just specific examples of how this conference report will be good for Oregon producers. In a more general sense, this conference is good for Oregon’s specialty crop producers in the following ways: specialty crop purchases for section 32 requiring not less than $200 million for fruits and vegetables. At least $50 million of that amount is for schools through the DoD Fresh Program; MAP funds—$650 million over the life of the bill, hitting the authorized ceiling of $230 million in the first year; and the Technology for Specialty Crops provides $19 million for exporter assistance to address barriers that restrict US specialty crop exports; $400 million for food assistance of which some is destined for specialty crop commodities; $100 million in loans for school lunches, the WIC program, and the Seniors Farmers Market program, of which Oregon is one of the pilot States; and, Country of Origin Labeling for fresh meats, fruits, vegetables and fish will help Oregon’s producers.

In addition, while some environmental organizations are not pleased by the increases provided in the conservation title of this conference report, Oregon farmers will benefit overall from the 80 percent increase in conservation programs. Specifically, $50 million is provided for the Klamath Basin under a new Water Conservation Program that provides cost-share incentives and assistance for efforts to conserve ground and surface water.

The nutrition title is supported by Oregonians who strongly supported, and were successful in maintaining, the provision that reinstates food stamp benefits for legal immigrants. Oregonians will benefit from simplifications to the TANF and food stamp programs.

Oregonians will also benefit from the $1.03 billion Rural Development title that will, in addition to other new and improved rural development programs, make $100 million available nationally to allow rural consumers to receive high-speed, high-quality broadband service. It also provides $50 million for the Rural Firefighters and Emergency Assistance Program which will help as rural Oregon communities face increasing fire danger from public lands.

For years I have supported increased funding for agricultural research. Research dollars have been important to Oregon agriculture because they enable Oregon agriculture to be competitive in the world markets. This title increases funding from $120 million/year to $200 million/year in fiscal year 2006. The conference report adds a new $100 million cost share program to assist private non-industrial forest land owners in adopting sustainable forest management practices. It also authorizes research pilot programs in carbon sequestration for agriculture producers and forest land owners. Both of these programs will be available to Oregonians, regarded as leaders in these areas.

There are additional programs in this conference report that will benefit Oregon producers and forest land owners. Both of these programs will be available to Oregonians, regarded as leaders in these areas.
indicated he will do. We will start the arduous process of implementation. I will be there, with my Senate and House colleagues, as that process moves forward to make sure the intent and spirit of this law is adhered to: to encourage environmentally sound, economically viable, and socially responsible agriculture.

Mr. STEVENS. Mr. President, the farm security and rural development act of 2002 contains two important provisions for the protection and revitalization of our nation’s salmon industry. One is country of origin labeling and whether the fish is farm raised or wild caught and the other, a report on efforts to promote and use pounced and canned salmon within the food and nutrition programs of the Agriculture Department.

Last year, Chilean pen-raised, farm salmon was purposefully delivered the same time as Alaskan fishermen brought their salmon to market. It was and is the intent of Chile to devastate and destroy the Alaskan wild-salmon market. Canada, Norway and China are increasing their farmed salmon capabilities and are flooding the U.S. market with pen-raised, pelleted-fed, and chemically-enhanced salmon. In fact, dye injected into the flesh of pen-raised salmon in order to obtain the orange and reddish salmon color that occurs naturally in wild salmon, which are born in fresh water streams, then travel out to the deep ocean and back again, is to be expected.

The conference committee report includes a provision that will require any retail seafood product in the United States to be labeled at the time of sale with its country of origin and whether the fish is wild-caught or farm-raised. This will help consumers make informed decisions about the seafood they put on their dinner tables. Alaskans know that wild fish from our waters are healthier and better tasting than farmed fish from overseas. This provision will allow the rest of America to make a more informed choice between pen-raised and wild salmon and learn about all the benefits of Alaskan seafood.

The conference committee also retained an amendment which calls on the Secretary of Agriculture to report to Congress on efforts to expand the promotion, marketing, and purchase of U.S. pounced and canned salmon within the food and nutrition programs of the Agriculture Department. It is imperative to the short term success of Alaska’s salmon industry to move existing inventories of pounced and canned salmon. The farm bill does a great deal to insure the commodities marketed for southern and midwestern farmers, and these provisions will begin to provide some assistance and much needed protections for America’s fishermen, the farmers of the sea.

An amendment that did not remain in the conference committee report, but is absolutely necessary considering how pen-raised salmon are altered and chemically developed, is the eligibility of wild seafood for an organic product promotion effort. This amendment by my good friend and colleague Frank MURKOWSKI, would have directed the Secretary of Agriculture to incorporate wild seafood into the organic labeling program. Wild salmon that go out to sea and return to their natural habitat are by definition organic and completely natural, void of hormones or other chemicals and are undeniably deserving of the “organic” label.

Mr. KERRY. Mr. President, I would like to congratulate Senator HARKIN for his hard work in bringing this farm bill together. As Chairman HARKIN said yesterday, this conference report is not anyone’s idea of perfection. It’s not the bill Senator HARKIN passed in the Senate, nor is it, I think it’s fair to say, the bill that Senator HARKIN or any of us might have written were legislation written to match an ideal standard. But the legislation before us today is a product of hard work and tough negotiating. It’s the best we can afford the opportunity to vote on what’s before us, to make a judgment about whether we’re going to provide relief and support to farmers in Massachusetts and nationwide in need of relief, and U.S. Senators are only afforded the opportunity to vote it down and hope for an ideal farm bill the legislative process itself has proven will not be forthcoming.

Given that choice, I will support this farm bill—I will support it because it supports farmers and workers all around the country that are absolutely critical and which we cannot afford to leave unmet.

This legislation includes record amounts of funding for land and water conservation programs, nutrition spending and reestablishing a dairy program that keeps small dairy farmers in business. This bill increases spending for land and water conservation programs by $17 billion over the next 10 years. With our federal agricultural programs by $45 billion over the next 6 years and $73.5 billion over the next 10 years. With our
country at war against terrorism and our economy still not recovered we should all be concerned about the deficits that this country could potentially face.

Lastly, the conference report contains a number of animal protection provisions that I do not support. Particularly troubling were the provisions on animal fighting and downed animal protection that were nearly identical in both bills and yet the conference report contains a weakened provision. I strongly believe we need to revisit the issue of humane treatment of animals.

In summary, this bill is not perfect, but it is the choice before us, and in the Senate this year I see no better choices being offered. And while I think it’s critical that we do better in the future, that we strike a better balance, I do not believe it would be in the best interests of our nation to deny family farmers and America’s small farms the lifeline they so desperately need today.

Mr. THURMOND. Mr. President, I rise today to speak on the conference report for H.R. 2646, the Farm Security and Rural Investment Act of 2002, FSRIA Act. This is the eleventh farm bill since the Congress enacted the Agricultural Act of 1949, the last permanent farm legislation, and the first farm bill of the 21st century.

The previous farm bill, the Federal Agriculture Improvement and Reform Act of 1996, the FAIR Act, contained at least three favorable objectives—to instill market discipline upon U.S. agriculture, to foster agriculture exports, and to eliminate Government-mandated planting requirements. That legislation represented the most radical change in farm policy since the inception of Federal farm programs in the 1930s, and in my view was a step in the right direction.

I would have preferred a farm bill which would assist family farmers in becoming more efficient and more productive, thereby becoming more competitive. Instead of strengthening market oriented agricultural sector, I am concerned this bill will make farmers more dependent upon government subsidies.

Our farm policy should promote the strength and ability of American agriculture to produce more and safer food and fiber with fewer chemical inputs. The bill has a competitive advantage in the production of many crops and most kinds of livestock. However, American farmers and ranchers are plagued by low prices. While this bill attempts to deal with low farm gate prices, it does not address the fact that U.S. agricultural producers sell in a world market where low prices are the norm. A U.S. agricultural policy that results in American food and fiber products being produced at higher than world prices does no good for farm families.

I am very concerned about the regional bias in this bill. Southern cotton, rice, and peanut farmers, particularly large family farms State will be adversely affected by the payment limitations. These large farms are some how construed to be corporate farms when, in fact, most are family farms. Also, I am not satisfied that our peanut farmers are being treated fairly. This bill does not authorize the peanut program, the last of the old style farm quota programs, and enacts a peanut marketing loan program, affecting both farmers and rural communities. We should have a farm bill that treats all farmers equally, enables them to be competitive, and that continues to provide the American consumer with wholesome, good quality food and fiber.

I note that this bill authorizes considerable spending for conservation. There is nothing more important to agriculture than conservation. In South Carolina, it is said that if you do not take care of your land it will not take care of you. It is encouraging that such provisions as the Enhancements to the Environmental Quality Incentive Program are strengthened in this bill. However, I question the addition of programs, which in my State could lead to land being taken out of agricultural production. Those changes in the bill that increase the demand for land thereby raising the price of land or the land rental.

I am disappointed the FSRIA Act does not do enough to strengthen our agricultural research assets including our land-grant university system and the Agricultural Research Service. The research done by these institutions and agency have materially added to the competitiveness and productivity of American agriculture. They should be cultivated and given the funding they need to continue their outstanding research. Emphasis should be directed at ensuring these results are translated into practical measures that can be adopted by farmers and imbued into our economy. More could also have been done to help beginning farmers. However, no piece of legislation is perfect.

I thank the conferees for retaining my amendment regarding farm reconstitutions in the conference report. As I said in prior statements I made earlier this year, the Department of Agriculture could have handled the problem itself without legislation. Flue-cured tobacco producers and quota owners in the Carolinas and Virginia will be better off with this amendment. This amendment will allow flue-cured tobacco allotments and quotas to continue to be transferred through the process of farm reconstitutions.

Despite my concerns regarding the shortcomings of this bill, I will vote in favor of the conference report. Throughout my long career in public service, I have fought for the farmers of my State. This bill will provide farmers the funding they need to improve their efficiency and productivity.

Mr. BYRD. Mr. President, since Congress passed the 1996 farm bill, farmers throughout America have been pointing out the holes in the farm safety net that was intended to help family farmers and prevent the demise of America’s agriculture industry. The new farm bill, The Farm Security and Rural Investment Act of 2002, authorizes a wide variety of U.S. Department of Agriculture programs and strengthens the safety net for America’s farmers, ranchers, and rural communities. This farm bill, not this authorization bills that have moved through the Congress in recent years, approves, in one broad stroke, huge amounts of spending on the mandatory side of the budget. Without adequate controls and without the political will to make tough decisions, mandatory spending has been annually eating up greater portions of the nation’s budgetary resources.

That is not to say that there are not a number of worthwhile, and necessary, provisions in this bill. Certainly we do not wish to see our agricultural industry go the way of others that have drifted overseas, where costs are lower and health and safety standards are weak or nonexistent. Moreover, at a time when we are becoming more attuned to the real threats of bioterrorism and agroterrorism, our farming industry and the need to preserve it, can be seen in a new and different light. But Senators need to be more aware of the fact that voting for authorizing legislation is not just supporting policy. It is advocating spending, often uncontrolled mandatory spending, that has significant holes in the national budget. It also meets expectations for additional discretionary spending by authorizing new and expanded discretionary programs. I hope that Senators will remember that later this year when we debate the overall discretionary spending levels.

I am disappointed about a few items that are not included in this farm bill. For example, I had hoped that this bill would provide direct and guaranteed livestock producers who are suffering from a new and different light. But Senators need to be more aware of the fact that voting for authorizing legislation is not just supporting policy. It is advocating spending, often uncontrolled mandatory spending, that has significant holes in the national budget. It also meets expectations for additional discretionary spending by authorizing new and expanded discretionary programs. I hope that Senators will remember that later this year when we debate the overall discretionary spending levels.

I am disappointed about a few items that are not included in this farm bill. For example, I had hoped that this bill would provide direct and guaranteed livestock producers who are suffering from drought conditions that we know are going to worsen. Previous farm bills had provided this sort of assistance, and I wish that this one had. On the positive side, this bill provides funding for a number of programs important to America’s family farmers and rural communities. It, as well, makes important repairs to the farm safety net. But, unfortunately, the conference report also allows significant holes to remain when it comes to the humane treatment of animals.

Procedurally, it is discouraging that certain provisions to protect animals included in both the House and Senate versions of the purpose of fighting, but this language was weakened during conference committee action. For example, both the House and the Senate versions included an identical provision to prohibit the interstate transport of animal fighting but this language was weakened during conference. At the same time, the proviso included only in the Senate
version of the bill that would perma-
nently limit the scope of Animal Wel-
fare Act protections—the so-called
birds, rats, and mice prohibitions—was
retained during conference.

The conference report, however, also
eliminates the revised provisions that would have improved the
standards of care and treatment for
certain puppies intended for sale as
pets. It is unfortunate and dis-
appointing that the conference com-
mitttee decision to this very day,
there is still so much more to do to
promote the humane treatment of ani-
mals. Animals cannot vote, and cannot
write or call to voice their concerns,
but they do have many advocates, and
I count myself as one of them.

While the farm bill conference report
is deficient in its protections for ani-
mals, the bill includes provisions that will
greatly help family farmers and rural
communities in West Virginia, and the
nation.

By providing $17.1 billion for con-
servation activities, for example, the
bill will help farmers in their efforts to
be good stewards of their land, even
while they continue to cultivate crops.
Farmers from many states, including
West Virginia, will also benefit from
the expansion of assistance for pro-
ducers who grow non-commodity crops—crops like apples, peaches, and
many types of vegetables. In addition,
dairy farmers can look forward to counter-cyclical payments that will
provide more assistance when prices
are low.

The new farm bill will also make a
significant investment in rural com-
munities. The Rural Development
programs authorized in this bill will help
rural communities invest in the kind of
basic infrastructure necessary for eco-
nomic development. Most notable is
the $360 million provided to fund the
backlog of applications for water and
wastewater development projects.

Although I am disappointed with the
limited protections for animals in-
cluded in this farm bill, overall, the
Farm Security and Rural Invest-
ment Act of 2002 conference report is a
compromise I shall support.

Mr. HARKIN. Mr. President, many
Senators have not had the time to di-
gest the many pages of the conference
report and final legislative language of
the nutrition title. I would like to take
this opportunity to provide some detail
on the provisions so that Senators will
have a full understanding of what we
have achieved in their conference re-
port.

When we set out to re-authorize the
food stamp program our goals were to
improve benefits for the neediest fami-
lies and the food stamp program,
making it easier for States to
administer and to remove obstacles for
working poor families. We wanted to
strengthen the program and ensure
that eligible needy families can par-
ticipate in this critical nutrition and
work support program.

We have taken significant steps to
improve benefits for households with
children by improving and reforming
the standard deduction. Currently, all
households, regardless of their size, re-
significantly improve food stamp benefits, as neutral as their project
or purpose, can participate in the food
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state administrators. Joint guidance or regulations from USDA and HHS can make a real difference. Families should be able to comply with both programs' requirements by completing a single report. An eligible family should not put its food stamps at risk by complying with family certification requirements. The Department should ensure that this no longer happens.

The same procedural protections the Department has long applied to monthly reporting are just as appropriate for any other system of periodic reporting. Just as a household that files a late or incomplete monthly report needs a second chance, so too does a family having trouble with a quarterly or monthly report. In addition, the Americans with Disabilities Act and rules for individuals with limited English proficiency would apply equally no matter what period is covered by the report.

USDA should further reduce reporting burdens for the elderly and persons with disabilities using the broad regulatory authority it used in late 2000 to reduce burdens for many types of households. To reduce the number of reports required of households, the conference report uses the option to "freeze" households' deductions between eligibility reviews with two limited exceptions. First, if the household reports that it has moved, the food stamp office will have to provide the household with a re-certification based on its new circumstances. Second, whenever the Department's regulations require the food stamp office to act on a change in earned income, it will have to apply the 20 percent earned income deduction to the new amount. Any household that believes this freeze is causing it a hardship may reapply and have its benefits recalculated without waiting for the next scheduled review of its eligibility. States may implement this provision as soon as it becomes effective. Significant new regulations from USDA in this area are not expected.

The conference report does not include a Senate provision that would have replaced the current food stamp re-certification process with a re-certification process. In years past, the rigidity of certification periods was a serious problem, but USDA has taken steps in recent years to introduce flexibility and allow certification periods to be extended and easily trimmed. The allowance of transitional food stamp benefits, both as they exist today under the Department's current regulations already, is to eliminate unnecessary administrative hurdles that families, particularly households, might face. When a household leaves the State's cash assistance program, the state will simply subtract the benefit from the family's income and re-calculate food stamp benefits. There will be no contact between the State and the household and no procedural requirement on the household. This transitional benefit amount will be the correct food stamp benefit for all purposes. The benefit will essentially be frozen for the next 5 months, except that States will have to update the benefit to reflect any general changes in food stamp benefit amount such as an increase in the thrifty food plan.

States may also elect to adjust the transitional benefit if they become aware of changes in the household's circumstances. For example, if a mother reports the birth of a child to the Medicaid program, the State would be free to increase the allotment to reflect the new child. In addition, the household retains the right to re-apply to have its food stamps recalculated based on current circumstances. This is especially important in cases where the wage-earner in the family loses a job.

Families that pay or receive child support can have special difficulty under current rules. These payments may fluctuate for any number of reasons. Keeping track of them can be difficult for both the food stamp office and the household. In addition to established regulations, USDA circulated some useful guidance on this subject last year and may want to do more. Many States use computers in their child support enforcement agencies that can communicate effectively with the systems that calculate food stamps. The bill requires USDA to establish simplified systems for using child support data in child support agencies even if it is a few months older than most information used to calculate food stamp benefits. Unless a household submits more current information, the State would use what it has. This legislation also allows States to selectively apply the child support amount. A State should not rely upon State data about child support a family receives unless, under the income-anticipation rules, it is reasonably certain that the family will continue to receive those amounts.

Although the focus of the bill is on procedural simplifications, we did simplify the program's benefit calculation rules in some respects. Simplification is not intended to be applied in ways that would reduce benefits. New rules for estimating households' utility costs in this bill will allow States to elect to allow use of a flat, standardized amount used to calculate the shelter deduction for families with utility bills other than telephone. States do not have to inquire further into the family's living arrangements. This simplification as long as USDA and states ensure that these standardized estimates keep pace with increases in utility costs. The States will require these more frequent inquiries further into the family's living arrangements. This simplification will not reduce benefits as long as USDA and states ensure that these standardized estimates keep pace with increases in utility costs.

The Senate bill included a simplification in the procedures states use to convert weekly and biweekly earnings into monthly income. However, the Department's current regulations already allow states to do that if they follow these same conversion procedures in TANF. Accordingly, the legislative provision was not adopted, but USDA should encourage more states to take this regulatory option.

The other simplification we made in the food stamp benefit structure involves people who live in institutions and are unable to manage their own food stamps. This will primarily involve people who are recovering from substance abuse problems and some people with severe disabilities. Although these procedures can apply to homeless people or to women living in shelters for victims of domestic violence, we expect many people in those facilities will choose to retain their own food stamp benefits because of their relatively brief stays or because they need to obtain some of their meals outside the shelter. Where, however, the recipient consents or is incapable of managing his or her own affairs, this provision will allow the benefit to be calculated under a standard formula that would not require the institution to gather a great deal of detail about the circumstances of each resident. USDA's current rules that define an institution as a facility consistently providing more than half of a recipient's meals will continue to apply and limit this provision's scope. We also included safeguards to ensure that persons leaving centers in mid-month will receive their fair share of benefits for the remainder of the month and will get help from both the center and the food stamp office to re-enter the regular food stamp program.

Many States have been operating EBT for some time now and have a great deal of experience. This legislation requires USDA to issue a report on the current status of EBT. It requires USDA to provide a wide array of information on how systems are operating, including issues with contract renewals and client access. The report will include valuable information about how states ensure that claimants have full access to their food stamps within EBT and on how they will get help from both the center and the food stamp office to re-enter the regular food stamp program.

EBT complies with the Americans with Disabilities Act and the Rehabilitation Act.
The Senate bill included a provision to ensure that households that have accumulated benefits in an electronic system would not have their benefits made inaccessible for some time. Elderly and disabled households who often have small, non-income benefits and store them, might otherwise lose food stamp benefits. The Department is already planning to implement this policy via regulation, so the bill does not include the provision.

Referring to the food stamp quality control system in the bill are based to a great extent on the recommendations of the National Academy of Sciences. The current quality control system, for measuring program performance, only focuses on payment accuracy. Under the new system, payment accuracy will not override the program’s basic goal of providing food assistance to eligible families.

Under current law, States with payment error rates in excess of the national average face fiscal sanctions each year. Thus, close to one-half of the States are in violation each year. The new system focuses on those States with persistent payment accuracy problems, only those States which USDA is statistically certain have payment error rates above 105 percent of the national average will be targeted as problem States. When a State exceeds this threshold for 2 consecutive years, USDA will be required to take action with any combination of three specific options as its response.

First, USDA may require the State to reinvest up to 50 percent of the sanction to improve administration of the program. The bill does not specify in what activities States should reinvest, although states may use reinvestment funds to improve program access. States have discretion to determine what type of reinvestment will most improve its program. Second, USDA can withhold funds that are not reinvested or held at risk. Finally, USDA can impose fiscal sanctions on the amount of the States’ potential liability to be held at risk, but cannot collect sanctions during the year in which they are assessed. The State must pay at risk amounts from the previous year if the State’s error rate is subject to sanction in the current year. If the State is not subject to sanction in the following year, the amount held at risk is automatically waived. Finally, USDA can waive any portion of the sanction amount only to those States that are not reinsvested or held at risk must be waived.

USDA should consider the causes of the State agency’s problems, and whether the State’s error rate is declining along with other relevant factors when determining how much of a State’s sanction to waive. If a State is making progress on reducing its error rate, USDA should consider a waiver of its sanction. As under the current system, States may appeal these decisions. USDA may withhold funds that have not been reinsvested pending appeal. The Department should not use this authority in a way that undermines reinvestment plans when a State raises an appeal in good faith.

The Senate bill would have adjusted sanctions for States doing a particularly good job of serving low-wage working families or immigrant households, avoiding the requirement that it would continue its current practice of adjusting sanctions to account for enrolment or rising numbers of participants more likely to involve errors, such as working poor households. USDA should also continue to adjust payments for the large number of legal immigrant households and, in the future, to adjust for other factors, as the need arises.

The current system will remain in place for fiscal year 2002. USDA may use its authority to waive the fiscal year 2002 sanctions for those States that would not have faced sanctions under the new system. Similarly, it may waive sanction amounts in excess of the new sanction formula.

The new system for fiscal year 2003. No State will be subject to paying a sanction until 2005. The administration requested this delayed implementation timetable. USDA must now ensure that this delayed effective date does not undermine States that are currently making toward lowering error rates.

The legislation provides $48 million for fiscal year 2002, and $40 million the following year for new quality control performed tests. Bonuses will be provided to States with the best or most improved performance relating to correcting errors, reducing rates of error, and improving eligibility determinations and other indicators of effective administration determined by USDA in consultation with the States. Correcting errors is crucial. USDA should recognize and reward States that improve their staff training and establish systems that give State administrators early warning when eligible individuals are being denied benefits. This will require States to provide training services to people that are subject to the time limit yet do not meet the definition of a work activity. Such individuals can still benefit from, for example, job search activities and training programs that are less than 20 hours per week. USDA should respect the broad authority States already have to decide how to coordinate and apply these various employment-related requirements under the act.

This bill also eliminates the current $20 million cap on the amount States may reimburse E&T participants for expenses other than dependent care. This cap had not kept pace with inflation and limited States’ ability to provide needed work support as part of their education and training programs. USDA should continue its longstanding policy of providing States with broad flexibility in providing these funds to employment and training participants.

This nutrition title is among the strongest that the Congress has ever passed. It will improve benefits, support families’ efforts to move from welfare to work, and simplify program rules. The bill will improve nutrition benefits for low-income Americans and reduce hunger and poverty in our country for a number of years into the future.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I yield myself whatever time I have remaining.

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

Mr. HARKIN. Mr. President, I want to take this opportunity to close my part of the debate on this farm bill. We will be voting very soon. I want to say a few things.

This is a comprehensive bill. This is not a bill just for commodities for one part of the country or other. This is a comprehensive bill that takes into account a lot of different factors. This is a farm bill that has taken a long time and a lot of hard work, both in our committee and in the Senate, under the leadership of, first, Senator Lugar, and under my chairmanship beginning in the middle of last year; also, on the House side, under the chairmanship of Congressman Combes, and his ranking Member, Congressman Pascrell, and his ranking Member.

We have had a lot of debate on this bill in the committee and on the floor, and, quite frankly, a lot in conference also.
Out of this has come, I think, a good bill, a strong bill—a bill that is good for all of America.

Is it a perfect bill? No, it is not perfect, at least not from my viewpoint. And I daresay, there isn’t one Senator here who thinks it would be perfect from his or her viewpoint. I am sure that everyone here can find one or two things they do not like in the bill. But keep in mind, it is a comprehensive bill for America and for our future.

The bill comes and goes in different parts which I think enable us to turn the corner. If I were to say what was my view on this farm bill, it turns the corner from where we have been in the past.

In commodities, we have strengthened income, we have provided stability and predictability. We have ended the Freedom to Farm. Freedom to Farm was built on a two-legged stool: low loan rates and AMTA payments—direct payments. We have to sit on a two-legged stool, you know it is unstable, it is unpredictable, you never know which way you are going to fall.

So this bill puts four legs under that stool for our farmers and our ranchers: higher loan rates, a target price, direct payment, and conservation—four strong legs under that stool by which we support and enhance our farmers’ livelihoods. So we have turned the corner.

Large farms in the past got everything. Under Freedom to Farm, it was a dog-eat-dog world. And in a dog-eat-dog world, the biggest dog gets it all. We have turned that corner. Now, for example, people like Scottie Pippen and Ted Turner and Sam Donaldson will not be able to get a dime from this farm bill. I cannot tell you how many editorialists I have seen lately saying the farm bill continues to give all this money to people like Ted Turner and Scottie Pippen, and people like that. Absolutely untrue. We have turned that corner. They now will not get one single dime.

We have more help for our moderate and mid-sized farms, with the higher loan rates, with the conservation payments, with the target price. We have support in here for beginning farmers. We even have a specific provision in here for organic farmers: You now have support and help. We say to farmers who want to practice conservation: You now have help. And especially to our smaller and mid-sized farmers.

So we have turned the corner. On conservation, we have an 80-percent increase in conservation payments. The Conservation Reserve Program, nearly 3 million more acres will be added; the Wetlands Reserve Program, we have more than doubled it; the Watershed Program, a fourteen-fold increase; the EQIP program, to help our livestock farmers clean up and stop runoff into places such as the Chesapeake Bay and the Mississippi River and the Missouri River and the Great Lakes and our crop producers to reduce their nutrient run-off, among many other important conservation activities, five and a half times more money. More money for EQIP than we have ever had before, going from $2 billion to $11 billion.

There is more help for ground water protection that we have never had before; $600 million to help conserve ground and surface water. There is a brand new conservation program called the Conservation Security Program, which will be helpful to farmers, especially our moderate and mid-sized and small farmers be good conservationists, like they want to be, like many of them are already. This will help support them and encourage them to be even more in the future. We have turned the corner on conservation. This is a program that many farmers are eagerly waiting for and I strongly encourage the Secretary to expedite implementation of CSP so we no longer leave producers out of conservation programs and so we no longer continue to ignore the stewards of our nation’s natural resources.

On nutrition, as I mentioned, the last farm bill did not even include a nutrition title. In this farm bill at a level of $36.4 billion, almost twice what the House level was. Yes, I say to my friend from Texas, you bet we restored food stamp benefits to legal immigrants who have lived in the United States for at least 5 years. The President himself wanted that. We also said that children and people with disabilities don’t have to wait 1 day to get food stamps. Yes, we answered that need.

We also did away with a lot of the red tape and the paperwork associated with the food stamp program. In addition, we provide 5 months of food stamps for people who are making the transition from welfare to work.

On the Emergency Food Assistance Program—the TEFAP program it is called—we provide more money for commodities that are distributed in food banks and food pantries.

There are 33 million Americans—13 million of whom are children—who go to bed hungry. This farm bill speaks to them. That is why 51 organizations, including Second Harvest, Bread for the World, the Children’s Defense Fund, the Food Research Action Center, and many others—51 food groups—in America support this bill and urge its passage. Our bill sticks up for needy people. We say, they, too, are part of our great country.

We have turned the corner on rural development. We provide the funds to clear up the backlog of water and wastewater. Broadband access: This is the first time we have money in there to bring broadband access to our small towns and communities. We have a Rural Equity Capital Fund we have never had before, a provision to provide for grants and loans for value-added businesses owned by farmers around small towns and communities. We have turned the corner on rural development.

Energy: This is the first time ever we have had a title in the farm bill dealing with energy, to provide grants and loans to farmers and ranchers for renewable energy—wind, solar, biomass, that type of energy—to build biofuels processing plants for soy diesel, soy lubricants, ethanol. Yes, we are providing new markets for our farmers out there, and the new market is energy—energy for our country, to make us energy independent, to provide us the kind of independence that we need in energy, based on renewable resources on our farms and ranches. It is the first time ever. We have turned the corner.

On trade, we provide more money for the Market Assistance Program, to make sure we are able to sell our value-added products overseas, and we have the Foreign Market Program to get our bulk commodities overseas. We have provided more money for that. So we have turned the corner there.

We have heard a lot of talk about competition, I will say this, we have done more in this bill on fairness and transparency than any bill since the Packers and Stockyards Act was passed in 1921—more. Farmers and consumers scored a big win, and the big meat processors suffered their biggest loss in decades when we kept the country of origin provision.

The PRESIDING OFFICER (Ms. Stabenow). The Senator’s time has expired.

Mr. HARKIN. Madam President, I ask unanimous consent that I be given 4 more minutes.

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

Mr. HARKIN. I thank my colleagues for giving my amendment.

The big meat processors lost out. We got country-of-origin labeling, as well a crucial amendment to the Packers
and Stockyards Act that brought swine production contractors under the Packers and Stockyards Act. So now farmers who have swine production contracts have the same protections against unfair practices as poultry growers and livestock owners. This provision makes clear that the Packers and Stockyards Act evolves with the changing industry.

We were also able to keep a provision to make it clear that farmers who have marketing and production contracts have the same protections as those who contract with their close advisors and family, no matter what the contract or the meatpacker says.

Let me say this about payment limits. Do I wish we could have done more? Yes. But I want to point this out: Right now the payment limitation is $460,000, the maximum that any one person can get or any one entity can get under the freedom to farm bill. The House came with $350,000. They raised it. We settled on $360,000. Then it is $460,000 now. We brought it down to $360,000. We were at $275,000 in the Senate. The House was at $550,000. So we actually came in closer to the Senate at $360,000. As I mentioned, we cut the Senate, and the Ted Pardners and all those people who were getting payments. That has ended.

We set up a commission that will have members appointed from the Senate, from the House, and from the administration to advise us on further processes that we should do to address the issue of payment limitations.

And this is another thing we did: We provide for transparency. From now on, we will be able to track every payment made to every farmer, track it right from the beginning right down to who gets it. Right now, people hide behind entities, such as partnerships and co-ops and corporations. Now, with transparency, we will see who gets what. We have done it. We have transparency in the commodity price support program.

So, yes, we have turned the corner on competition. Maybe we did not get to the goal of where we want to be, but we have turned the corner. From now on we are going to have transparency. We are going to have a better handle on exactly who is getting what.

I close my remarks by saying: You can vote no on this bill. I could pick out two or three things, if I wanted to, and vote no myself. But this bill moves us forward, to turn that corner, to turn away from the Freedom to Farm bill and what it stood for, and to chart a new course for the future. We can vote no on this bill. All that means is we go back to Freedom to Farm, with none of the provisions I just mentioned applicable. They would all be gone. Is that what we want to do? Step back in time? Stop up here to where we were? I don’t think so.

The bill is not perfect, but it is a good, strong, fair, and equitable bill for farmers and ranchers all over this country. It is fair and equitable to our consumers because they are still going to continue to get the most reliable, safest, cheapest food anywhere in the world. We meet our social obligations in ensuring that we provide food and food products that are safe in our society. That is why I urge Senators to vote for this bill and move it ahead.

I thank all of our staff members who have worked so hard on this bill. In particular, I thank Mark Halverson, my chief of staff. When this is all over, I will tell him he has got to go to bed and get some sleep because I don’t think he has slept in about a month or two or three. I thank Charlie Rawls, our general counsel; Bob Sturm, chief clerk, who made sure everything was set up for us in our meetings, took care of all the paperwork; Rich Bandler; Karal Bialostosky; Seth Boffell; Kevin Brown; Alison Fox; Amy Fredregill; Sara Hopper; Ellen Huntoon; Eric Juzenas; Lisa Kerstens; Stephanie Mercier; Frank Newkirk; Doug O’Brien; Vershawn Perkins; Erin Peterson; Lloyd Ritter; Terri Roney; John Moreland; Bob Soukup. I thank all of those.

So, yes, we have turned the corner on competition. Maybe we did not get to the goal of where we want to be, but we have turned the corner. From now on we are going to have transparency. We are going to have a better handle on exactly who is getting what.

I ask unanimous consent for 1 more minute to continue to thank my staff.

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

Mr. HARKIN. I thank particularly the family members of these individuals—my staff, the children. I know they haven’t seen spouses, loved ones, parents, father and mother, in this case, for some time, because of the long hours we have worked. Sometimes when Members would go until 9 or 10 at night, we went home. Staff stayed until 1 or 2 in the morning to clean up the mess we made and do all the paperwork and get us ready for the next day. I particularly thank their families.

I close by saying my special thanks to my ranking member and my good friend Senator LUGAR from Indiana. I know we disagree on this bill, but there are a lot of things on which we do agree. There are a lot of things we worked very closely on when we developed the bill in committee. I look forward to working with him in the future.

This is not the last farm bill. This is not the end of what we will do to address the issues of America and our people who live there. I look forward to working with Senator LUGAR.

As I said, we may have a disagreement, but I echo what someone said the other day: Senator LUGAR has been from the beginning intellectually honest and forthright in his approach on this farm bill. No one can fault that. We just see it differently; that is all. But he has been a great friend. He has helped move the process forward. Even though he didn’t agree with the bill, he wanted the process to move forward. I think that is the mark of a true Senator and a statesman—to make sure, even though you don’t agree, that the process must continue forward.

I thank my good friend and my ranking member Senator LUGAR for his help and his support in getting us to this point where we now are approaching a final vote on the bill.

Mr. LUGAR. Madam President, I thank my colleague, the distinguished chairman, for his generous remarks. I will simply say, as I did at the beginning of the debate when I took the chairmanship of the committee at a difficult time. This is a long process. He and his staff have done a remarkable job, and our staff has worked with them. We look forward to continuing to do so.

We are going to have much more of an agenda before the Agriculture Committee. The distinguished chair will be a part of that as well as the distinguished majority leader who is on the floor whose remarks we now await.

I do have a disagreement with my chairman, but we have expressed our views at length and hopefully to the profit of all who have listened to this debate.

I thank the Chair and yield the floor. Mr. HARKIN. Madam President, I wanted to thank the legislative counsel who worked so hard on this: Gary Endiccott; Darcie Chan; Janine Johnson; Heather Flory; and Tim Trushel. They were indispensable in helping us work through this bill.

I thank the Congressional Research Service: Geoff Becker; Joe Richardson; and Jeff Zinn. I thank the Congressional Budget Office analysts. When we always asked them, in the middle of the night, they would come through with the information we needed. They are David Hull, Jim Langley, Greg Hits, Valeri Baxter-Wolmer, and Lanette Walker. And at the USDA Office of General Counsel, I thank Dave Grahn and Pia Ruttenburg.

I will yield the floor, but someone asked me what was the best thing we have ever done for us, and into conference with the House. I said: We had our secret weapon. We had the majority leader of the Senate.

The majority leader is a valuable member of our Agriculture Committee. I can’t think of anyone who has worked longer and harder for our farmers and ranchers in America than Tom Daschle. Since the day he first came to the House of Representatives, we have been close friends. We have worked together. He has been one of the best leaders on agriculture in all these years. It is a source of pride to me to have him on the Agriculture Committee with us.

I can tell you, it was a great source of help on this bill and getting us to this point that Senator Daschle was there with us every step of the way, helping us out and bringing us to the point where we are.

I publicly thank my good friend, my leader Senator Daschle, for all of his help on this.

The PRESIDING OFFICER. The distinguished Senate majority leader.
Mr. DASCHLE. Madam President, I will use my leader time to finish comment on this bill before we go to a vote. I will try to be brief because I know Senators are hoping to have the opportunity to vote very shortly.

Let me simply return the compliment of the distinguished Senator from Iowa, the chairman of the committee. He and I have spent more hours than either of us have been able to count over some long months with the hope and expectation that we would be able to come to a successful conclusion. His extraordinary tenacity, his leadership, his vision for agriculture, his ability to work with all sides, his ability to articulate positions of our caucus and of Senators with whom he both agreed and disagreed is remarkable.

The people of Iowa have had many proud moments in their history. I cannot think of a prouder moment for the State of Iowa, this special time for us as we bring this very important issue to a closure.

In the most heartfelt way, I offer my congratulations to Senator HARKIN for his leadership.

I must say, without being repetitive, his comments about the distinguished Senator from Iowa are so true. His leadership, his articulation of prior farm bills because he had difficulty supporting farm legislation, and I thank those on the committee. I think we would see this year.

I hope we can continue to build on what we have done. I have heard my colleagues come to the floor and suggest that now what we have to do is focus our attention on packer concentration. I heard Senator HARKIN speak powerfully about his determinations to continue that effort. So we know our work is not done, but we do know we have accomplished a good deal. We have created a foundation for the next 6 years upon which we can build even more—sending hope and creating even more promising days in the future for our farmers and ranchers, the likes of which I didn’t think we would see this year.

I thank the Chair and my colleagues, and I thank those on the committee. I thank the conference and I thank our staff for a job well done.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Madam President, how much time remains on our side?

The PRESIDING OFFICER. Two minutes.

Mr. LUGAR. Madam President, I thank the distinguished majority leader for his very thoughtful and generous comments. It is my privilege now in the remainder of our time to thank people who have been very vital to this farm bill and with whom certainly I have had the pleasure of serving in this committee. They are our minority staff and detailees. I would like to name each one.

Obviously, Keith Luse, my right-hand person, who is right by me now, our staff director throughout all of this: Dave Johnson, chief counsel; Carol Dubard; Andy Fisher; Michael Knipe; Walt Lukken; Andy Morton, our economist, who has been so helpful during this debate and for many years; Senator Nентемат; Carol Olander; Chris Salisbury; Erin Shaw; Daniel Spallancy; Pat Sneevy; Brown, Davis; Dave White; and Benny Young. All of them are very able people, with great futures ahead of them. We look forward to continuing our work with the majority staff and with our distinguished chairman.

With that, I yield back the remainder of our time.

Mr. HARKIN. Madam President, on this vote, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second. The question is on agreeing to the conference report to accompany H.R. 2646. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "no."

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

The result was announced—yeas 64, nays 35, as follows:

(Rollcall Vote No. 103 Leg.)

**YEAS—64**

Akaka
Allard
Baucus
Bayh
Biden
Bond
Boxer
Breaux
Burns
Byrd
Campbell
Carnahan
Cleland
Coats
Cochran
Conrad
Craig
Crappo
Dauchle
Dayton
Dodd

**NAYS—35**

Allen
Bennett
Bingaman
Brownback
Bunning
Carper
Chafee
Cochran
Corzine
DeWine
Dorgan
Eisen

NOT VOTING—1

Helms

The conference report was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

Mr. LIEBERMAN. Madam President, I voted today for the farm bill because
I believe that it provides some needed relief to our strapped farm industry as well as provides some new and much-appreciated assistance to the farmers of Connecticut. Our farm economy right now is in dire shape, and farmers from all over the nation have pleaded with the Congress to give them the assurances that this bill possesses. I do not believe it is a time at which we can turn our back on the nation’s farmers.

The bill also provides some precedent-setting relief to the often ignored farm industry in my home state of Connecticut. In particular, the extension of the dairy program, the new assistance for the specialty crops that dominate our farmland, the increases in conservation funding over the status quo, and the various incentive programs for organic agriculture will all bring benefits to Connecticut farmers. Finally, the provision of $600 million annually in new nutrition programs, including the restoration of food stamp benefits for many legal immigrants, will allow many Connecticut residents to provide essential supplies of food for their families.

While this bill does provide support for who depend on the land for their living, like most legislation it is not perfect, and so I cast this vote with some reservations. I am concerned that several of the features that made the Senate-passed bill desirable have been weakened in conference. In particular, the conservation funding has been reduced and appears to be backloaded far into the future. The payment limitations that were adopted in order to ensure that funds were distributed more equitably, and not disproportionately to large corporate farms, also appear to have been weakened. While I cast my vote today for this bill, I hope that we can revisit these important issues in the near future.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Madam President, the majority leader has asked me to announce my objection, it is so ordered.

Mr. DASCHLE. I move to lay on the table the motion to lay on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The motion (no. 3387), was agreed to.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I would like to take this time to talk in some detail about the Trade Adjustment Assistance Reform Act, the underlying bill. This is a bill which is a renamed version of S. 1209, which was reported out of the Finance Committee last December. It is the first part of a trade package to which the pending motion—actually it is the first part of the substitute underlying the bill.

I think it is important to put this bill in context. That is why I want to spend some time reviewing the history of the TAA program, its purpose, and recent proposals for reform, and how those factors are reflected in the bill.

I also want to review some important points about what this bill does and does not do. Unfortunately, there is a lot of misinformation out there. I want to clear up some of the inaccuracies that have cropped up about specific parts of the bill.

Last, I want to review my efforts to make this a bill with bipartisan appeal. That has been my goal—and, I think, one I share with Senator DASCHLE and Senator BINGAMAN—from the beginning. I really believe we have achieved that goal. So I want to touch on how that happened as well.

First, I will start with a little history.

Trade Adjustment Assistance—what we call TAA—was created in the Trade Expansion Act of 1962 and revised to its current form in the Trade Act of 1974. It was last revised in the 1980 NAFTA Implementation Act, which created a special program for NAFTA-impacted workers.

The purpose of the TAA program is to help workers who lose their jobs and firms that face layoffs as a consequence of international trade.

In 1962, President Kennedy said

"Those injured by . . . trade competition deserve to be compensated and to have the opportunities and the training to get retrained for new careers. To achieve that goal, TAA provides a "Cadillac" of U.S. displaced worker programs.

The TAA for firms program provides technical assistance to mostly small- and medium-sized businesses that face layoffs due to import competition. The program helps firms become more competitive so they can retain and expand employment.

People sometimes call TAA the "Cadillac" of U.S. displaced worker programs. I find that misleading. It is true that TAA provides more benefits than other U.S. programs for displaced workers. But please remember that no one wants to be in TAA. The prospect of a government check for about $250 a week is not an incentive to linger in this program when you have a mortgage to pay, a family to feed, and medical expenses to pay. You just want to get past this “Cadillac” discussion and get down to the real issues.

The TAA program has a 40-year history, and we have learned some things from experience. Over the last few years there has been a growing consensus that it was time to take another look at this program and see how it could work better.

In the past 2 years, the GAO has done four key reports on TAA. The studies of every aspect of the TAA program. GAO has noted some problems in the way the program operates and made some concrete recommendations for reform.
In addition, the bipartisan Trade Deficit Review Commission has looked at TAA. The Commission included our current USTR, Ambassador Zoellick, as well as Secretary Rumsfeld, former USTR Carla Hills, and others representing a wide range of views. As you probably know, they did not come to any conclusion about the majority of issues before them. But their report contains one unanimous chapter recommending revision and expansion of the TAA program.

The GAO and the Trade Deficit Review Commission, and Senator Snowe’s recommendations for improving the TAA program include expanding TAA to cover secondary workers and assisting TAA participants with health insurance.

They recommend making sure that income support lasts as long as training. After all, you need work while you are getting trained.

They recommend creating a performance evaluation system to track program outcomes to see if it is working.

They recommend providing wage insurance.

They recommend assisting trade-impacted communities and assuring adequate funds for training.

That is the unanimous recommendation of the Commission.

That, in a nutshell, is how this bill began. We didn’t start out trying to add as many bells and whistles as possible to this program. We didn’t add too much in the expectation of negotiating a better bill.

We simply took the nonpartisan and bipartisan recommendations of the GAO and the Trade Deficit Review Commission and wrote them into statutory language. This is basically what we did along with Senators Daschle and Bingaman. And we tried to do it in a fair and sensible way that would make the program work better and treat all trade-impacted workers equally.

Let me take a few minutes now to walk through some of the major provisions of the bill.

The first thing this bill does is unify the two TAA programs for workers—regular TAA and NAFTA–TAA. The unified TAA program pretty much adopts the existing NAFTA–TAA rules, which are the more recent. Consolidating these two programs creates a single set of application procedures, eligibility criteria, and training requirements that makes the program a lot more user friendly for workers and easier for the Department of Labor to run. Unlike current law, the unified program will provide income support for the full length of training. That way workers can finish the training they need instead of dropping out when income support runs out. The Administration supports these changes.

The second thing this bill does is extend TAA coverage to workers who lost their jobs when their plants relocate abroad.

Right now, these so-called “shifts in production” are covered under NAFTA–TAA, but not under regular TAA. That means that if a factory relocates to Mexico or Canada, the displaced American workers are covered. But if the factory relocates to Thailand or Chile, they are not. That is not fair. It is not sensible.

This is not a fair or sensible way to run a trade adjustment program. There is no difference between a worker whose job moves to Mexico and one whose job moves to China. Their adjustment needs are exactly the same. The bill amends current law by extending TAA to cover shifts in production to any country.

The third thing this bill does is extend TAA coverage to secondary workers. Secondary workers are workers who supply parts to or perform finishing operations on a product produced by another so-called “primary” firm.

Right now, regular TAA does not cover secondary workers. Think about a case where an auto assembly plant closes because of import competition from Japan or Korea and that forces the nearby plant that supplies tires for the cars to close. All these workers lost their jobs for the same reason. But right now, the auto plant workers get TAA benefits while the workers at the nearby tire plant do not.

In 1993, secondary worker coverage was added in NAFTA–TAA. But workers can only get the benefits when the imports are from Mexico or Canada. At that time, it made some sense to extend this coverage for trade between the three countries in the new NAFTA agreement.

But now, nearly ten years later, it is time to extend the same benefits to all secondary workers. When we added secondary workers in NAFTA, it was understood that eventually it would only make sense to do it for everyone. Since then, the WTO Uruguay Round agreements have expanded trade with 145 countries, we have granted permanent normal trading relations status to China, and we have entered an FTA with Jordan and in trade agreement with Vietnam. It doesn’t make sense anymore to limit these benefits to imports from Mexico and Canada. It is time to apply them across the board.

Now there have been a lot of misunderstandings about the secondary worker coverage in this bill. You have probably heard someone say that this is a radical expansion of the concept of secondary workers—that it will sweep in all sorts of very tenuous linkages to the imports at issue. I have to say that the people making those claims have not read the bill very carefully. The definitions of secondary workers in the bill are based closely on NAFTA–TAA. We have broadened the definition of supplier firms slightly, to catch some people we think are unfairly left out under current law. But other than that, this bill does not change how secondary workers are defined—it just makes secondary worker coverage universal.

The fourth thing this bill does is reauthorize the TAA for firms program. This is a jewel of a little program that operates out of the Commerce Department. It has helped small- and medium-sized companies in Montana and nationwide that face layoffs due to import competition. Technical assistance provided under this program helps companies become more competitive so they can retain and expand employment. The program is very cost effective. It requires the firms being helped to pay a share of the cost of assistance, and it pays the government back in federal and state tax revenues when the firms succeed.

The fifth feature of the bill is a new TAA program for communities. Communities that experience mass layoffs due to trade competition are really in a bind. This is especially true in smaller and rural communities, such as we have in Montana. These communities may not have a lot of job opportunities for displaced workers, even with TAA retraining. Indeed, one of the main criticisms of the current TAA program is that it does nothing to make sure there are jobs for workers at the end of the retraining process.

There are a number of federal programs out there that might offer some help. But they are all over the map—in Commerce, Treasury, Labor, Agriculture, HUD, and the SBA, just to name a few. But these communities have no way to start, no go-to person or resource to guide them through the potential help. And the federal government doesn’t make it any easier. There is very little coordination of response among the various agencies. Finally, even if communities can find these Federal resources, most existing programs are not tailored to the special needs of trade-impacted communities.

This bill tries to make federal economic assistance work better for trade-impacted distressed communities in a few simple ways. First, the Office of Federal Financial Assistance Programs operates out of the Commerce Department. This is a jewel of a little program that existed in a few office ways. It is the Office of Federal Financial Assistance Programs, which is the most coordinated and cost-effective way possible. Finally, it makes sure that there are expertise and resources tailored to the special needs of trade-impacted communities.

The next real innovation in this bill is the TAA program for farmers, ranchers, and fishermen.

Family farmers, ranchers and fishermen are nominally covered by the current TAA programs for workers. But hardly any have participated. They usually can’t qualify, because they don’t become unemployed in the traditional sense and they often don’t qualify for unemployment insurance—two TAA prerequisites.

In NAFTA–TAA, there was an attempt to shoe-horn family farmers into...
the program by waiving some of the eligibility requirements. But even that has not worked to bring trade-impacted farmers into the program.

After several decades of trying with little success to squeeze farmers into eligibility, rules designed for manufacturing workers it is time to try something new.

What this bill does is create a TAA program better tailored to the needs of farmers, ranchers, and fisheremen. Basically, the program creates a new trigger for eligibility. Instead of having to show a layoff, the farmer, rancher or fisherman has to show commodity price declines related to imports.

The trigger is different, but the program serves the same purposes. It is basically a hybrid of the TAA for workers and TAA for firms programs, using parts of each that make sense for agricultural producers. It assists the farmer, rancher or fisherman to adjust to import competition, to retrain, to obtain technical assistance, and to have access to income support to tide them over during the process. And the income support is capped and is subject to gross income limitations to make sure that the program is not being abused.

The last important innovation in this bill deals with health insurance. One common criticism of the existing program is that it does nothing to help workers with health insurance.

It is impossible for a worker to pay the mortgage, feed his family, and pay health insurance premiums on $250 a week. The worker faces a terrible choice. He can retrain under TAA in the hope of a better job—but risk going without health insurance for his family for up to two years. Or he can pass up the opportunity to retrain for a better future and take a dead-end job right away to make ends meet.

The bipartisan Trade Deficit Review Commission unanimously recommended that lack of assistance with health insurance is a significant disincentive to complete TAA training. As I said before, this group unanimously recommended that the Government help workers bridge the insurance gap between old and new jobs. And that is what we have done with this bill. Again, Secretary Rumsfeld, Ambassador Hills, and Ambassador Zoellick agreed to this point.

The bill before us today includes a 73 percent refundable tax credit for COBRA premiums for workers eligible for TAA benefits. TAA participants who are not eligible for COBRA can use the tax credit to purchase health insurance from various State-sponsored group plans.

This is clearly being remarkably controversial. I am not saying that there is only one right way to address this issue. But what has shocked me is the number of voices suggesting that we should do nothing at all; that is, that we not help people, who are displaced on account of trade, with health insurance. That is just not acceptable. I hope we are past that now and headed toward a reasonable compromise and that we can move forward constructively to help people who need health insurance.

Now that I have gone over the main parts of the bill, I want to speak a little about the tradition of bipartisanship on trade adjustment assistance.

Since its inception, the TAA program has always enjoyed wide bipartisan support. As I said before, a lot of work has gone into making sure this bill is no exception.

Before the bill was drafted, we consulted widely with our colleagues on both sides of the aisle. We have continued that outreach throughout the process. I thank Senator BINGMAN and Senator DASCHLE for their leadership on this issue. But I also thank Senator GRASSLEY, whose proposal with Senator CONRAD for a TAA for farmers program became the core of the farmers and fisheremen portions of this bill. And I thank Senator SNOWE, who has made some very important contributions to the bill dealing with fisheremen, small businesses, and other issues. Her support and cosponsorship are very much appreciated.

We have also talked with the administration. They raised some technical and not-so-technical issues, and we have been able to come to understandings on many of them.

The administration wanted us to tighten up training waivers, and we did. They wanted us to cap the wage insurance program, and we did. They wanted us to revise TAA's on-the-job training provisions to work more like WIA. We did. They wanted us to clarify the definition of secondary workers and to make sure the Department of Labor has enough time to consider secondary worker petitions. We did that, too.

This process of give and take has been healthy. It has been useful. And I think the result is a good, solid, thoughtful bill, one that will make this program more fair, more efficient, and more user friendly.

If we want to build the center on trade, improving trade adjustment assistance is critical. It is an integral part. It is a necessary part. I urge all my colleagues to support this provision and support the larger trade package, particularly when we proceed to consider it at a later point either this week or next.

I thank the Chair. And I particularly thank my friend from Alaska for his indulgence.

MORNING BUSINESS

Mr. DASCHLE. I ask unanimous consent the Senate now proceed to a period for morning business.

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

Mr. DASCHLE. Let me further stipulate, Senator, be limited to 10 minutes in time.

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

RAISING EPA TO CABINET-LEVEL STATUS

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

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

Mr. STEVENS. Mr. President, in recent years, some of my colleagues have opposed elevating the Environmental Protection Agency to Cabinet-level status. You and I have argued that the protection of our public health and environment, EPA's mandate, is as important as the congressional mandates which guide other Cabinet agencies. If the EPA enjoyed the same status as the Department of Energy or the Interior Department, maybe EPA's policies would carry the day occasionally.

As things stand, EPA is certainly losing the battle within this administration from clean air to climate change to snowmobiles in our national parks. EPA's views are overridden, undervalued, and watered down.

Take the issue of snowmobiles in Yellowstone and Grand Teton National Parks. I have spoken about these issues before. I have offered amendments that have been adopted in this regard. Snowmobiling in Yellowstone National Park and Grand Teton National Park has become a popular sport in recent years; so popular, in fact, that the activities overwhelm the parks, its employees, and its wildlife.

Up to 1,000 snowmobilers enter the Yellowstone Park on winter weekends, most of them through the gateway community of West Yellowstone, MT. On steel cold days, a visible haze hangs over the park's gate and surrounding area. Rangers at this park wore Park Service-issued respirators this winter for the air quality had been so degraded by emissions from snowmobile engines.

I repeat, park rangers at Yellowstone National Park wore respirators because the air was so bad because of snowmobiles. These respirators were issued by the Park Service.

What have we come to when rangers have to wear a respirator in our national parks? At the very least, it is an embarrassment. I think it is a tragedy. EPA, the protector of the air we breathe, wisely advocated banning snowmobiles due to their air quality impacts, but those were not the only impacts EPA raised. Snowmobiles also
stressed Yellowstone’s wildlife. The noise generated by so many snowmobiles, coupled with the vehicle’s capacity to reach speeds of up to 90 miles an hour, force the park’s wildlife, to say the least, to expend valuable energy to avoid them. The Park Service studied the snowmobiles’ impact on the parks for the better part of 10 years, receiving hundreds of thousands of public comments on this subject. The comments included those from the EPA. As I have said, EPA recommended a ban based on air quality concerns.

In November of 2000, the Park Service ordered the snowmobiles be gradually phased out in Yellowstone National Park and Grand Teton National Park and the 8-mile road connecting the two.

By the year 2004, snowmobiles would be banned completely from these parks. With so many proconservation Clinton-era policies, the Bush administration balked at implementing this rule. With the snowmobile industry in mind, rather than the millions of Americans who visit our parks, the White House ordered the Park Service to restore the impact of snowmobiles on our parks.

The writing was on the wall that this administration expected the Park Service to reach a different conclusion when it reexamined the data. Perhaps they hoped the evidence would support the position they favored, some sort of a faith-based approach to science.

As part of the new review, EPA had the integrity and the courage to stick to the position it held throughout the history of this debate. I commend Governor Whitman for that.

In its public comments, EPA repeated the assertion from 3 years ago that banning snowmobiles is the best available protection for air quality and health and safety. EPA said even a limited number of snowmobiles may violate air quality standards.

I ask unanimous consent that the comments of the Environmental Protection Agency to the Assistant Superintendent at Grand Teton National Park setting out their position be printed in the Record.

There being no objection, the material was ordered to be printed in the Records following:

ENVIRONMENTAL PROTECTION
AGENCY, REGION VIII,
Denver, CO, April 23, 2002.

Re Draft supplemental EIS for winter use
CEQ #010830.

STEVEN F. IOBST,
Assistant Superintendent, Grand Teton Na-
tional Park, Moose, WY.

DEAR MR. IOBST:

As a Cooperating Agency in the Supplemental Winter Use Planning Process, and in accordance with our responsibilities under the corresponding Memo-
randum of Agreement with the National Park Service (NPS), the U.S. Environmental Protection Agency (EPA) has reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) for Snowmobile Use in Yellowstone and Grand Teton National Parks and John D. Rockefeller, Jr. Memorial Parkway (the Parks). We provide the following comments to assist NPS in producing a document that meets the intent of the National Environmental Policy Act (NEPA) and the NEPA Interagency Implementation Guidance that led to this Supplement. These comments are provided in accordance with EPA’s responsibilities under NEPA and Section 309 of the Clean Air Act. They will be useful to you as you complete this supplemental analysis.

EPA thanks the NPS for the opportunity to participate in this SEIS as a Cooperating Agency. NPS has again fully involved the Cooperating Agencies at every point in this process. NPS was extremely responsive to the Cooperating Agencies and we appreciate the almost weekly opportunity to provide input and ask questions. We also appreciate NPS’s efforts to fully evaluate and utilize applicable information and input from the Cooperating Agencies. While the Settlement Agreement set a very tight time frame for this analysis, and though NPS received much of the new information much later than expected, the NPS planning and analysis team is to be commended for doing a remarkable job in assembling this material.

This DSEIS amends the Final Winter Use EIS (FEIS) issued in October, 2000. The two primary purposes of the DSEIS are as follows: (1) to respond to Executive Orders; (2) to include data from new snowmobile technology and other new information. This DSEIS analyzes four alternatives that fall within the DSEIS alternatives presented in the FEIS.

Alternative 1a represents the November 2000 Record of Decision (ROD), fully phasing in the transfer of motorized access to these Parks. In its public comments, EPA noted that snowcoaches by 2003-2004. The existing ROD implements FEIS Alternative G with minor modifications. Alternative 1b is identical to 1a except implementation is extended one additional year, with full implementation in 2004-2005. Alternative 2, a moratorium, requires 50 percent lower emissions on all snowmobiles, and caps snowmobiles in Yellowstone at 1,300/day pending a carrying capacity analysis. Alternative 3, at a full implementation, requires “best available technology” for reducing emissions and noise for all snowmobiles entering the Parks. Snowmobile caps would be accompanied by a NPS licensed guide. Alternative 3 caps use in Yellowstone at 930 snowmobiles per day until a carrying capacity analysis is completed. EPA fully supports continued winter access to these National Parks. Given the analysis presented in the DSEIS, EPA is satisfied that if applicable regulation, law, and federal policy are followed, Park resources can be protected while maintaining motorized winter access to these Parks. While this comment letter will suggest some adjustments and additional analyses, EPA finds the Park Service again used the best-available information, expert agency comment, and public input in assembling both the DSEIS and FEIS (as required by 40 CFR 1500.1(b)). The assessment of impacts in the DSEIS and FEIS is supported by an extremely thorough and credible body of human health, environmental, and wildlife science, much of which is site-specific to the Yellowstone ecosystem. NPS, academic and agency researchers have actively studied the impacts of snowmobile use for over 10 years in these Parks. The Yellowstone ecosystem has been extensively impacted by snowmobile use. Further scientific research on the effects of motorized winter recreation than any other place on earth.

EPA’s primary concern with this supplemental analysis is that three of the four DSEIS alternatives (1b, 2 and 3) threaten to exceed National or Montana Air Quality Standards for carbon monoxide in the first year of implementation (2002-2003). NPS has the ability, information and authority to establish interim winter use limits that would assure compliance with Air Quality Standards. EPA encourages interim vehi-

Based primarily on the disclosure in this DSEIS that Alternatives 1b, 2 and 3 would likely result in noncompliance with air quality standards and that air quality would negatively affect human health, EPA has issued this three action alternatives EO-2 (Envi-

EPA has carefully considered the new information analysis and alternative presented in the DSEIS, and we find FEIS Alternative G remains the environmentally preferred alternative. Presented in this EIS clearly indicates FEIS Alternative G would provide the best available protection to human health, wildlife, air quality, water quality, snowscapes, visitor experiences, and visibility while maintaining motorized and non-motorized winter access to these Parks. We are confident that Alternative G will fully comply with all applicable environmental regulations, policy and Executive Orders. EPA has no objections to this alternative.

EO-2 ratings.

Based on the new information presented in the DSEIS and the FEIS, and the FEIS, EPA is providing a brief assessment of the alternatives in the FEIS as
well. Because FEIS Alternatives A, B, C, D, E and F would likely not comply with environmental regulation, policy and executive orders, EPA has expressed environmental objections with the Alternatives (see EPA comments on Draft and Final EISs). Again, EPA finds no environmental objection with Alternative G.

We appreciate the opportunity to review this DSEIS and provide comments. A set of detailed comments on the DSEIS is enclosed. Thank you for your willingness to consider our comments at this stage of the process, and we hope they will be useful to you. Should you have questions regarding these comments, please contact Phil Strobel of my staff.

Sincerely,

MAX H. DODSON,
Assistant Regional Administrator for Ecosystems Protection and Remediation.

Mr. REID. Mr. President, it is important to print this in the RECORD because the administration had already signaled it expected the EPA to again sacrifice its own best scientific judgment for the political will of special interests. Again, the administration is signaling that the agency views will not be afforded weight.

When the comments were revealed this past weekend, Administrator Whitman immediately came under fire to reexamine the longstanding policy of the EPA. While they have not gotten that for yet, EPA immediately instituted new policy designed to ensure that its views were in line with Cabinet-level counterparts. Perhaps elevating EPA to the political level of special interest departments would begin to change the outcome of these cases and elevate the importance of environmental protection to this administration. In this case, it is critically important that EPA and their views prevail.

I ask Governor Whitman to stand strong. Yellowstone and Grand Teton are national treasures. People visit from all over the world in all seasons to see Old Faithful and the Grand Teton. As I have said here before and other places, snowmobiling is an important form of recreation for many Americans. I snowmobile, and it is a lot of fun. Thousands of Nevadans snowmobile. But banning these vehicles from Yellowstone and Grand Teton will have almost no impact on the opportunities open to snowmobilers around this country. There are 130,000 miles of snowmobile trails in the United States. These two national parks have combined total of 600 miles. If the Park Service bans snowmobiles from these places, there will still be 129,400 miles of trail for snowmobilers.

I hope my colleagues will join me in recognizing the value of the Environmental Protection Agency. To the administration, I hope they will join me in recognizing the value of our national parks and the need to preserve these wonderful national treasures of which Nevada has one, the Great Basin National Park, and it is a beauty. The Great Basin National Park is the second newest. We have a mountain peak that is about 13,000 feet high, but yet below that the park has some of the desert foliage. It represents everything in the Great Basin.

In addition to that, the park has the oldest living attractions in the world in it, such as bristle corn pines more than 5,000 years old. So it is one of our great national treasures.

I have talked about two national parks today that I am particularly concerned about and hope we do not have snowmobiles rushing through there and we do not see park rangers with their Smokey the Bear hats with a respirator.

HAPPY BIRTHDAY, EVY DUBROW

Mr. BYRD. Mr. President, it is rare that I get to extend a birthday greeting to someone older than I. It is even more uncommon for me to extend such a greeting to someone who has been working the halls of the U.S. Senate longer than I. Today, I do both. With delight, I want to take a few minutes to extend a very warm and sincere, if a little belated, birthday greeting to a dear friend, Ms. Evelyn Dubrow, whose birthday was May 6.

A lobbyist as well as professionally, known throughout Congress, Washington, D.C., and the labor unions around the country as “Evy,” she has been involved in the American labor movement for more than sixty years, most of the time as a labor lobbyist. She was with the International Ladies Garment Workers Union, ILGWU, for more than forty years. More recently, she has been vice president and legislative director of the Union of Needle Trades, Industrial and Textile Employess, UNITE.

Today, women lobbyists are quite common on Capitol Hill. According to the Hill newspaper, women now account for about one-third of the Capitol’s more than 11,000 registered lobbyists. When Evy first arrived as a lobbyist in 1956, women lobbyists were rare, and the U.S. Senate was still overwhelmingly a men’s club.

Evy was not deterred. She had come with a determination and a cause—to improve the living and working conditions of American workers—and she was not to be denied. Her very first flight was opposing a proposal to outlaw secondary boycotts. For this effort, she enlisted none other than Massachusetts Senator John F. Kennedy, who sponsored her amendment.

Her next issue was seeking an increase in the minimum wage to an unheard of level of one dollar an hour!

Since then, she has had a tireless and active role in helping to bring about most of the important laws on economic and social justice since the 1960s. She has worked on civil rights legislation, the establishment of Medicare, minimum wage, pension protections, occupational safety and health rules. She has been for everything that is good and best about the American labor movement. As my good friend and colleague, Senator ERNEST HOLLINGS said of her, “She is the union label.”

Although Evy stands less than five feet tall, I have seen her stand eye-ball-to-eye-ball with the likes of the 6 foot 5 inch Senator Bill Bradley, the 6 foot 6 inch Senator JAY ROCKEFELLER, and 6 foot 7 inch Senator Alan Simpson.

And that is exactly the way she has always lobbied, eye-ball-to-eye-ball. It is not through the fax machine, or over the cell phone, or from e-mail. This little workhorse walks right into your office, meets you person-to-person, and makes her case.

Evy is never heavy-handed. Good lobbying, she says, is “presenting your case and proving it,” and that is what she does.

As a liberal labor lobbyist, her heroes have tended to be liberal Democrats, including Harry Truman, John F. Kennedy, and Hubert Humphrey. But on her list of heroes, she also includes Senator Barry Goldwater, hardly a liberal Democrat. When asked why she did so, Evy replied, “He was completely honest and didn’t mince words.”

That is a perfect description of Evy, she is completely honest” and does not “mince words.”

As a lobbyist on Capitol Hill for more than four decades, Evy has become more than an institution; she has become a fixture in the U.S. Congress. She has known almost every member of Congress, and the first day she arrived, and today she is as well known, and just as equally at home in Congress, as many members.

In addition to the Members of Congress, she has befriended doorkeepers, receptionists, Capitol Hill police, and many others who work here. She always has a kind word and a smile for anyone and everyone.

Her credentials are as long as they are impressive. She worked a decade for the legendary president of the ILGWU, David Dubinsky. But with a single exception, she has attended every Democratic Convention since 1948. She has met with every President from Eisenhower to Clinton. She has been awarded the Presidential Medal of Freedom, the Nation’s highest civilian honor. Perhaps her greatest accomplishment came years ago when she served as a babysitter for the likes of Al Gore and CHRIS DODD when their fathers were Senators.

But I want to make it clear, to most, if not all Members of Congress, she is more than a lobbyist. She is more than a friend. She is “Evy”!

At any rally, any party, or any gathering in Washington, you will eventually hear someone say, “Evy is here,” and everyone knows exactly what is meant, and nearly everyone smiles. As I’ve heard it said many a time: “Everyone loves Evy.”

Indeed we do. Her admirers are many. Her friends are legion. God bless you Evy and happy birthday!
LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal to bigots of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 1, 1991 in Brattleboro, VT. Two gay men were beaten by two juveniles who were heard to make anti-gay remarks. The assailants were charged with a hate crime in connection with the incident.

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

IN HONOR OF SECRETARY OF STATE COLIN POWELL’S 65TH BIRTHDAY

Mr. LIEBERMAN. Mr. President, I rise today to speak about one of America’s most honored and honorable leaders on the occasion of his 65th birthday, our 65th Secretary of State, Colin Powell.

Time and again, when Colin Powell’s country has needed him, he has answered the call. He spent 35 years as a professional soldier, in which he rose to the rank of four-star general and then served as Chairman of the Joint Chiefs of Staff under the first President Bush. In 1991, Secretary Powell led the American effort to liberate Kuwait from Iraqi aggression in the Persian Gulf War.

In 1997, then-General Powell helped found America’s Promise the Alliance for Youth—designed to marshal Americans to get involved in the lives of young people so that every child, regardless of race or income, has a life with caring adults, safe places, a healthy start, marketable skills, and opportunities to serve. In this capacity, Colin Powell proved that his tenacity, skill, and focus could just as easily help inspire a child as it could help win a war.

Now, as our Secretary of State, Colin Powell faces yet another formidable challenge: and he is once again leading with confidence, competence, and a principled vision. Our country is deeply grateful for his service as he guides our foreign policy, including the twin challenges of coordinating the diplomatic component of the war against terrorism and attempting to guide the Middle East toward peace. America needs his sharp mind, calm voice, and sound judgment now more than ever, and I know that Secretary Powell will not let us down. He will help this country protect its people, live up to its most precious values, and build a safer, freer, and more democratic world.

Thomas Jefferson, our nation’s first Secretary of State, said: “A character of justice . . . is (as) valuable to a nation as to an individual.” I can’t think of a life that exemplifies that sentiment more powerfully than that of Colin Powell.

Secretary of State Powell talked candidly about his life’s accomplishments, and the many challenges before him, in a revealing profile on the occasion of his birthday, written by White House correspondent Trude Feldman. To pay tribute to one of our strongest and most admired leaders, I ask unanimous consent that Ms. Feldman’s article, appearing in the Washington Post and syndicated, be printed in the RECORD.

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

COLIN POWELL AT 65: A DYNAMIC STATESMAN

(By Trude B. Feldman)

At an age when most Americans are looking towards a comfortable and secure future for themselves and their families, Secretary of State Colin L. Powell is confronting two of the most serious crises the U.S. has faced in the past 50 years.

Between the war on terrorism and the pow- der keg in the Middle East, there was little time for reflection as Mr. Powell marked his 65th birthday last month.

“I am not terribly sentimental about birthdays,” he told me in an interview. “But frankly, I don’t feel any different at 65. Aging is part of living and I’m not bothered by it. Every now and then, I realize that there are fewer years ahead, but that is also part of living. Most important is that I’ve been blessed with continued good health, a loving family and sincere friends.”

While Colin Powell grew up in modest circumstances, he has always been rich in spirit and he has always been an inspiration to others. He personifies success, achieved not because it was handed to him, but because he earned it.

Today, a major player on the international scene, he has a strong voice and his demeanor generates confidence and admiration. He is the one President Bush sent to the Middle East to meet with Israeli Prime Minister Ariel Sharon and Palestinian leader Yasir Arafat to arrange a ceasefire between the parties.

He is not content to retire and enjoy leisure activities like playing golf or fixing old Volvos (one of his hobbies). His attention and energy are focused on making safer a troubled, dangerous world.

In the Middle East, Mr. Powell is demonstrating diplomatic elegance by relating, respectfully, to each of the participants, however intractable they may be. His dynamism and apparent empathy are qualities much in need for his current challenge.

I asked the Secretary if he would do anything differently if he were able to relive his 65 years.

“I never look back to see what I could do or might have done differently,” he responds. “I guess I’m a total pragmatist. I can’t relive my life, not for one minute, so why reflect on that instead of thinking about today and tomorrow? Each day I do the best I can, and move on. I also learn from lessons of the past by improving on the present and future.”

What are some of his regrets? Regrets slow you down. Regrets cause you to fail to pay attention to
Colin Powell has used his years to break down barriers. He has been a role model, not only for his own women in the Armed Forces, but for millions of people the world over.

Since becoming America’s 65th Secretary of State on October 1, 1989, he has visited 49 countries, including Russia, China, Nigeria, South Africa, and most of the capitals in Europe and the Middle East.

According to the Secretary’s chief of staff, Bill Smullen, Secretary Powell relies on intellect, integrity and instincts to get the job done. He is supplied with a coping strategy that works both ways— to those he works for and who work for him. Smullen adds. “It’s an Army work ethic that works well for a man who served as public servant for nearly 45 of his 65 years.”

Smullen also notes that Colin Powell is armed with a healthy sense of himself and a firm set of values. “He is flattered to be seen as a role model, complete with G.I. Joe Action Figure,” he says. “The Secretary has achieved considerable success through careers in foreign policy, champion of children and now, statesman.”

These qualities are used in the service of problem-solving such as alleviating poverty around the world, as attested to, for example, by one who should know—World Bank Group President James D. Wolfensohn.

“I believe that Colin Powell has combined his military management skills with a true understanding of global humanitarian issues,” President Wolfensohn says.

“In all that I have seen him do, he shows great sensitivity to the issue of poverty and to the concerns of those less fortunate than we are. I believe he acts in this way out of a sense of ethical principles combined with an understanding that poverty anywhere is a domestic issue for the U.S. in this interdependent world in which we live.”

James Wolfensohn, former Chairman of the Board of Trustees of the John F. Kennedy Center for the Performing Arts in Washington, DC, adds: “I not only wish Colin Powell a happy birthday and many more years. I believe that Colin Powell is 65 years old because he looks exactly the same as he did when I met him more than 30 years ago. He has an extraordinary attribute that not everyone has. He also has a lovely wife, Alma, who is a great help to him.”

“I have always known Colin Powell to be extremely able. He frequently knew more about a meeting than anyone else there because he prepared himself so very well. He leaves an impression of being extremely able, and although his only real ambition was to lead the troops in the field, those leadership qualities, through the numerous other things that can go wrong, are extremely strong.”

“And because of those qualities he was unable to turn away from things that needed to be done. I know he will continue to serve our country in different capacities for many more years to come.”

When Colin Powell was Commander of the U.S. Army’s Fifth Corps in Frankfurt, West Germany in 1986, President Ronald Reagan asked him to return to the White House as his Deputy National Security Adviser. On October 1, 1989, President George H. W. Bush selected General Powell as the 12th Chairman of the Joint Chiefs of Staff, the first African American and the youngest man to hold that position.

After the General’s retirement, President Bush told me: “He was the ideal Chairman of the Joint Chiefs. He was always a soldier and advocate for a strong military, but his personal style, his decency and his sense of loyalty and honor made him great.”

In recalling his relationships with the last four presidents, Powell notes: “What a privilege it was for me to serve each of these presidents. I consider myself fortunate to have been given that opportunity. Each elected its own foreign policy, and I was only committed to our nation and what it stands for.”

In 1993, upon Gen. Powell’s retirement as chairman, President Bill Clinton stated: “I have come to see firsthand why our citizens view Gen. Powell as a man of stature and sensitivity on one another. That violates every survival instinct on our campuses, workplaces and in our communities. It is unfortunate when those who have suffered hate and cruelty turn their bitterness on one another. That violates every sense of what America is all about.”

In describing his philosophy of life, Secretary Powell maintains: “I strongly believe in living for today and preparing for tomorrow. I tell young people that the world is before them; that the only limitation to their success in the U.S. is that of their own dreams.”

How does Colin Powell view race relations in the U.S. today?

“My sense is that there is too much intolerance and that one another,” he replies. “That has manifested itself in many ways and places—in our colleges, workplaces and on the streets. In my view the work and integrity are the real foundation of achievement. America is in particular debt to Colin Powell. He has served our nation brilliantly.”

In 1993, upon Gen. Powell’s retirement as chairman, President Bill Clinton stated: “I have come to see firsthand why our citizens view Gen. Powell as a man of stature and statesmanship. He stands as a model to all who believe that moral, hard work and integrity are the real foundation of achievement. America is in particular debt to Colin Powell. He has served our nation brilliantly.”

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“In one brief lifetime of perseverance could pull down the Iron Curtain between the East and West, then our perseverance in America is truly a miracle that in too many places, separates Americans from each other.”

Like most cabinet officers, Secretary Powell has his critics, who criticise him and go off, with a grin. “I don’t find it necessary to try to seek relief from critics,” he asserts. “I
have accomplished a public record of which I am proud.

Colin Powell is able to use any of several titles, which one gives him the most satisfaction. He concludes, "I also have had a satisfying career. But if it were possible to have three wishes fulfilled in my lifetime, I would hope for real peace throughout the world; for prosperity for all Americans; and that we could reconcile all the differences that exist among people in our country, differences which keep us from achieving the dreams of our forefathers."

ADDITIONAL STATEMENTS

RECOGNIZING BRAIN TUMOR WEEK

Mr. THOMAS. Mr. President, I rise today to recognize May 5-11, 2002 as Brain Tumor Action Week. In addition, I ask to include in the RECORD a truly inspirational account written by a young, Wharton MBA student.

The material follows:

MY JOURNEY WITH A BRAIN TUMOR

(Adrienne McMillan Burns)

A recent Wall Street Journal article highlighted the fact that a brush with death can temporarily change our perspective on life for the better. ‘‘It seems as though a brush—an extended fight against a potentially fatal disease—has sustained to sustain. A view that the experiences, both brushes and extended fights with death, can ultimately be used to benefit many people. And I believe that those of us with these experiences may look upon our fellow humans well by sharing our stories.

Three years ago, after giving birth to my first child, I had a grand mal seizure. I awoke the next day in an ICU, and ultimately I was diagnosed with a brain tumor. The diagnosis was good as far as brain tumors go, but it was still a brain tumor, and the overall effect was fast and harsh realization of my own mortality. I was 33 years old.

Life changed for me. As you might expect, I became interested in brain structure and function, and specifically in my own diagnosis and treatment. But life also changed for me in a more unexpected way. After living a life focused on earning, going to medical school, and working at a major academic medical center, I began to more fully appreciate that we have responsibilities on earth, not just what I know the least of which is the one to our fellow humans. I learned to believe that the responsibility is simply to help one another. I learned that all that bad, and getting to know other patients in the waiting room was a blessing.

In the interin two years, I worked toward my goal. I completed half of the MBA, and I worked at a major academic medical center. What I learned most during that time is that there are a lot of compassionate, smart people out there working to make patients breathe easier. I learned that we are a fortunate people to have so much effort directed at the goal of improving the lives of others.

I'll finish school this year and God willing, I'll be able to offer more compassion in health care delivery. But the experience gave me another, perhaps more important, insight. Not only can I improve lives through systematic efforts in health care delivery, but I also can improve the lives, in small ways, of the people with whom I come into contact each day. I can look people in the eye and smile. I can give people the respect we each deserve. I can seek out the good in all people; if I'm looking for the good, perhaps it's what I'll see, and it will probably influence my reasoning. I've been in the health care business a long time, and I've experienced radiation therapy in hopes of being done with the patient side of the health care world! Other than the afford to add some of the hard hands of surgery. I think it all that bad, and getting to know other patients in the waiting room was a blessing.

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good psychiatrist!) led me to rediscover pure, unaltered joy—the kind my three year old seems to feel when I allow him to choose any one thing he wants in the bakery near our home.

So, that tumor, as unwanted as it was, changed my life for the better—for ever. It’s been said that it’s easy to forget a lesson from a brush with death, and I do catch myself taking life for granted on occasion. Yet, there’s an underlying permanence to the shift in perception that cannot be reversed for me. I’ve talked with other patients—brain tumor and otherwise—who’ve said the same thing. It amazes me. It takes something terribly frightening to make us appreciate what we have.

I’ll close by going back to my thoughts on responsibility. It seems that many of my friends are searching—soul-searching or otherwise—and it seems that others are too. I want to do my small part to help someone in their search, or to make them breathe easier. Perhaps those of us who have had the occasion to contemplate mortality, at any level, can perpetuate the important lessons we each learn from the experience. We can tell our stories, thereby reminding ourselves and informing others of what we’ve found when everything but the basics of life are stripped away. By telling our stories we can help each other to help each other. Maybe then we all will breath a little easier. What a success!

**SPECIAL AGENT TIMOTHY LATTNER**

- Mr. CORZINE, Mr. President, I want to bring to your attention a true American hero, FBI Special Agent Timothy Latterner

Almost one year ago to the day, Special Agent Latterner confronted an armed suspect in the lobby of a busy Manhattan hotel. But putting his life on the line was nothing new to Tim. After all, he was a decorated army veteran who bravely served as an enlisted infantryman and officer in the 82nd Airborne.

However, during the early morning hours of May 11, Special Agent Latterner came face to face with a violent felon and one of the Federal Bureau of Investigation’s Most Wanted. Following a lead, Latterner and his colleagues entered the hotel lobby taking by surprise a man wanted for sexual assault, kidnaping, armed robbery, and murder. With shouts of “he’s got a gun” echoing throughout the lobby, bewildered hotel guests sought cover while Special Agent Latterner struggled with the suspect, who had drawn his gun. Little did Tim know to Special Agent Latterner’s instinctive and heroic actions, the fugitive was subdued without injury to innocent civilians or law enforcement officers. Indeed, Special Agent Latterner’s lightening quick reflexes saved the lives of his partners, hotel guests and staff.

One year later, Special Agent Latterner continues to be a role model, dedicated to his family, community, country, and the Bureau. On another fateful day, September 11. Tim provided invaluable assistance to the victims of the attack on the World Trade Center, again disregarding his own safety to help others.

Today, this honored eight-year veteran of the Federal Bureau of Investigation focuses his indefatigable efforts on a different type of criminal—terrorists who threaten our very way of life.

I am proud that such a man is one of my constituents, residing in the bucolic Borough of Allendale. His devotion to duty and professionalism will long be remembered and appreciated. I am pleased that I had the opportunity to bring him to your attention.

**BRIGADIER GENERAL WILLIAM E. ALBERTSON RETIRES**

- Mr. NELSON of Nebraska. Mr. President, today it is my honor to share with my colleagues the life and achievements of Brigadier General William E. Albertson, a man who has served his country honorably and enthusiastically.

Brigadier General Albertson is a distinguished graduate of the United States Army’s Engineer Officer Candidate School. Over his thirty-four year career, Brigadier General Albertson has served as an individual mobilization augmentee in the U.S. Army Reserve, Officer, the U.S. Army Assistant Chief of Staff Intelligence, the Pentagon, and the Air Force Reserve.

For five years, Brigadier General Albertson served as the mobilization assistant to the director of intelligence at the Air Force Base, the United States Strategic Command Headquarters in Bellevue, NE. He currently serves as the mobilization assistant to the director of the Defense Intelligence Agency in Washington, DC.

His awards and decorations include the Aerial Achievement Medal, Joint Meritorious Unit Award, Air Force Outstanding Unit Award with two oak leaf clusters, Air Force Organizational Excellence Award with two oak leaf clusters and numerous service medals.

He is a Certified Public Accountant and Certified Cost Analyst, as well as a member of the Air Force Association, American Society of Military Contractors, American Institute of Certified Public Accountants, Air War College Alumni Association and University of Missouri Alumni Association.

Brigadier General William E. Albertson has honored us with his dedication and on May 17, 2002, the day of his retirement, it is my honor to recognize him for his 34 years of service to our country.

**STEATTLE SLEW: TRIBUTE TO A TRUE CHAMPION**

- Mr. BUNNING. Mr. President, I proudly rise today among my colleagues to pay tribute to one of the greatest thoroughbreds that horse racing has ever known; Seattle Slew. Yesterday morning, 25 years to the day after his historic victory in the 1977 Kentucky Derby, Seattle Slew died peacefully in his sleep in his stall at the Hill ’n Dale Farm near Lexington, KY. He was the last living winner of the Triple Crown and truly a great champion.

On July 19, 1975, Dr. James Hill, a New York veterinarian, and his wife helped Karen and Mickey Taylor pick out a yearling at the Fasig-Tipton’s sale. They bought the horse for the day for a mere $17,500, a near-black beauty, was the ideal confluence of strength, grace, and class. In the 1940s, the American thoroughbred industry began importing European stallions in a concentrated effort to produce the greatest species of thoroughbreds in the world. One such stallion, Nasrullah, had begotten Bold Ruler and this genealogical line led to an amazing eight Kentucky Derby Winners in the 1970s, including Seattle Slew.

During the 1970s, the sport of horse racing was at its ultimate peak. There were great speed horses such as Mr. Prospector, Danzig and Ruffian. And how can anyone forget such classic runners as Secretariat, Affirmed, Alydar, Spectacular Bid? Although these horses were great champions in their own right, none were able to combine amazing raw speed with distance-running capability like Seattle Slew.

As a year-old colt, "He was the most complete thoroughbred the industry has seen."

From the very beginning of his racing career, Seattle Slew was destined for greatness. He won his first three starts as a 2 year-old, winning the prestigious Champagne Stakes, which he won by nearly 10 lengths, running a mile in an astounding 1 minute 34% seconds and smashing the record set in 1942 by the great Count Fleet. After these three victories, he was named champion 2 year-old colt. In 1977, Seattle Slew became one of only 11 horses in history to win the coveted and elusive Triple Crown. On May 7 after breaking slowly from the gate and swerving to the outside in the Kentucky Derby in a heated and intense battle with For The Moment by 1 1/2 lengths with the second fastest time, 1:54.5, ever in that race. In June of 77, he captured the Belmont with a 4-length win at the Belmont Stakes and become the first horse to win the illustrious Triple Crown while still undefeated. As a 4-year-old, Seattle Slew continued to build on his reputation for greatness. In the battles of Triple Crown winners, Seattle Slew outdueled Affirmed at the Marlboro Cup and easily defeated him in a race at Belmont Park. In 1979, Seattle Slew retired to study at Spendthrift Farm having won 14 of his 17 career races. Although his racing career was now over, Seattle Slew’s impact on the industry was just beginning. Overall, Seattle Slew sired 102 stakes winners including the great horses Swale and A.P. Indy. As of last year, there were 1,683 Seattle Slew horses registered in the United States. In 1984 when Swale won the Kentucky Derby for Claiborne Farm, Slew became the first Kentucky Derby winner in more than
The program that brought these young role models to our attention, the Prudential Spirit of Community Awards, was created by Prudential Financial in partnership with the National Association of Secondary School Principals. It allows all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past 7 years, the program has become the nation’s largest single recognition effort based solely on community service, with nearly 125,000 youngsters participating since its inception.

Elizabeth and David should be extremely proud to have been singled out from such a large group of dedicated volunteers. As part of their recognition, they visited Washington on May 5 for several days of special events, including a Congressional breakfast reception, a White House briefing, and a special reception in the U.S. Capitol. Elizabeth will be named America’s top youth volunteer of the year by a distinguished national selection committee.

I heartily applaud Elizabeth and David for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. I would also like to salute other young people in the Commonwealth of Kentucky who were Distinguished Finalists by The Prudential Spirit of Community Awards for their outstanding volunteer services. They are: Robert Campos of Lexington, Daniel Knauz of neon, Lydia Kullman of Owensboro, and Kathryn Reynolds of Louisville. All of these young people have demonstrated a level of commitment and accomplishment that is truly extraordinary in today’s world, and deserve commendation for their outstanding work.

CONGRATULATIONS TO THE JOHN CENTRAL ACADEMIC EAGLES

Mr. Bunning. Mr. President, I rise today to honor the Johnson Central High School Academic Eagles for winning the prestigious and coveted Derby Festival Academic Challenge. The 14th annual Kentucky Derby Festival Academic Challenge is a quick recall tournament which began in 1989 with just 16 middle schools from Jefferson County. Over the years, the tournament has grown to include both middle and high school quick recall teams from around the Commonwealth. In this year’s competition, 105 middle school teams from around the Commonwealth participated since its inception.

Johnson Central Academic Eagles, deserved special recognition for placing an impressive second in the Catherine Burnmier Individually Achieving Excellence award competition for performance on individual assessment exams. By capturing the Derby Festival Academic Challenge crown, the Eagles were presented with a crystal trophy, $1,000 prize, medals, commemorative Kentucky Derby Pins, and Derby Festival Academic Challenge Championship jackets. Furthermore, the team participated in the 218th annual Kentucky Derby Pegasus Parade as Kentucky’s premier academic team.

I once again congratulate the members of the Johnson Central High School Academic team on their amazing accomplishment. They proved that teamwork, hard work, and dedication lead to success. I thank them for their commitment to education and urge them to continue to reach for the stars.

MESSAGES FROM THE HOUSE

At 11:41 a.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, without amendment:

S. 378. An act to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the “Paul Simon Chicago Job Corps Center”.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2818. An act to authorize the Secretary of the Interior to convey certain public land within the Sand Mountain Wilderness Study Area in the State of Idaho to the Johnson Central team dominated the competition from the onset and proved to everyone involved that they are the best-of-the-best. Josh Daniel, the captain of the Academic Eagles, deserves special recognition for placing an impressive second in the Catherine Burnmier Individually Achieving Excellence award competition for performance on individual assessment exams. By capturing the Derby Festival Academic Challenge crown, the Eagles were presented with a crystal trophy, $1,000 prize, medals, commemorative Kentucky Derby Pins, and Derby Festival Academic Challenge Championship jackets. Furthermore, the team participated in the 218th annual Kentucky Derby Pegasus Parade as Kentucky’s premier academic team.

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the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, and for other purposes.

H.R. 4066. An act to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the “Alfonse M. D’Amato United States Courthouse.”

H.R. 4028. An act to designate the United States courthouse located at 600 West Capitol Avenue in Little Rock, Arkansas, as the “Richard S. Arnold United States Courthouse.”

H.R. 4846. An act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the “Clarence B. Craft Post Office Building.”

H.R. 4560. An act to eliminate the deadlines for spectrum auctions of spectrum previously allocated to television broadcasting.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 271. Concurrent resolution expressing the sense of the Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote these goals.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 271. Concurrent resolution expressing the sense of the Congress that public awareness and education about the importance of health care coverage is of the utmost priority and that a National Importance of Health Care Coverage Month should be established to promote these goals.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2485. A bill entitled the “Andean Trade Promotion and Drug Eradication Act.”

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6752. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Mississippi River, Iowa and Illinois” (RIN2115–AA97)(2002–0039) received on May 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6756. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Pascagoula River, Mississippi” (RIN2115–AE47)(2002–0041) received on May 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6757. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; California and Arizona Border on the Colorado River” (RIN2115–AA97)(2002–0066) received on May 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6758. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; Oahu, Maui, Hawaii, and Kauai, HI” (RIN2115–AA97)(2002–0007) received on May 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6759. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Bayou Boeuf, Louisiana” (RIN2115–AE47)(2002–0032) received on May 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6760. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Force River, ME” (RIN2115–AE47)(2002–0044) received on May 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6761. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Newton Creek, NY” (RIN2115–AE47)(2002–0046) received on May 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6762. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Gulf Intracoastal Waterway, Venice, Sarasota County, FL” (RIN2115–AE47)(2002–0040) received on May 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6763. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Safety/Security Zone Regulations; California and Arizona Border on the Colorado River” (RIN2115–AE47)(2002–0066) received on May 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6764. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Drawbridge Regulations; Mississippi River, Iowa and Illinois” (RIN2115–AE47)(2002–0039) received on May 2, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6765. A communication from the Chief of Regulations and Administrative Law,
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 Ms. CANTWELL:
S. 2471. A bill to provide for the independent investigation of Federal wildland firefighter fatalities; to the Committee on Energy and Natural Resources.

By Mrs. CARNAHAN:
S. 2472. A bill for the relief of Rosemary Bichage; to the Committee on the Judiciary.

By Mr. THOMAS:
S. 2473. A bill to enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CRAIG:
S. 2474. A bill to provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNETT:
S. 2475. A bill to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for the Central Utah Project for industrial water delivery facilities, and to eliminate a deadline for such prepayment; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself, Mr. SMITH of Oregon, and Mrs. CLINTON):
S. 2476. A bill to improve antiterrorism efforts, and for other purposes; to the Committee on Foreign Relations.

By Mrs. MURRAY:
S. 2477. A bill to exempt from duty certain entries of peanuts; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. SMITH of Oregon):
S. 2478. A bill to promote enhanced nonproliferation cooperation between the United States and the Russian Federation; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. HATCH):
S. 2479. A bill to amend the Internal Revenue Code of 1986 to include in the criteria for selecting any project for the low-income housing tax credit, such project has high-speed Internet infrastructure; to the Committee on Finance.

By Mr. LEAHY (for himself, Mr. BAYH, Mr. RUSKIN, Mr. DOMENICI, Mr. CLELAND, Mr. McCONNELL, and Mr. SESSIONS):
S. 2480. A bill to amend title 18, United States Code, to establish a qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

By Mr. STEVENS:
S. 2481. A bill to amend the Communications and Financial Institutions Appropriations Act, 2000, to require auction of 700 megahertz spectrum in compliance with existing statutory deadlines and to give the Federal Communications Commission discretion to set the auction date for all other spectrum auctions in the future; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN:
S. 2482. A bill to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road; to the Committee on Energy and Natural Resources.

By Mr. CLELAND (for himself, Mr. KERRY, Ms. LANDRIEU, Mr. JEFFORDS, Mr. HARKIN, Mr. BINGAMAN, Mrs. CARNAHAN, Mr. LEAHY, Mr. LIEBERMAN, and Mr. JOHNSON):
S. 2483. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. BAUCUS (for himself, Mr. JOHNSON):
S. 2484. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. GRAMM, and Mr. NICKLES):
S. 2485. A bill entitled the “Andean Trade Promotion and Drug Eradication Act”; read the first time.

By Ms. STABENOW (for herself, Mr. DASCHLE, Mr. MILLER, Mr. DURBIN, Mrs. CARNAHAN, and Mr. WOLLSTONE):
S. 2486. A bill to amend the Internal Revenue Code of 1986 to limit the deduction for advertising of FDA approved prescription drugs by the manufacturer of such drugs to the level of such manufacturer’s research and development expenses, and for other purposes; 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. MCCAIN (for himself, Mr. DURBIN, Mr. LIEBERMAN, Mr. VINOGRADOV, and Mr. BIDEN):
S. Res. 263. A resolution congratulating the Republic of Croatia on the 10th anniversary of its recognition by the United States; to the Committee on Foreign Relations.

By Mr. KERRY (for himself and Mr. BOND):
S. Res. 264. A resolution expressing the sense of the Senate that small business participation is vital to the defense of our Nation, and that Federal, State, and local governments should aggressively seek out and purchase innovative technologies and services from American small businesses to help in homeland defense and the fight against terrorism; to the Committee on Small Business and Entrepreneurship.

By Mrs. CLINTON:
S. Res. 265. A resolution recognizing the Ellis Island Commission and commending the National Ethnic Coalition of Organizations; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 248

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 88, a bill to amend the Internal Revenue Code of 1986 to provide an incentive to ensure that all Americans gain timely and equitable access to the Internet over current and future generations of broadband capability.

S. 212

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 212, a bill to amend the Indian Health Care Improvement Act to revise and extend such Act.

S. 214

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 214, a bill to elevate the position of Director of the Indian Health Service within the Department of Health and Human Services to Assistant Secretary for Indian Health, and for other purposes.

S. 326

At the request of Ms. COLLINS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 871

At the request of Mr. CLELAND, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 871, a bill to amend chapter 83 of title 5, United States Code, to provide for the computation of annuities for air traffic controllers in a similar manner as the computation of annuities for law enforcement officers and firefighters.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from South Carolina (Mr. HOLLOMAN) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1193

At the request of Mr. BATH, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1193, a bill to provide for the certain of private-sector-led Community Workforce Partnerships, and for other purposes.
At the request of Mr. KERRY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes.

At the request of Mr. DORGAN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1258, a bill to improve academic and social outcomes for teenage youth.

At the request of Mr. DAYTON, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to permit additional States to enter into system for certain public employees.

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

At the request of Mr. DOUGLAS, the name of the Senator from Rhode Island (Mr. REID) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans’ disability compensation from taking affect, and for other purposes.

At the request of Mrs. FEINSTEIN, the name of the Senator from Alabama (Mr. Sessions) was added as a cosponsor of S. 2078, a bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local political committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes.

At the request of Mr. DURDEN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1785, a bill to urge the President to establish the White House Commission on National Military Appreciation Month, and for other purposes.

At the request of Mr. CLELAND, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Idaho (Mr. CRAIG), the Senator from Minnesota (Mr. DAYTON), and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 1786, a bill to encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

At the request of Mr. MCGOVERN, the name of the Senator from Kentucky (Mr. BURNING) was added as a co-sponsor of S. 1928, a bill to amend title II of the Social Security to permit Kentucky to operate a separate retirement system for certain public employees.

At the request of Mr. HUTCHISON, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 2085, a bill to amend title XVIII of the United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor.

At the request of Mr. REID, the names of the Senator from Utah (Mr. HATCH) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans’ disability compensation from taking affect, and for other purposes.

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 2430, a bill to provide for parity in regulatory treatment of broadband services providers and of broadband access services providers, and for other purposes.

At the request of Mr. GREGG, the name of the Senator from Rhode Island (Mr. CHAFEE) was added as a cosponsor of S. 2465, a bill to extend and strengthen procedures to maintain fiscal accountability and responsibility.

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. Res. 252, a resolution expressing the sense of the Senate regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership and the Dalai Lama or his representatives.

At the request of Mr. SMITH of Oregon, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Maine (Ms. COLLINS), the Senator from California (Mrs. BOXER), the Senator from North Dakota (Mr. DORGAN), the Senator from Florida (Mr. NELSON), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. Res. 253, a resolution reiterating the sense of the Senate regarding Anti-Semitism and religious tolerance in Europe.

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

By Ms. CANTWELL:

S. 2471. A bill to provide for the independent investigation of Federal wildland firefighter fatalities; to the Committee on Energy and Natural Resources.
Ms. CANTWELL. Mr. President, I rise today to introduce legislation that would direct the Inspectors General of the Departments of Interior and Agriculture to conduct independent investigations any time a fatality occurs within the ranks of our Federal wildland firefighters. I believe that such modest, but critical, proposal that begins to address the fundamental issue of accountability within our federal wildland firefighting agencies.

This morning the Energy and Natural Resources Committee, on which I serve, held a hearing on the Department of Interior’s and Forest Service’s preparations for the 2002 fire season. I am glad we held this hearing, because the importance of fire preparedness was driven home for many of my constituents last year, when Washington State suffered a particularly devastating fire season.

On July 10 near a town called Winthrop, facing the worst drought on record in our State, the Thirtymile fire burned out of control. Four courageous young firefighters were killed. Their names were: Tom Craven, 30 years old; Karen FitzPatrick, 18; Jessica Johnson, 19; and Devin Weaver, 21.

I believe we all must recognize the courage and commitment of the men and women who fight wildland fires, and the important work the Forest Service does on our behalf. We know that firefighting is a dangerous profession, or in the case of these young people, summer jobs that they had taken to help pay for college. But despite the inherent danger, I believe we owe it to the firefighters who lost their lives, and to their families—to ensure that, when planning for this year’s fire season, our federal agencies have taken meaningful actions to avoid a reoccurrence of the Thirtymile fire.

Because in the words of the Forest Service’s own report on the Thirtymile incident, this tragedy “could have been prevented.”

I want to again thank Chairman Bingaman, as well as Senator Wyden, who chairs the Subcommittee on Public Lands and Forests, for holding an oversight hearing last November on the Thirtymile tragedy, which cemented in my mind the three areas in which the Forest Service needs to improve its commitment to the safety of its employees: accountability, from the fire-fighter on the line all the way up to the Chief; training our firefighters to put safety first; and independent and consistent review of incidents in which safety rules have been broken. I will address whether or not they result in fatalities.

I believe these observations were further reinforced by an OSHA investigation released in February that found the Forest Service committed two serious and three willful violations of employee safety policy during the Thirtymile Fire, even stronger citations than those handed down after 1994’s Storm King fire, in which 14 Federal firefighters died.

One of the issues that came to our attention in our oversight of the Thirtymile fire is that no one, not the Energy and Natural Resources Committee, not the victims, not the public, is at all satisfied with how firefighter fatalities are investigated. After the Thirtymile Fire, the Forest Service basically investigated the incident itself. When concerns were raised that the investigation’s conclusions were unfair to the vic-tims, who, after all, are no longer here to tell their side of the story, the Forest Service saw fit to reopen the investigation and modify some of its conclusions.

While the Occupational Safety and Health Administration, OSHA, did conduct a subsequent investigation, OSHA simply doesn’t have binding authority over the Forest Service.

I believe this entire investigatory process is inadequate. To inject accountability into federal agencies’ approach to firefighter safety, I firmly believe these agencies and their chiefs must know that, if employees under their command are injured or killed in the line of duty, there will be a thorough, independent and balanced investigation of the incident. This investigation will happen regardless of politics and regardless of whether a member of Congress takes a particular interest in the incident.

I understand that after-the-fact investigations do not soothe the pain of the families and communities involved in such incidents. However, my hope is that a proactive system of accountability, which includes a rational investigatory process, will help prevent these tragedies from occurring time and time again.

As some of my colleagues may be aware, I added a provision to the Forest Service’s FY 02 budget bill, with the help of Senator HARKIN and support of Senators on the Energy Committee, that was very similar to this bill. It would have directed the Inspector General of the Department of Agriculture to conduct an independent investigation any time a Forest Service firefighter death occurs as a result of entrapment or burnover. Unfortunately, despite the fact a modified version of the forestry title passed the Senate farm bill conference, this small yet crucial provision was deleted. While my office worked very closely with Senate conferees, this provision encountered a great deal of resistance from House conferees, who tied it to the unrelated issue of stewardship contracting authority.

On February 17, 2002, the Yakima Herald-Republic editorialized that this measure would be “a good start to change one of the biggest flaws in last summer’s investigations—the need to let the four local fire-fighters.” On May 1, 2002, after it was killed in conference, the paper wrote: “In another disgusting display of poli-

tics over principle, a move to stop federal agencies from investigating themselves when people are killed fighting fires has been scuttled. Incredibly, there was little disagreement about the value of more oversight of the U.S. Forest Service after its bungled handling of the Thirtymile Fire investigation of the deaths of four local firefighters.”

On May 2, 2002 a Seattle Times editorial called the fight for independent investigations “…a cause worth fighting for.” It went on to say “The changes championed by Cantwell and Representative Hastings are all about accountability and the difficulty of getting the Forest Service to correct known training deficiencies and leader-

ship problems.”

During negotiations on the farm bill, the Department of Agriculture did not oppose this language and it is my sincere hope that the relevant agencies will support the legislation that I am introducing today. I believe it is good policy, and it is ultimately in the best interest of both the management of these agencies and their employees who are out on the lines fighting fires.

Moreover, congressionally mandated IG investigations are not unprecedented. Already, the Department of Agriculture’s IG must conduct automatic investigations for the proper disclosure of costs associated with pesticide registration. The Department of Defense’s IG must conduct investigations for the effectiveness of veterans programs. HUD, and the Department of Commerce’s IGs have also been directed to conduct investigations of this sort. And the list goes on. I hope we will soon add to this list the investiga-

tions proposed in this legislation.

There must be an automatic, inde-
pendent investigation of any fire-re-
lated fatality. The families who have lost loved ones are asking for these independent investigations. The im-
pact of communities are asking for this. And editorials from major dailies across my home State of Washington have cited the lack of investigatory independence as a critical problem during the Thirtymile tragedy’s aftermath.

I believe we can go a long way to begin addressing these concerns if we were to enact the legislation I have introduced today.

By Mr. THOMAS:

S. 2473. A bill to enhance the Recreational Fee Demonstration Program for the National Park Service, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise today to introduce the Recreation Fee Authority Act of 2002. This legislation modifies the congressionally created Recreation Fee Demonstration Program.

The issue of user fees on public lands is a difficult one. As you know, our Nation’s parks and recreation areas are in serious trouble and have significant
maintenance and infrastructure needs. The National Park Service alone has roughly an $8 billion backlog in maintenance and infrastructure repair. There are a number of reasons for this funding shortage, including poor park management, congressional inaction, and apathy from the American public.

Currently, the Recreation Fee Demonstration Program allows the National Park Service, Bureau of Land Management, Fish and Wildlife Service and the U.S. Forest Service to collect and expend funds for areas in need of additional financial support. Agencies collect fees for admission to a unit or site for special uses such as boating and back-country camping fees and are able to use 80 percent of the receipts for protection and enhancement of that area. Fees are typically used for visitor services, maintenance and repair of facilities as well as cultural and natural resources. The legislation I am introducing today allows permanent authorization of the Recreation Fee Demonstration Program for national parks, and provides some new flexibility. For example, many visitors frequent national and State parks, but are not allowed to use State and national passes interchangeably. In cooperation with State agencies, the Secretary of the Interior will be authorized to enter into revenue sharing agreements with State and national parks at sites within that State, providing cost savings and convenience for the visitor.

In the past, concerns have been expressed about “nickel and dime” efforts and lack of planning and coordination by agency officials. Fee programs under this legislation would be established at fair and equitable rates. Each unit would perform a market analysis to consider benefits to the public, cumulative effect of fees, public policy and management objectives and feasibility of fee collection. This review would serve as a business plan for each site so that managers could utilize scarce resources in the most efficient manner.

The Recreation Fee Demonstration program was an effort by Congress to allow public land agencies to obtain funds directly to their agencies' appropriations. This legislation will help provide resources for badly needed improvement projects and ensure an enhanced experience for all visitors.

We need to guarantee our national treasures are available for generations to come. I believe that Congress, the Park Service and those interested in helping our parks should cooperate on initiatives to protect resources, increase visitation services and improve management throughout the system. Working together, we can ensure that these areas will remain affordable and accessible for everyone.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD. There being no objection, the bill was ordered to be printed in the RECORD, as follows:

SEC. 2. RECREATION FEE AUTHORITY.

(a) DEFINITION OF SECRETARY.—In this Act, the term “Secretary” means the Secretary of the Interior.

(b) DEFINITION OF AGENCY.—In this Act, the term “Agency” means the National Park Service.

(c) IN GENERAL.—Beginning in Fiscal Year 2003 and thereafter, the Secretary is authorized to—

(1) establish, charge, and collect fees for the following:

(A) admission to a unit, area, or site administered by the Agency, and

(B) the use of Agency administered areas, lands, sites, facilities, and recreation reservations by individuals and/or groups.

(2) establish fair and equitable fees that are a result of a market analysis taking the following criteria into consideration—

(A) the benefits and services provided to the visitor;

(B) the cumulative effect of fees charged to the public;

(C) the comparable fees charged on other units, areas, sites, and other public agencies;

(D) the comparability of fees charged by nearby private sector operators;

(E) the direct and indirect cost to the government;

(F) the revenue benefits to the government;

(G) the public policy or management objectives served;

(H) the economic and administrative feasibility of fee collection, and

(I) any other pertinent factors or criteria deemed necessary by the Secretary.

(3) The Secretary may enter into revenue sharing agreements with other Federal agencies and/or Tribal governments to establish, charge and collect fees at areas, sites or projects located on other areas under the jurisdiction of the Secretary, the Secretary of Agriculture and/or the specific Tribal government in which the agreement is made.

SEC. 3. DISTRIBUTION OF RECEIPTS.

(a) IN GENERAL.—

(1) The Secretary of the Treasury shall establish a special account in the Treasury for the Agency.

(2) Amounts collected by the Agency under Section 2 shall be deposited in its special account in the Treasury and shall remain available for expenditure without further appropriation until expended.

(3) Amounts collected from sales of the National Park Passport, or from revenue sharing agreements entered into under Section 2 of this Act shall be deposited in its special account in the Treasury in accordance with guidelines established by the Secretary of the Interior.

(b) DISTRIBUTION OF FEES.—The amounts deposited in the special account established by subsection (a) shall be distributed as follows:

(1) Not less than 80 percent of amounts collected pursuant to this Act at a specific area, site, or project shall be distributed to the agency that provided the share of the amount that shall remain available for use by the Agency on an agency-wide basis as determined by the Secretary.

(2) The balance of the amounts collected at a specific area, site, or project shall be distributed, in accordance with paragraph (1), shall remain available for use by the Agency on an agency-wide basis as determined by the Secretary.

(3) Monies generated as a result of revenue sharing agreements established pursuant to Section 2(e) of this Act not less than 90 percent of amounts collected pursuant to this Act at a specific area, site, or project as determined by the Secretary shall remain for use within the specific State that is parties to the revenue sharing agreement.
Mr. CRAIG. Mr. President, the bill I am introducing today represents a significant modification to S. 1320, which I introduced in the last Congress. This modification presents a large body of work that reflects my belief that forest planning and public land management continues to evolve and that underlaying law needs to be updated. It is also represents thousands of hours of hearings and working with a variety of interests to modernize the laws governing our stewardship over federally-managed, multiple-use lands.

I first introduced legislation to improve our National Forest lands’ forest planning process in the 104th Congress with the introduction of S. 1253. I then refined that effort when I reintroduced the legislation in S. 1320. Today, I am introducing legislation that represents a refinement of earlier efforts in S. 1253 and S. 1320.

For those of you who have just tuned in, this bill is the result of 15 oversight hearings that my Subcommittee on Forests and Public Land Management held during the 104th Congress. These hearings involved more than 200 witnesses, representing all points of view, and reviewing all aspects of the management of the Forest Service and Bureau of Land Management lands. The overwhelming conclusion from all of these witnesses, developers and environmentalists alike, public and private sector employees alike, was that the statutes governing federal land management, the 1976 Federal Land Policy and Management Act and the 1976 National Forest Management Act, are antiquated, and in need of updating. These statutes were passed by Congress in the mid-1970s to help solve land management problems. Today, they are a large part of the problem.

It also represents my continued frustration with the process paralysis that grips the planning and implementation of much needed land management activities on our National Forests. Our new Chief of the Forest Service, Dale Bosworth, tells me that it now takes up to ten years to produce a forest plan that has a life expectancy of 15 years. We have seen example after example of projects that require three to five years to plan. In the case of many fire rehabilitation projects, the financial viability of the project demands that NEPA be completed in a matter of months, not years.

More importantly, we are spending months and sometimes years planning and documenting the need for the rehabilitation of these burned areas, and then failing to get the land management underway before natural events over take the health of our forests. This is occurring to the detriment of the environment.

While our current forest planning and project planning processes stumble along, delaying important rehabilitation work, these burned areas are assaulted by the elements of wind and rain. Almost every single person heard from agrees that the planning and environmental documentation process are broken. If we leave the agency in utter gridlock, we have done nothing to protect the environment. If during all of our hearing on environmental documentation, an area suffers a series of thunder storms that washes thousands of tons of soil into critical fish habitats, as occurred after the 1990 fires on the Bitterroot National Forest, and we have not yet failed the forests, the environment, and the American Public.

By imposing a cumbersome, if not impossible, planning process on our federal land management, we guarantee more fires, more destruction of critical wildlife habitats, more water and air pollution, and the increased likelihood of dangerous and destructive catastrophic fires.

We do nothing good for the environment by spending two or three years to design, document, and plan salvage operations to halt the spread of insects or disease as they rampage through our forests. We can see this today in the Red River drainage of the Nez Perce National Forest.

I look at laws as “tools” for use by professional land managers and resource scientists that help them to establish priorities and make management decisions. These tools are as antiquated as the slide-rule and computer punch cards that were the tools used by land managers at the time that these statutes were passed.

I welcome the non-partisan oversight reviews during the 104th Congress, and subsequent oversight hearings, I drafted and circulated S. 1253 at the outset of the 105th Congress. That draft, and the subsequently-introduced bill were, in turn, the subject of six informal workshops and another eight legislative hearings to review the concepts embodied in both the first draft and the introduced version of S. 1253. The ideas that emanated from the oversight hearings were modified to reflect the suggestions of hearing witnesses, and in recognition of how resource management problems have subsequently evolved. A similar review was conducted upon the introduction of S. 1320 which has helped me improve upon my previous efforts.

As you know, I continued to hold hearings during both the 106th and the beginning of the 107th Congress and enjoyed additional dialogue about how to best modify the 1976 statutes. For instance, at one hearing all four of the former Chiefs of the Forest Service and one former Bureau of Land Management Director shared their views about the current state of Federal land management, and where legislative action could assist their successors in discharging the public trust more effectively.

During that time period there was at least one seminal decision from the Supreme Court. In Ohio Forestry Association versus Stinkeman, the Supreme Court, in my view, clarified the inter-relationship between forest plans and project level decisions. In that decision, the Court denied standing to challenge resource management plans, essentially on the basis that no real decisions were made. We have several examples of rulings that reflect that ruling. And we believe that the Forest Service will soon be proposing forest planning regulations that will reflect...
the process certified by the Supreme Court. The bill I am introducing today would refine current planning law, rather than rewrite the law to alter our course. I believe this bill is more of a refinement than a revision and that it will be complementary to what we hope to see in the Forest Service’s new forest planning rules, rather than in conflict with those rules. In various other ways of a less significant nature, the bill I am introducing today also reflects court decisions and that have been rendered during the period that we were reviewing these issues.

In many ways my frustration with the forest planning and project planning process that our Federal land managers are saddled with, is a lot like the Hubble Telescope when it was first launched into space in 1990. You’ll recall that initially the Hubble telescope didn’t work. The pictures it sent back were fuzzy. It had a design flaw, a mirror was not ground correctly and as a result its images were unclear. NASA has spent millions of dollars to design and launch this marvel of technology and it didn’t work.

Our National Forest planning process, the result of the 1979 Federal Land Policy and Management Act, the 1976 National Forest Management Act and subsequent Federal regulations, is broken. It has cost the public several hundred million dollars and it continues to get fuzzy images of what the solution should be. The problem is that the public and land managers do not believe or trust the results. Now we learn we are spending up to ten years to complete plans that will remain in place for only 15 years.

In the case of the Hubble Telescope, NASA identified the problem, designed a fix, and went into space and corrected the problem, all within a very short period. In the case of the forest planning process, most undertook the regulations would need periodic updating. During the late 1980’s and early 1990’s the Forest Service worked to develop and propose new forest planning regulations. Election year politics prevented the agency from finalizing those regulations.

In the last two years of the Clinton years, the Forest Service again made an effort to make changes to its planning regulations. Again election year politics intervened and now the current Administration is working toward some changes. The bottom line here is that we can repolish the regulations over and over again but it still produces fuzzy pictures. It is my estimation that it is time to make some changes to the underlying law, so to speak the design of our telescope. It is time to make the changes our Federal managers need to assure reasonable, environmentally sound, and cost effective land management.

It is my hope that we will now move forward with additional hearings on this proposal, confident that we are on the correct path to improve the quality of Federal land management, and through a variety of means, increase public support for the future management of our Federal lands.

I look forward to working with Senator Wyden, the chairman for the Subcommittee on Public Lands and Forests, and to hold hearings to further refine this regulation. It is my hope that Senator Wyden and I can build on our efforts to end the Federal forest gridlock that we started with the passage of the 1995 National Forest Management Act.

I invite both the administration and Members on both sides of the aisle to join us in this effort. We will move forward knowing that this proposal, like any other, is a working draft that will by necessity change, probably significantly.

We also move forward knowing that legislative change in this arena is both inevitable and vital. It is clear to me that our forest management vitally needs a vibrant legislative debate and a new legislative charter so that our Federal land managers can be provided with tools a little more modern that the slide-rule and maniframe computer punch cards.

By Ms. Landrieu (for herself and Mr. Smith of Oregon):
S. 2478. A bill to promote enhanced non-proliferation cooperation between the United States and the Russian Federation; to the Committee on Foreign Relations.

Ms. Landrieu. Mr. President, the United States Government and all of us personally have conducted a serious review and reassessment of our priorities in the months since the horrific events of September 11, 2001. The work of this body has been radically reshaped as we work together to effectively combat the menace of terrorism. We have appropriated billions of dollars so our military can wage war in Afghanistan and prepare for the possibility of future military operations. We have devoted billions of dollars to strengthening our homeland defense capabilities, everything from beefing up border and port security to manufacturing additional vaccines to prepare for the possibility of a biological weapons attack. The time has also come to reassess what needs to be done to ensure that nuclear weapons and other weapons of mass destruction and the expertise to employ them do not leak out of the former Soviet Union and find their way into the hands of terrorist or terrorist states.

Last year I sponsored the Nuclear Threat Reduction Act of 2001, S. 1117, which called for expanding and accelerating programs to prevent diversion and proliferation of Russian nuclear weapons, and fissile materials; reducing the number of nuclear warheads in the United States and Russian arsenals; and for reducing the number of nuclear weapons of those two nations that are on high alert. The NTRA enjoyed success on a number of fronts: U.S.-Russia threat reduction and non-proliferation programs were expanded and accelerated; the Senate, working with the Administration, paved the way for the deep cuts that Presidents Bush and Putin generally agreed in November 2000; and the study of taking some weapons off high alert was studied as part of the Nuclear Posture Review. Solid steps were taken, but we all know that more needs to be done.

I rise today to introduce legislation that will help to address what is probably the most serious U.S. national security: the possibility that terrorists or terrorist states will acquire nuclear weapons and materials, and other weapons of mass destruction from the massive and poorly secured former Soviet nuclear weapons complex.

The scope of the problem that we face is difficult to fathom, but I will attempt to illuminate it by citing a few facts. Today, Russia possesses approximately 20,000 nuclear weapons and employs weapons-grade plutonium to fabricate over 60,000 more. Not including the United States, Russia possesses approximately 95 percent of the world’s nuclear weapons and weapons-grade material, a testimony to the great resources and effort that both sides devoted in waging the cold war. These weapons and material are stored in literally hundreds of sites across Russia’s 11 time zones. Making this problem even more disconcerting is the fact that Russia is unable to reliably account for its huge stock of warheads and materials, having inherited a substandard accounting system from the totalitarian Soviet state. Additionally, there are over 20,000 scientists and technicians in the former Soviet Union that are considered to be nuclear war material proliferators.

As the Members of this Chamber will recall proudly, Senators Sam Nunn and Richard Lugar, along with others, took the lead in the early 1990s to put together a suite of programs that still work to address the threat posed by the possible proliferation of former Soviet nuclear weapons and other materials. As the Soviet Union and Warsaw Pact fell apart, there was a palpable fear that nuclear weapons and materials would proliferate widely. In conjunction with the work in the Senate, the first Bush administration also took up the challenge by backing the Nunn-Lugar programs as well as supporting initiatives to help Soviet Premier Gorbachev as he attempted to keep the Soviet Union from radical collapse. The events of September 11 serve as another wake-up call. There is a growing realization that Russia desperately needs our help. But more remains to be done—much, much more.

Fortunately, the Bush Administration has devoted considerable time and effort to working with the Administration, paved the way for the deep cuts that Presidents Bush and Putin generally agreed in November 2000; and the study of taking some weapons off high alert was studied as part of the Nuclear Posture Review. Solid steps were taken, but we all know that more needs to be done.
against terrorism, the Bush-Putin summit in November 2001, and the May 2002 U.S.-Russia summit in Russia. The administration wisely realizes that only through greater cooperation with Russia can we deal effectively with this problem.

As I mentioned, Russian nuclear weapons and materials are stored in hundreds of sites. While helping to improve the security of these sites is a daunting task, we should ponder how much more difficult preventing an attack would become if even a miniscule portion of these warheads or materials were to proliferate. As members of this body know, the warning signs are growing. It is well known that groups such as al Qaeda and states such as Iraq, Iran, and North Korea wish to develop or acquire WMD. Even more disconcerting are reports that members of al Qaeda have attempted to break into Russian nuclear weapon facilities. We would do well to meditate on these reports and ourselves ask if the United States is doing enough to prevent the myriad groups and states that wish to acquire WMD from Russia from being able to do so.

Mindful of this serious challenge to U.S. and global security I am introducing the Nuclear and Terrorism Threat Reduction Act of 2002, NTTRA. The NTTRA would promote policies that will greatly reduce the likelihood of nuclear terrorism.

First, the NTTRA states that it is the policy of the United States to work cooperatively with the Russian Federation in order to prevent the diversion of weapons of mass destruction and material, including nuclear, biological and chemical weapons, as well as scientific and technical expertise necessary to design and build weapons of mass destruction. As a review by the Bush administration found last year, “most U.S. programs to assist Russia in this field and non-proliferation and non-proliferation work well, are focused on priority tasks, and are well managed.” The NTTRA proposals complement the increases that the Bush administration has proposed for these programs.

The NTTRA also calls for the President to deliver to Congress, no later than six months after the enactment of the NTTRA, a series of recommendations on how to enhance the implementation of U.S.-Russia non-proliferation and non-proliferation programs, including suggestions on how to improve and streamline the contracting and procurement practices of these programs and a listing of impediments to the efficient and effective implementation of these programs.

Second, recognizing the shortcomings in the Russian system for accounting for nuclear warheads and weapons-grade material, the NTTRA states that it is the policy of the United States to establish a cooperative non-proliferation and non-proliferation program with the Russian Federation to ensure that warheads and materials are sufficiently secure.

Fourth, the NTTRA calls for the establishment of a joint U.S.-Russia Commission on the Transition from Mutual Assured Destruction to Mutual Assured Security. The U.S. side of the Commission would be composed of private citizens who are experts in the field of U.S.-Russia strategic stability. The NTTRA also calls upon the President to make every effort to encourage the Russian Government to establish a complementary Commission that would jointly meet and discuss how to preserve strategic stability during this time of rapid and positive change in the U.S.-Russia relationship. Working with the Russian Federation to address the many serious issues which still exist over 10 years after the end of the cold war should be one of the top U.S. priorities in the overall battle against global terrorism. Allow me to be frank and to say that this work will not be easy and there will certainly be testing times as the United States and Russia work to fully put the cold war to rest and to reach a level of foreign and defense policy cooperation which was unimaginable only a few years ago. But we are faced with few other options. We must shore up our first line of defense against the possibility of terrorism turning nuclear.

I call upon the members of this body to collectively redouble our efforts to prevent the unthinkable from happening by supporting the Nuclear and Terrorism Threat Reduction Act of 2002.

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. 2478
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, etc.

SECTION 1. SHORT TITLE.
This Act may be cited as the “Nuclear and Terrorism Threat Reduction Act of 2002”.

SEC. 2. ENHANCING THREAT REDUCTION.
(a) STATEMENT;
(1) It is the policy of the United States to work cooperatively with the Russian Federation in order to prevent the diversion of weapons of mass destruction and materials relating thereto, including nuclear, biological, and chemical weapons, as well as the scientific and technical expertise necessary to design and build weapons of mass destruction.

(2) With respect to enhancing threat reduction, there should be these primary objectives, as stated in the President's review of 30 different United States-Russia cooperative programs, as follows:

(A) To ensure that existing United States cooperative non-proliferation programs with the Russian Federation are focused on priorities, threat reduction and non-proliferation goals, and are conducted as efficiently and effectively as possible.

(B) To examine what new initiatives might be undertaken to further United States threat reduction and non-proliferation goals.

(C) To consider organizational and procedural changes designed to ensure a consistent and coordinated United States Government approach to cooperative programs with the Russian Federation on the reduction of weapons of mass destruction and prevention of their proliferation.

(3) The goal of United States programs to assist the Russian Federation should be to have them work well, be focused on priority tasks, and be well managed.

(4) In order to further cooperative efforts, the following key programs should be expanded:

(A) The Department of Energy Material Protection, Control and Accounting (MPC&A) program to assist the Russian Federation secure and consolidate weapons-grade nuclear material.

(B) The Department of Energy Warhead and Fissile Material Transparency Program.

(C) The International Science and Technology Center (ISTC).

(D) The Department of Defense Cooperative Threat Reduction project to construct a chemical weapons destruction facility at Shchuch'ye, Russia, to enable its earliest completion at no increased expense.

(5) Other programs should be adjusted, re-focused, or reexamined, including—

(A) approaches to the current plutonium disposition program in the Russian Federation, in order to make the program less costly and more effective;

(B) the project to end production by the Russian Federation of weapons-grade plutonium, in order to transfer the project from the Department of Defense to the Department of Energy;

(E) the Redirection of Biotechnical Scientists program.

(F) consolidation of the Department of Energy's Nuclear Cities Initiative (NCI) with the Initiative for Proliferation Prevention (IPP), with a focus on projects to assist the Russian Federation in the modernization of its nuclear warheads complex; and

(G) acceleration of the Department of Energy's Second Line of Defense program to assist the Russian Federation in the modernization of its nuclear detection equipment at border posts.

(b) INCREASED FUNDING OF CERTAIN KEY PROGRAMS.—In order to guarantee that the United States-Russia non-proliferation and threat reduction efforts operate as efficiently as possible, certain key programs should receive additional funding above current levels, including—

(1) the United States-Russia Highly Enriched Uranium Purchase Agreement;

(2) the Second Line of Defense program;

(3) the Initiatives for Proliferation Prevention;

(4) the Fissile Materials Disposition program;

(5) the Redirection of Biotechnical Scientists program.
(6) the Department of Energy Material Protection, Control, and Accounting (MPC&A) program;  
(7) the International Science and Technology Cooperation Act; and  
(8) the Warhead and Fissile Material Transparency program.

(c) REPORT.—Not later than six months after the enactment of this Act, the President shall submit to Congress a report containing recommendations on how to enhance the implementation of United States-Russia non-proliferation and threat reduction programs, which shall include—  
(1) recommendations on how to improve and streamline the contracting and procurement process; and  
(2) a listing of impediments to the efficient and effective implementation of those programs.

SEC. 3. COMPREHENSIVE INVENTORIES AND DATA EXCHANGES BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON WEAPONS-GRADE MATERIAL AND NUCLEAR WEAPONS.

(a) FINDINGS.—Congress finds that inventories of weapons-grade material and warheads should be tracked in order, among other things—

(1) to make it more likely that the Russian Federation can fully account for its entire inventory of weapons-grade material and assembled weapons; and  
(2) to make it more likely that the sources of any material or weapons possessed or used by any foreign state or terrorist organization or terrorist state can be identified.

(b) STATEMENT OF POLICY.—It is the policy of the United States to establish jointly with the Russian Federation comprehensive inventories and data exchanges of Russian and United States weapons-grade material and assembled warheads, with particular attention to tactical, or “nonstrategic,” warheads, one of the most likely weapons a terrorist organization or terrorist state would attempt to acquire, and with particular attention focused on weapons that have been removed from deployment.

(c) ASSISTANCE IN DEVELOPING COMPREHENSIVE INVENTORIES.—Notwithstanding any other provision of law, the United States Government shall work with the Russian Federation to develop comprehensive inventories and data exchanges of Russian and United States weapons-grade material and assembled warheads, with particular attention to tactical warheads and warheads that have been removed from deployment.

(d) DATA EXCHANGES.—As part of this process, to the maximum extent practicable, without jeopardizing United States national security interests, the United States is authorized to enter into ongoing data exchanges with the Russian Federation on categories of material and weapons described in subsection (c).

(e) REPORT.—Not later than six months after the date of enactment of this Act, and annually thereafter until a comprehensive inventory is created and the information collected from the inventory exchanged between the governments of the United States and the Russian Federation, the President shall submit to Congress a report, in both an effective and streamlined manner, and through reduction programs, which shall include—  
(1) recommendations on how to improve and streamline the contracting and procurement process; and  
(2) a listing of impediments to the efficient and effective implementation of those programs.

SEC. 4. COMMISSION TO ASSESS THE TRANSITION FROM MUTUALLY ASSURED DESTRUCTION TO MUTUALLY ASSURED SECURITY (MAS).

(a) STATEMENT OF POLICY.—With the end of the Cold War more than a decade ago, with the passage of the Russian Federation from fighting together against global terrorism, and with the Presidents of the United States and the Russian Federation agreeing to establish a “new strategic framework to ensure the mutual security of the United States and Russia, and the world at large,” the Russian Federation should increase significantly their efforts to put dangerous and unnecessary elements of the Cold War to rest.

(b) ESTABLISHMENT.—In order to assist with the policy expressed in subsection (a), the President is authorized to conclude an agreement with the Russian Federation for the establishment of a Joint United States-Russia Commission to Assess the Transition from Mutual Assured Destruction (MAD) to Mutual Assured Security (MAS) (in this section referred to as the “Commission”).

(c) COMPOSITION.—The United States delegation of the Commission shall consist of 13 members appointed by the President, as follows:

(1) Three members, after consultation with the Speaker of the House of Representatives.
(2) Three members, after consultation with the Majority Leader of the Senate.
(3) Two members, after consultation with the Minority Leader of the House of Representatives.
(4) Two members, after consultation with the Minority Leader of the Senate.
(5) Two members as the President may determine.

(d) QUALIFICATIONS.—The United States members of the Commission shall be appointed from among private United States citizens who are experts in their fields and have an interest in United States-Russia strategic stability issues.

(e) CHAIR.—The chair of the Commission should be chosen by consensus from among the members of the Commission.

(f) RUSSIAN COMMISSION.—The President shall also appoint to the Russian Federation delegation of the Commission that will jointly meet and discuss the issues described in subsection (c).

(g) DUTIES OF THE COMMISSION.—The duties of the Commission should include consideration of—

(1) to ensure that the reduction of strategic nuclear weapons announced by the United States and the Russian Federation in November 2001 take effect in a rapid, safe, verifiable, and irreversible manner;  
(2) to preserve and enhance START I monitoring and verification mechanisms;  
(3) to develop additional monitoring and verification mechanisms; and  
(4) to preserve the benefits of the unratified START II agreement, especially those measures that affect strategic stability.

(h) REPORT.—The Commission shall, not later than six months after the date of enactment of this Act, submit to Congress a final report containing its conclusions.

By Mr. KERRY (for himself and Mr. HATCH):  
S. 2479. A bill to amend the Internal Revenue Code of 1986 to include in the criteria for selecting any project for the low-income housing credit whether such project has high-speed internet infrastructure; to the Committee on Finance.

Mr. KERRY. Mr. President, I am very proud to introduce legislation today with Senator HATCH that would amend the Low-Income Housing Tax Credit to make access to Internet and broadband capability one of the criteria that State housing agencies must consider when awarding the credits. This bill will help more low-income families gain access to the new technologies and services that are driving today’s economy, and do so at very minimal cost to developers. The bill will take effect for all new housing built with the credit beginning on January 1 of next year.

My colleagues should understand that the Kerry-Hatch bill would not require that new housing units have Internet or broadband capability; it is not an unfunded mandate. Rather, our bill simply adds broadband access to the list of things that State agencies would have to consider when they award the credits each year. Our bill also does not specify any particular technology, meaning that developers and providers can decide for themselves which technology will work best for a given community.

This bill has the support of many well-known companies and associations from the technology and telecommunications industries, including Corning, Nortel Networks, BellSouth, SmartForce, the Telecommunications Industry Association, Siemens, and Cisco Systems. This is just a partial list. A number of well-known national nonprofit organizations and representatives of the housing industry, such as Habitat for Humanity, the National Association of State Housing Agencies, and the National Housing Conference also support the bill. Senator HATCH and I hope that the Finance Committee, of which we are both members, will consider adding this provision when it marks up the Finance Committee package. And the Finance Committee, of which we are both members, will consider adding this provision when it marks up the Finance Committee package.

Several States are running ahead of the Federal Government and are enacting their own local laws. What the Kerry-Hatch legislation will do nation-wide. To date, the States of Oregon and Nebraska have re-written their
policies with technical assistance from One Economy Corporation, a national nonprofit organization that works to bring technology to low-income populations and make that technology a tool to help them build assets and raise their standards of living. Oregon and Nebraska can invest in broadband in awarding the low-income credits. Dialogues are currently underway with housing finance agencies from the States of North Carolina, Michigan, Kentucky, and Minnesota, seven of which may change their policies very soon.

Understandably, there may be some Senators that believe that building access to broadband technology into these new low-income housing units will be prohibitively expensive. Well, I am happy to report that this is not so. Engineers from Cisco Systems have evaluated the costs of wiring buildings at the time of construction. When wiring a new building, the baseline cost to run telephone wires, Ethernet, and fiber optic lines into a unit, a fixed cost in new construction, is approximately $150. When adding conduit for high-speed connectivity, the cost increases anywhere between $1 and $25. So for a 50-unit building, that's an additional cost of about $1,250 if you assume that the highest cost. This is likely to be less than one-quarter of 1 percent of total construction costs, a small increase that is more than offset by the increased value of the property. The added cost is insignificant, and the added value is great.

This legislation is critical because having access to and understanding of technology is increasingly a prerequisite for succeeding in today's knowledge-based economy. Technology can be a significant tool to help low-income families move up and out of poverty. I believe that this small change to section 42 of the tax code will help to close the digital divide in the United States by getting modern technology into the homes of more low-income Americans.

Recently, some influential opinion leaders in Washington and the press have begun to “debunk” the digital divide. They claim that since so many more people have access to technology in the workplace, the percentage of families with incomes between $15,000 and $25,000 that now use computers at home, the workplace is now close to 50 percent, concerns about the digital divide are overstated.

These statistics only tell part of the story, because there are key Internet services that people will only feel comfortable using at home due to privacy concerns, such as those related to one's health or personal finance. Access to computers in the workplace is not sufficient. Sure some people might check out Yahoo when they have a free moment at work. They might perform an Internet search, check driving directions on MapQuest, or bid on something on eBay. But they are not going to seek financial advice, research their kids' health, or do anything of a truly personal nature from the workplace. And in terms of computer use at home, there is still a huge digital divide: Even with all of the technological advances and price reductions of the past few years, less than 30 percent of U.S. households own a computer and are online at home. In fact, more than one-quarter of zip codes with median incomes under $35,000 do not have a single high-speed Internet subscriber, despite the fact that the services are available. While the bill I am introducing today does not specifically address the supply of housing, I want to reiterate my concern about and dedication to this issue. The low-income housing tax credit is only one tool, but is an effective one, generating about 85,000 new housing units per year. It is an important program, but it only helps a small fraction of the more than 5 million American households that the Department of Housing and Urban Development estimates to have “worst housing needs,” an increase of 12 percent since 1990. Many of these families are spending more than half their income on housing, or are living in severely substandard housing. On average, a person needs to earn more than $11 per hour just to afford the cost of a studio apartment in a two-bedroom apartment in the United States. This hourly figure is dramatically higher in many metropolitan areas, an hourly wage of $22 is needed in San Francisco; $21 on Long Island; $17 in Boston; $16 in San Diego; $15 in Seattle and Chicago; and, $13 in Atlanta. I have mentioned these statistics before. In fact, there is not one metropolitan area in the country where a minimum wage earner can afford to pay the rent for a two-bedroom apartment. A person trying to live in Boston would have to make more than $35,000 annually just to afford such a home. This means teachers, janitors, social workers, police officers, and other full-time workers may have trouble affording even a modest place to live, segregating our communities by class and occupation.

We can no longer ignore the lack of affordable housing, and the impact it has on families and children around the country. It is not clear to me why this crisis has not caused more concern here in Congress. How many families need to be pushed out of their homes and into the streets before action is taken? Do we not care about these people vote less often, or because they don't give to political campaigns? Do we not believe that most of these Americans would prefer more affordable housing to the measly tax cut they received in last year's tax bill? I believe we are in danger for our Nation to take a new path, one that ensures that every American has the opportunity to live in decent and safe housing. Everyone knows that decent housing plays an enormous role in shaping young lives and we do not do more to address this quiet, but simmering, crisis. While the bill I am introducing today does not specifically address the supply of housing, I want to reiterate my concern about and dedication to this issue.
bring more Americans of modest means into the Information Age, it won’t help those Americans with standard housing, or no homes at all. Addressing that problem requires a greater commitment from all of us, and our mayors and Governors back home will all thank us.

By Mr. LEAHY (for himself, Mr. HATCH, Mr. BAUCUS, Mr. DOMENICI, Mr. CLELAND, Mr. MCCONNELL, and Mr. SESSIONS).

S. 2480. A bill to amend title 18, United States Code, to exempt qualified current and former law enforcement officers from state laws prohibiting the carrying of concealed handguns; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased today to introduce legislation to permit current and retired Federal, State and local law enforcement officers to carry a concealed firearm. The Law Enforcement Officers Safety Act of 2002 permits qualified retired law enforcement officers under the bill must have retired in good standing, been employed at least five years as a law enforcement officer unless forced to retire due to a service-related injury, and complete a State-approved firearms training course. As a result, our bipartisan legislation maintains the State or local jurisdiction’s power to determine whether a law enforcement officer or retired law enforcement officer is qualified in the use of a firearm.

Representative RANDY CUNNINGHAM introduced a similar bill in the House, H.R. 218, which I co-sponsored in 2001, which I co-sponsored. I will continue to support S. 442 as we seek to enact such legislation during this Congress.

I urge my colleagues to support the Law Enforcement Officers Safety Act to make our communities safer and to protect law enforcement officers and their families.

By Mr. STEVENS:

S. 2481. A bill to amend the Communications Act and the Miscellaneous Appropriations Act, 2003, to require auction of 700 megahertz spectrum in compliance with existing statutory deadlines and to give the Federal Communications Commission discretion to set the auction date for all other spectrum auctions in the future; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, several years ago, after a period had gone by wherein spectrum available to the FCC to relicense had been involved in a lottery process, I suggested that we auction spectrum. And after some time passed, Congress did see fit to follow that suggestion, and we have been having spectrum auctions by the FCC.

There is currently pending the auction of spectrum in the 747 to 762 megahertz and 777 to 792 megahertz bands. That has been postponed several times now, and I think that is wrong.

I do believe spectrum should be made available, in a competitive process, to those people who want to use it, and to improve our economy, to put into effect new technologies. But it should not be used just for speculation. And it should not be auctioned just because of market demands for spectrum, per se, in order to get the Government the highest level of return for the spectrum.

The highest level of return to the taxpayers, in the long run, comes from...
developing the spectrum, from enhancing the economy, and providing a long period of development for new technologies and new income streams, which will provide a new tax base for the Treasury. I believe we should reiterate to the FCC that it has the authority to do so.

I will send to the desk a bill which would create the Auction Completion Timing Act, and it really is saying: Act now. The Commission has its authority, and it should act within its own discretion.

In order that this situation may not develop again, my bill also suggests future spectrum auction deadlines will be determined by the Commission alone, unless Congress specifically passes a law that the President signs that would interfere with that authority.

I believe the Federal Communications Act of 1934 should be amended to make clear that notwithstanding any other provisions we put in any bills to the contrary, in the past, the Commission may determine the date of any auction conducted pursuant to section 309(j) of the Communications Act of 1934, as amended.

By Mr. WYDEN: S. 2482. A bill to direct the Secretary of the Interior to grant to Deschutes and Crook Counties in the State of Oregon a right-of-way to West Butte Road to the Committee on Energy and Natural Resources.

Mr. WYDEN. Mr. President, today I introduce legislation transferring from Federal to county jurisdiction the West Butte Road, located in the counties of Crook and Deschutes, Oregon. In exchange for the new right-of-way for the West Butte Road, Crook and Deschutes counties will transfer their right-of-way on the George Millican Road to the U.S. Department of Interior Bureau of Land Management, BLM.

The right-of-way exchange authorized by this legislation would clear the way for a paved road, pursued for more than 30 years by Prineville, in Crook County, OR, to connect their community with U.S. Highway 20. Such a road would substantially enhance the economic development potential for Prineville, a community suffering from 15 percent unemployment, by providing an alternative route for passenger and commercial traffic traveling between Portland, OR, and the communities of central Oregon.

The bill authorizes the BLM to propose affirmative measures to protect wildlife and game habitat in the area traversed by the new road.

Some suggest that this legislation is not necessary because the BLM already has the authority to issue a right-of-way. That may be true, but it is also true that the BLM decided it can make a judgment about right-of-way application only through an extended process, which close observers tell me could take anywhere from four to six years, with no guarantee of success. I am not willing to stake Prineville’s economic or environmental future on such an uncertainty.

Improvement of the Millican/West Butte road is supported by the City of Prineville, Crook County, Deschutes County, the City of Bend, the City of Redmond, the Oregon Department of Transportation and the Central Oregon Transportation Commission. They have identified the new right-of-way as a means of reducing environmental impacts associated with the existing road, reducing traffic congestion, improving the northwest-southeast connections between the state’s wealthiest and poorest regions, and offering the community the chance to retain its largest employers so as to address some of the economic woes of the region.

By Mr. CLELAND (for himself, Mr. KERRY, Ms. LANDRIEU, Mr. JEFFORDS, Mr. HARKIN, Mr. BINGHAM, Mrs. CARNAHAN, Mr. LEAHY, Mr. LIEBERMAN, and Mr. JOHNSON): S. 2483. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a pilot program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. CLELAND. Mr. President, in order to provide regulatory compliance assistance to small businesses, Senator KERRY and I are introducing the Senate companion bill to H.R. 203, the “National Small Business Regulatory Assistance Act,” which passed the House last year by voice vote. The bill also requires that the Congress receive a progress report annually on the pilot program’s accomplishments at each SBDC.

Under our legislation, SBDCs would need to form partnerships with Federal compliance programs, educational and training activities and offer free-of-charge compliance counseling to small business owners. Further, the measure would guarantee privacy to those who receive compliance assistance. This privacy provision has also been extended to businesses that seek any assistance from their local SBDC.

The adoption of the National Small Business Regulatory Assistance Act will provide small businesses with the support they need to navigate the often complicated world of Federal regulations.

I urge all Members of the Senate to join me in support of the National Small Business Regulatory Assistance Act of 2002.

Mr. KERRY. Mr. President, I am pleased to join with my distinguished colleague, Senator MAX CLELAND, and the cosponsors of our legislation in introducing the National Small Business Regulatory Assistance Act.

The bill we are introducing today is the Senate version of H.R. 203, which bears the same name as our legislation. H.R. 203 passed the House by voice vote last year with the strong support of the House Committee on Small Business. However, our version deals with several issues that have been raised since House passage and will help ensure that small businesses receive the regulatory compliance assistance the legislation envisions.

I am pleased to say that we have the full support of the Association of Small Business Development Centers, which has been working closely with us since January of this year to draft the Senate companion of this legislation, correcting several issues with the House passed bill. I am also pleased to say that we have kept Congressman
Sweeney, the House sponsor, and Congressman Manzullo, chairman of the House Committee on Small Business, informed of our actions throughout the process to ensure our changes would have the support of the House committee, as should be the case.

Small businesses, especially small businesses with few employees, often face a daunting task when seeking advice on how to comply with Federal regulations, particularly when implementing varies for different regions of the country, or from State to State. Many small businesses fail to comply with important and needed labor and environmental regulations not because they want to break the law, but because they are unaware of the actions they need to take to comply. Often, small businesses are afraid to seek guidance from Federal agencies for fear of exposing problems at their business.

One important way to help small business comply with Federal regulations is through Federal compliance assistance programs. The Small Business Administration’s SBA, Small Business Development Centers, SBDC, are in a unique position to provide this type of assistance.

Our bill establishes a pilot program to award competitive grants to 20 selected SBDCs, two from each SBA region, which would allow these SBDCs to provide regulatory compliance assistance to small businesses. The SBA would be authorized to award grants between $150,000 and $300,000, depending on the population of the SBDC’s State.

Under our legislation, the SBDCs would need to form partnerships with Federal compliance programs, conduct educational and training activities and offer free-of-charge compliance counseling to small business owners. Further, the measure would guarantee privacy to those who receive compliance assistance. The privacy provision has also been extended to all small businesses that seek any assistance from their local SBDC.

The legislation we are introducing today uses only SBA funds and will serve to complement current small business development assistance as well as existing compliance assistance programs. Versions of this legislation introduced in previous Congresses used Environmental Protection Agency, EPA, contamination funds to pay for these grants.

Small businesses can succeed when it comes to complying with Federal regulations, if provided with the necessary tools and information. The National Small Business Regulatory Assistance Act, or if you will, helping small businesses previously referred to small businesses with few employees, involves a fly-by-wire approach toward assisting our Nation’s small businesses who want to comply with Federal Regulations.

I urge all of my colleagues to support this legislation.

By Mr. Baucus (for himself, Mr. Johnson, and Mr. Daschle):

S. 2484. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the operation of temporary assistance to needy families programs operated by Indian tribes, and for other purposes; to the Committee on Finance.

Mr. BAUCUS. Mr. Chairman, today, I am introducing the American Indian Welfare Reform Act of 2002, an important step in improving the lives of this country’s Native Americans. I am glad to be joined by Senators JOHNSON and DASCHEL in this effort.

In 1996 we enacted a sweeping welfare reform law. It was a long-past due fundamental change and ended a failed system for helping low-income families in America. I was a strong supporter of that law. This year, we are reauthorizing it. As we in the Finance Committee have reviewed the evidence I have been struck by how successful it has been. The ranks of those dependent on welfare in this country has been reduced by a third. There is more to be done, of course. Child poverty has declined but not by as much as the fall in the welfare caseload, for example. I am at work with my Finance Committee colleague Senator SWEENEY, the House sponsor, and Congressman MANZULLO, chairman of the House Committee on Small Business, as should be the case.

My own State of Montana is home to several tribes. It is important that the tribes have the tools they need to operate their own welfare programs for the first time. The new welfare program, Temporary Assistance for Needy Families, TANF, is very flexible. Tribes can take advantage of that flexibility to design culturally-appropriate programs to move people from welfare to work. This is smart policy and is consistent with the important value of tribal sovereignty that I support.

My own State of Montana is home to several tribes. It is important that the tribes have the tools they need to operate their own welfare programs for the first time. The new welfare program, Temporary Assistance for Needy Families, TANF, is very flexible. Tribes can take advantage of that flexibility to design culturally-appropriate programs to move people from welfare to work. This is smart policy and is consistent with the important value of tribal sovereignty that I support.

Second, there are many tribes interested in operating programs which do not believe the current set-up allows them to do so. They want to exercise their sovereignty and adapt their program to better fit the needs of their people. We should help them do so. To that end, I propose channeling a few grant funds to improve tribal government capacity. We have funded State administrative capacity for decades, helping states buy computer systems and train workers. We should do the same for tribal human services administration. Under this bill, a tribe which wants to operate TANF but needs to upgrade its computers to do it could receive the funding it needs, which will enable it to take over TANF.

There are also some tribes not interested in running a TANF program or a long time from being able to do it. Their low-income families will continue to receive assistance from State programs. I have included provisions to facilitate State-tribal relations in these cases so that the state can better understand the unique circumstances of each Indian reservation. We must ensure all Indian families are able to get help when they need it.

This years’ is an all-important issue of economic development. A General Accounting Office review of Census Bureau data found that 25 of the 26 counties in the U.S. with a majority of American Indians had poverty rates significantly higher than average. Welfare reform is about moving people to work. On most of our Indian reservations there is simply far too little work to be had. Like everyone else, Indians want to work. We need to do better in giving them the opportunity.

Finally, there is the all-important issue of economic development. A General Accounting Office review of Census Bureau data found that 25 of the 26 counties in the U.S. with a majority of American Indians had poverty rates significantly higher than average. Welfare reform is about moving people to work. On most of our Indian reservations there is simply far too little work to be had. Like everyone else, Indians want to work. We need to do better in giving them the opportunity.

This legislation provides tribes with an expanded authority to issue bonds, which will encourage additional economic activity on reservations, such as housing construction. This means more jobs, as well as a better quality of life.

It also includes grants to help tribes improve their own economic development strategies. Tribes with uniform commercial codes and effective microenterprise programs can see more business activity on their lands. This bill helps tribes help themselves. We need to let Indians find their own way to prosperity, not impose top-down strategies. But we must make sure they have the tools to get there.

This is an important bill. It includes other key provisions. One is a fine bill originally introduced by Senators Daschle and McCain to allow tribes to receive direct Federal reimbursement for operating foster care programs. Another provision funds research on tribal economic development programs so we can learn what works as well as providing funds for “peer-learning” so that tribes can learn from one another. I am a
The Federal Government bears a unique trust responsibility for Native Americans. Despite this responsibility, Indians remain remarkably impoverished. According to the Census Bureau, 25.9 percent of American Indians live in poverty, more than twice the national poverty rate. The average household income for Indians in 2000 was only 75 percent of that of the rest of Americans. In some States, particularly in their information management systems, the welfare caseload has become increasingly Indian because it has been harder for Indians to leave welfare for work. A General Accounting Office review of Census Bureau data found that 25 of the 26 counties in the U.S. with a majority of American Indians had poverty rates “significantly” higher than the national level. Many Indian tribes are located in isolated rural areas, far from economic opportunity. Welfare reform has not brought enough change to Indian Country.

II. THE TRIBAL TANF IMPROVEMENT FUND

The 1996 welfare reform law permits tribes to opt to operate their own Temporary Assistance for Needy Families (TANF) programs. The new Tribal TANF Improvement Fund of $500 million, to be available for five years, would be created to build upon these programs and allow more tribes to start them. Tribal Capacity Grants—are State governments have benefitted from decades of federal investment in their administrative capacity, partly for management systems. $325 million of the Fund would be reserved for grants to improve tribal human services program infrastructure, for management information systems and training. Tribes applying to operate TANF would be given priority. Tribes already operating TANF or applying for foster care assistance with direct federal funding would also be eligible for grants. $25 million of the Fund would be reserved for tribes that have become TANF participants, to develop infrastructure, information systems and training. $25 million would be reserved to support peer-learning among tribes. At least $5 million on these funds would be reserved to support peer-learning among tribes. (TANF) programs, with a priority for management capacity, particularly in their information systems.

IV. ECONOMIC DEVELOPMENT

There are three elements in the bill to stimulate more economic activity on economically-depressed reservations. Expanded Tribal Economic Development and Self-Sufficiency Programs: To Issue Tax-Exempt Private Activity Bonds. Currently, tribes have a limited authority to issue tax-exempt private activity bonds. This provision would allow bonds to be used for business, renovation, and small business or micro-enterprise programs; development and improvement of port liability codes; creating or expanding tribal marketing efforts; and business networks; and telecommunications.

Job Access and Reverse Commute Grants—a lack of jobs often hinders tribal economic development. To help address this need, tribes would be made directly eligible to receive Job Access and Reverse Commute grants. The federal Department of Transportation, which would permit tribes to pursue innovative TANF strategies around transportation. A tribal set-aside of 3 percent would be established in the program. Matching funds could be provided by tribes on an in-kind basis or with other federal funds, such as TANF.

There are currently two tribal job training programs, the New program and Welfare-to-Work grantees. To simplify and better coordinate programs, a Tribal Employment Opportunity Program—would be created in the Department of Labor by combining the two programs. It would be funded at $37 million for the first year, with increases for subsequent years. $25 million of the $2 billion TANF Contingency Fund would be reserved for tribal TANF programs operating in situations of increased economic hardship. The criteria for tribal access to the Contingency Fund would also be determined by HHS through consultation with the tribes, but would include a worsening economic condition and loss of reservation businesses.

VI. TRIBAL CHILD CARE

The availability and quality of child care is basic to the success of welfare reform. Tribal welfare reform programs must do everything to encourage state-tribal partnerships. TANF funds transferred to tribal TANF programs would be governed by TESP rules, not TANF rules. The bill also clarifies that the single project budgeting requirement would be respected.

VII. EQUITABLE ACCESS

Many American Indians are—and will continue to be—served by state TANF programs. States will be required to consult with tribes within their borders on TANF state plans. Under current law, TANF is a state program and states are responsible for providing “equitable access” to services for Indians. States and tribal TANF plans would be required to describe how “equitable access” is provided to encourage better state-tribal co-operation. HHS would also be required to include in the annual TANF report to Congress state-specific information on the demographics and case load characteristics of Indians served by state TANF programs.

In addition, HHS would be required to convene a new advisory committee on the status of TANF programs. Tribes are known about how these Indians are faring. The committee is to make recommendations for ensuring these Indians receive appropriate assistance. This could include Federal, State, and tribal representatives as well as representatives of Indians.
not residing on reservations. A majority of those on the committee should be representatives of Indians not residing on reservations. GAO would also be required to conduct a study of the demographics of Indians not residing on reservations, including economic and health information, as well as reviewing their access to public benefits.

VIII. JOBLESSNESS

As acknowledged by the 1996 welfare law, the federal time limit on assistance is not an appropriate policy on Indian reservations with severe unemployment. This provision would ensure that the time limit will not apply during months where the joblessness is above 20 percent, provided that TANF recipients are not in sanction status. In addition, in those months when joblessness states would have flexibility to define work activities required for TANF participants, provided the recipient is participating in activities in accordance with an Individual Responsibility Plan and the state has included information in its state plan describing its policies in Indian Country areas of high joblessness. Tribal TANF programs already have flexibility in work activity definition.

IX. ALASKA PROVISIONS

The 1996 provision limits the ability of tribes in Alaska to design and operate programs with programs involving special treatment for Alaskan Natives, such as those requiring tribal TANF programs to be "comparable" to the state program, would be removed.

X. TRIBAL FOSTER CARE PROGRAMS

Due to a long-standing oversight, tribes are not allowed to receive direct federal reimbursement when they operate foster care programs involving special treatment for Alaskan Natives, such as those requiring tribal TANF programs to be "comparable" to the state program, would be removed.

XI. FOOD STAMPS, MEDICAID, AND SCHIP

Tribes operating TANF programs would be given clear authority to perform eligibility determination for Food Stamps, Medicaid, and SCHIP. Quality control measures in each program would apply to tribes making such decisions, although states and tribes may negotiate separate agreements on these measures.

XII. CHILD SUPPORT ENFORCEMENT

HHS would be required to promulgate final regulations concerning tribal child support programs within one year of enactment.

XIII. SOCIAL SERVICES BLOCK GRANT

When funding for SSGB exceeds $2.4 billion in a year, $10 million plus 2 percent of all funds beyond $2.4 billion is reserved for tribes. All tribes operating social service programs will be eligible for a share. HHS is required to develop a distribution formula through a consultation process with the tribes.

XIV. RESEARCH

$2 million would be provided to HHS for research on tribal welfare programs and efforts to reduce poverty among American Indians in general. To expend the funds, HHS would have to take steps to ensure that there is a plan for research and consultation with the tribes. Research funding applicants which propose to include tribal governments and tribal colleges in their research would have priority.

XV. FAITH-BASED INITIATIVE

The HHS Office of Faith-Based and Community Initiatives would be required to convene an advisory committee of Indians expert in faith-based and community aspects of traditional Indian cultures. This committee shall issue a report within 18 months of enactment with "best practices" advice for tribal and state TANF administrators.

By Ms. STABENOW (for herself, Mr. DASCHLE, Mr. MILLER, Mr. DURBIN, Mrs. CARNAHAN, and Mr. WELLSTONE):

S. 2486. A bill to amend the Internal Revenue Code to limit the deduction for advertising of FDA approved prescription drugs by the manufacturer of such drugs to the level of such manufacturer's research and development expenditures, and for other purposes; to the Committee on Finance.

Ms. STABENOW. Mr. President, I rise to introduce the Fair Advertising and Increased Research Act, the FAIR Act. The FAIR Act is designed to lower prescription drug prices by limiting taxpayer subsidies to pharmaceutical companies for advertising to those for research and development. I am pleased to be joined by my colleagues, Senators DASCHLE, MILLER, DURBIN, CARNAHAN, and WELLSTONE.

American taxpayers contribute about $16 billion a year to drug research through the National Institutes of Health. But what do they get for their investment? The answer is not clear. The law that is required to develop a distribution formula for such drugs for tribes making such decisions, although states and tribes may negotiate separate agreements on these measures.

The Food and Drug Administration which requires a prescription of any FDA prescription drug manufac-turer of such drugs to the level of any medium—of any food and Drug Administration approved prescription drug to the amount of research and development expenditures in any taxable year. For example, if a company spends $110 million on advertising, promoting or marketing—"FDA prescription drug" means any drug or biological approved by the Federal Drug Administration which requires a prescription of a physician for its use by an individual.

This bill does not prevent the pharmaceutical companies from advertising as much as they want. Under our Constitution, they are free to do so. All we are seeking to do is limit how much the taxpayers should subsidize this advertising. We think the logical limit should be the amount that companies spend on research.

While there is much compelling evidence that pharmaceutical companies spend more on advertising, marketing, and promotion than research and development, the trade association representing these businesses, PhRMA, claims that they spend more on research than on advertising. If this is true, then the pharmaceutical lobbyists should support this measure because it will not affect them and would only set a reasonable parameter for advertising in the future.

We have to do something about spiraling prescription drug prices. This bill is a step in that direction. It will seek to stop taxpayer subsidies for excessive advertising and lower the price we pay for prescription drugs at our local pharmacy.

I ask unanimous consent that a copy of this bill be printed in the RECORD. The bill was ordered to be printed in the RECORD, as follows:

S. 2486

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 "Fair Advertising and Increased Research Act.""
Resolved, That the Senate—

(1) commends the Republic of Croatia for the significant progress it has made during the past decade, and encourages its democratic transition and its continuing commitment of respect for human rights, the rule of law, and the free market;

(2) supports the Republic of Croatia's aspirations to membership in the North Atlantic Treaty Organization (NATO), welcomes its commitment to the reforms required for NATO membership, acknowledges the importance of its continued commitment to those reforms, and recommends its acceptance into the Membership Action Plan at the NATO Ministerial in Reykjavik, Iceland in May 2002;

(3) encourages Croatia's continued contributions in bringing peace, stability, and prosperity to the region of South Central Europe, including continuing its cooperation with the International Criminal Tribunal for the former Yugoslavia; and

(4) recognizes the important role of the Croatian-American community in supporting the strengthening of bilateral relations between the United States and the Republic of Croatia.

S. RESOLUTION 264—EXPRESSING THE SENSE OF THE SENATE THAT SMALL BUSINESS PARTICIPATION IS CRUCIAL TO THE DEFENSE OF OUR NATION, AND THAT FEDERAL, STATE, AND LOCAL GOVERNMENTS SHOULD AGGRESSIVELY SEEK OUT AND PURCHASE INNOVATIVE PRODUCTS AND SERVICES FROM AMERICAN SMALL BUSINESSES TO HELP IN HOME-LAND DEFENSE AND THE FIGHT AGAINST TERRORISM

Mr. KERRY (for himself and Mr. BOND) submitted the following resolution:—

Whereas on September 11, 2001, the people of the United States were subject to the worst terrorist attack in American history; and

Whereas the Pentagon's Technical Support Working Group, which is responsible for seeking new technologies to assist the military, sent an urgent plea, seeking ideas on how to fight terrorism; and

Whereas in just 2 months, over 12,500 ideas were submitted to the Technical Support Working Group, most of them from small businesses; and

Whereas small businesses remain the most innovative sector of the United States economy, accounting for the vast majority of new product ideas and technological innovations; and

Whereas despite their achievements, small businesses often have difficulty marketing and supplying goods and services to Federal, State, and local governments; Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) small business participation is vital to the defense of the United States and should play an active role in assisting the United States military, Federal intelligence and law enforcement agencies, and State and local police forces to combat terrorism through the design and development of innovative products; and

(2) Federal, State, and local governments should aggressively seek out and purchase innovative technologies and services from American small businesses to help in homeland defense and the fight against terrorism.
unique challenge. Budgetary pressures in the Federal Government have resulted in demands for faster and cheaper purchases of goods and services. Federal procurement personnel have retired and not been replaced, government streamlining has hurt competition or severely curtailed the array of small business suppliers in the Federal procurement arena, and contract bundling has made it increasingly more difficult for small businesses to compete for government contracts.

That is why, as our Nation looks for new technologies to promote homeland defense and fight terrorism, small businesses should play an active role.

I would like to commend the Pentagon’s Technical Support Working Group, which is responsible for seeking new technologies to assist the military, for sending an urgent plea seeking ideas on how to fight terrorism. America’s small businesses responded, and in just two months, over 12,500 ideas were submitted to the Technical Support Working Group, most of them from small businesses.

This not only demonstrates the commitment of America’s small businesses and their ability to be innovative, it clearly shows that when the Federal Government calls for action, small businesses respond.

The Resolution I am introducing today, along with the support of Educator Bond and Senator BOND and I are jointly sponsoring, which will take place this July here on Capitol Hill. At the Expo, a selection of small businesses will send the message to Federal officials that they should look to small businesses for true innovation that will help us win the war against terrorism. The Expo will showcase high-tech, innovative products that have been developed by our nation’s small businesses.

For the first time, Senator Bond and I have been soliciting small business homeland defense nominees from our colleagues, so that we can select truly unique products for the Expo. As expected, the response has been enthusiastic and I would encourage all of my colleagues to attend this event so that they may see and try these products. My only regret is that we do not have the space available to allow every small business to participate. However, every nominee will be included in our event and highly promoting these innovative small businesses.

I would like to conclude by once again stressing the importance of our Nation’s small businesses, both to our economic security and our national security. Supporting small businesses is supporting America.

I urge all of my colleagues to cosponsor this Resolution.

SENATE RESOLUTION 265—RECOGNIZING THE ELLIS ISLAND MEDAL OF HONOR AND COMMENDING THE NATIONAL ETHNIC COALITION OF ORGANIZATIONS

Mrs. CLINTON submitted the following resolution, which was referred to the Committee on the Judiciary:

Whereas the Ellis Island Medal of Honor, established by the National Ethnic Coalition of Organizations in 1986, pays tribute to individuals of various ethnic origins who have distinguished themselves through their contributions to the United States;

Whereas the Ellis Island Medal of Honor has been awarded on a bipartisan basis to 6 Presidents and numerous Representatives and Senators;

Whereas the National Ethnic Coalition of Organizations is the largest organization of its kind in the United States, representing more than 5,000,000 family members and serving as a unifying function for organizations that span the spectrum of ethnic heritage, culture, and religion;

Whereas the mandate of the National Ethnic Coalition of Organizations is to preserve ethnic diversity, promote equal opportunity and tolerance, combat injustice, and bring about harmony and unity among all peoples;

Whereas the Ellis Island Medal of Honor is named for the gateway through which more than 12,000,000 immigrants passed in their quest for freedom of speech, freedom of religion, and economic opportunity;

Whereas the Ellis Island Medal of Honor celebrates the richness and diversity of American life by honoring not only individuals but the pluralism and democracy that have enabled the Nation’s ethnic groups to maintain their identities while becoming integral parts of the American way of life;

Whereas during the history of the Ellis Island Medal of Honor, more than 1,500 individuals from scores of different ethnic groups have received the Medal, and more than 5,000 individuals are nominated each year for the Medal; and

Whereas at the 2002 Ellis Island Medal of Honor ceremony in New York City, individuals from different ethnic groups will be honored for their contributions to the rescue and recovery efforts of September 11, 2001, the war against terrorism, and the enhancement of the Nation’s homeland security: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the Ellis Island Medal of Honor for acknowledging individuals who live exemplary lives as Americans while preserving the values of their particular ethnic groups; and

(2) commends the National Ethnic Coalition of Organizations for its—

(A) sponsorship of the Ellis Island Medal of Honor; and

(B) ongoing work to promote harmony and understanding between groups.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3394. Mr. KENNEDY (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3395. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3396. Mr. DAYTON (for himself, Mr. CRAIG, Mr. DURBIN, Mr. SHEPHERD, Mr. KERRY, Mr. HELMS, Mr. WELLSTONE, Ms. COLLINS, Mr. BURKHALTER, Mr. ANGUS SMULIKI, Mr. DODGAN, Mr. ALLEN, Mr. HOLLINGS, Mr. WARNER, Mr. LEVIN, Mr. CRAPO, Mr. ROCKEFELLER, Mr. ENZI, Mr. FEINGOLD, Mr. SPECTER, Mr. JOHNSON, Mr. BURBELL, Mr. STARKNOW, Mr. SESSIONS, Mrs. CLINTON, and Mr. BURNS) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3397. Mr. BAYH (for himself, Mr. DURBIN, and Mrs. CARNARAN) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3394. Mr. KENNEDY (for himself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 248, strike line 21 and all that follows through page 249, line 4, and insert the following:

(v) providing strong enforcement of intellectual property rights, including through accessible, expeditious, and effective civil, administrative, and criminal enforcement mechanisms;

(b) to secure fair, equitable, and non-discriminatory market access opportunities for United States persons that rely upon intellectual property protection; and

(c) to respect the Declaration on the TRIPS Agreement and Public Health, adopted by the World Trade Organization at the Fourth Ministerial Conference at Doha, Qatar on November 14, 2001.

SA 3395. Mr. KENNEDY (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following text:

TITLE—BUSINESS INCUBATION

SEC. 91. SHORT TITLE; FINDINGS.

(a) Short Title.—This title may be cited as the "Linking Educators and Developing Entrepreneurs for Reaching Success Act of 2002.

(b) Findings.—Congress makes the following findings:

(1) Business incubators housed in academic settings provide unique educational opportunities for students, provide entrepreneurs with enhanced access to a skilled workforce, and bring a wealth of resources to business, academia, and communities.

(2) Academic affiliated incubators bridge the missions of academic institutions by
SEC. 02. PURPOSE.

The purpose of this title is to encourage entrepreneurship, increasing the role for academia in entrepreneurship by providing space and expertise in an academic setting to house and support new and emerging small businesses.

SEC. 03. DEFINITIONS.

In this title:

(1) **DEGREE-GRANTING INSTITUTION.—**The term "degree-granting institution" means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001), that awards an associate or baccalaureate degree.

(2) **INCUBATOR.—**The term "incubator" means an entity affiliated with or housed in a degree-granting institution that provides space and coordinated and specialized services to entrepreneurial businesses which meet selected criteria during the businesses' startup phase, including providing services such as shared office space and services, access to equipment, access to telecommunication and technology services, flexible leases, specialized management assistance, access to and other coordinated business or technical support services.

(3) **SECRETARY.—**The term "Secretary" means the Secretary of Education.

SEC. 04. AUTHORIZED.

(a) **IN GENERAL.—**The Secretary is authorized to—

(i) support the establishment and development of incubators;

(ii) award funds, from the amount appropriated under section 09, to—

(A) make awards, on a competitive basis, in amounts of $50,000 to $150,000, for feasibility studies for determining the need for or siting of incubators; and

(B) make awards, on a competitive basis, in amounts of $50,000 to $150,000, for feasibility studies for determining the need for or siting of incubators; and

(2) shall reserve 10 percent for research regarding best practices for incubator programs, including the development of a benchmarking system based on uniform measures, and for dissemination of information regarding such practices.

(c) **CONSIDERATION.—**The Secretary is authorized to contract with organizations with expertise in business incubation practices for the purposes of carrying out subsection (b)(3).

(d) **RECIPIENTS.—**The Secretary shall make an award—

(1) described in subsection (b)(1) to a nonprofit entity that has a strong affiliation with a degree-granting institution and manages or provides technical assistance to the degree-granting institution's affiliated incubator, or if no nonprofit entity manages or provides technical assistance to the incubator, to the degree-granting institution managing the incubator; or

(2) described in subsection (b)(2) to a degree-granting institution, or a nonprofit municipality, city, town, or community development corporation.

SEC. 05. USES OF FUNDS.

Funds awarded under section 04(b)(1)(B) may be used for—

(I) preparing corporate charters, partnerships, or limited liability company agreements, and basic contracts;

(ii) providing technology acquisition services; and

(iii) providing programming for entrepreneurs housed in an incubator.

(b) make awards, on a competitive basis, in amounts of $50,000 to $150,000, for—

(i) developing curricula;

(ii) providing services, including—

(A) preparing corporate charters, partnership agreements, and basic contracts;

(B) providing technology acquisition services; or

(C) providing programming for entrepreneurs housed in an incubator;

(ii) providing programs for entrepreneurs housed in an incubator.

(iii) during the third year, or thereafter, the Secretary may award such funds for any purpose described in subsection (b) to an entity that provides technical assistance to the degree-granting institution, or a nonprofit municipality, city, town, or community development corporation.

(d) **CONSIDERATION.—**The Secretary may give consideration to funding applications under this title that support—

(1) the building of new incubators;

(2) incubators located in economically distressed areas;

(3) incubators with successful graduation rates for tenant companies;

(4) incubators that have shown demonstrable economic benefits in their surrounding communities;

(5) incubators that work with faculty entrepreneurship-based research; or

(6) incubators located in rural areas, inner city areas, Indian reservations or pueblos, where the presence of an incubator may enhance the area's economy through expanded technology commercialization.

(2) **DEFINITION OF CONSIDERATION.—**In this subsection the term "consideration" means thought and does not mean priority.

SEC. 07. MATCHING FUNDS.

Each entity receiving Federal assistance under this title—

SEC. 08. REPORT.

The Secretary, at the end of the third year for which assistance is provided under this title, shall prepare and submit to Congress a report that—

(a) contains a comparison of small business survival rates for small businesses that started up in incubators versus small businesses that did not start at; and

(b) contains a comparison of small business success rates for small businesses that are affiliated with specific missions and ages that are not supported under this title.
(iv) relief from unfair trade practices (title III of the Trade Act of 1974; 19 U.S.C. 2411 et seq.); or

(B) Point of Order in Senate.—
(i) In General.—When the Senate is considering an implementing bill, upon a point of order being made by any Senator against any part of the implementing bill that contains material in violation of subparagraph (A), and an appeal of the point of order is sustained by the Presiding Officer, the part of the implementing bill against which the point of order is sustained shall be stricken from the bill.

(ii) Waivers and Appeals.—Before the Presiding Officer rules on a point of order described in clause (i), any Senator may move to waive the point of order and the motion to waive shall not be subject to amendment. A point of order described in clause (i) is waived only by the affirmative vote of at least three-fifths of the Members of the Senate, duly chosen and sworn.

(iii) Appeals.—After the Presiding Officer rules on a point of order under this subparagraph, any Senator may appeal the ruling of the Presiding Officer on the point of order as it applies to some or all of the provisions on which the Presiding Officer ruled. A ruling of the Presiding Officer on a point of order described in clause (i) is sustained unless at least three-fifths of the Members of the Senate, duly chosen and sworn, vote not to sustain the ruling.

(iv) Debate.—Debate on a motion to waive under subsection (i) or on an appeal of the ruling of the Presiding Officer under subsection (ii) shall be limited to 1 hour. The time shall be equally divided between, and contributed to by the majority leader and the minority leader, or their designees.

SA 3397. Mr. BAYH (for himself, Mr. DURBIN, and Mrs. CARNAHAN) submitted an amendment intended to be proposed to amendment SA 3386 proposed by Mr. DASCHLE to the bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; and

SEC. 303. COMMUNITY WORKFORCE PARTNERSHIPS.

(a) Short Title.—This section may be cited as the ‘‘Community Workforce Development and Modernization Partnership Act’’.

(b) General Authority.—Title II of the Trade Act of 1974 (19 U.S.C. 2211 et seq.) (as amended by sections 401 and 501) is further amended by inserting after chapter 7 the following:

‘‘CHAPTER 8—COMMUNITY WORKFORCE PARTNERSHIPS

SEC. 299K. AUTHORIZATION.

‘‘(a) In General.—From amounts made available to carry out this chapter, the Secretary of Labor (referred to in this chapter as the ‘Secretary’), in consultation with the Secretary of Commerce and the Secretary of Education, shall award grants on a competitive basis to eligible entities described in subsection (b) to assist each entity to—

‘‘(1) help workers improve those job skills that are necessary for employment by businesses that have been affected by trade with respect to which the entity was established;

‘‘(2) help dislocated workers find employment; and

‘‘(3) provide the operating and competitive capacities of businesses that are members of the entity.

‘‘(b) ELIGIBLE ENTITIES.—An eligible entity described in this subsection is a consortium (either established prior to the date of enactment of the Community Workforce Development and Modernization Partnership Act, or established specifically to carry out programs under this chapter) that—

‘‘(1) shall include—

‘‘(A) 2 or more businesses (or nonprofit organizations representing businesses) that are facing similar workforce development or business modernization challenges;

‘‘(B) labor organizations, if the businesses described in subparagraph (A) employ workers who are covered by collective bargaining agreements; and

‘‘(C) 1 or more businesses (or nonprofit organizations that represent businesses) with resources or expertise that can be brought to bear on the workforce development and business modernization challenges referred to in subparagraph (A); and

‘‘(2) may include—

‘‘(A) State governments and units of local government;

‘‘(B) educational institutions;

‘‘(C) labor organizations; or

‘‘(D) nonprofit organizations.

‘‘(c) COMMON REGULATIONS.—To the maximum extent practicable, the organizations that are members of an eligible entity described in subsection (b) shall be located within a single geographic region of the United States.

‘‘(d) PRIORITY CONSIDERATION.—In awarding grants under subsection (a), the Secretary shall give priority consideration to—

‘‘(1) eligible entities that serve dislocated workers or workers who are threatened with becoming totally or partially separated from employment; and

‘‘(2) eligible entities that—

‘‘(A) provide supportive services to workers; and

‘‘(B) assist workers in finding new employment; or

‘‘(C) provide supportive services to workers who—

‘‘(i) are participating in a program carried out by the entity under this chapter; and

‘‘(ii) are unable to obtain the supportive services through another program providing the services.

‘‘(2) BUSINESS MODERNIZATION ACTIVITIES.—The business modernization activities referred to in subsection (a)(2) may include activities that upgrade the technological or organizational capabilities in conjunction with improving the job skills of workers in a business that is a member of that entity.

‘‘SEC. 299N. LIMITATIONS ON FUNDING.

‘‘(a) Use of Grant Amounts.—Each eligible entity that receives a grant under this chapter must spend the amount made available through the grant to carry out a program that provides—

‘‘(1) workforce development activities to improve the job skills of individuals who have, are seeking, or have been dislocated from, employment with a business that is a member of that eligible entity, or with a business that is a member of a business that is a member of that eligible entity;

‘‘(2) business modernization activities; or

‘‘(3) activities that—

‘‘(A) workforce investment activities (including such activities carried out through one-stop delivery systems) carried out under title II of the Workforce Investment Act of 1998 (29 U.S.C. 2991 et seq.); or

‘‘(B) activities described in section 25 of the National Institute of Standards and Technology Act (15 U.S.C. 276c).

‘‘(b) Activities Authorized.—

‘‘(1) WORKFORCE DEVELOPMENT ACTIVITIES.—The workforce development activities referred to in subsection (a)(1) may include activities that—

‘‘(A) develop skill standards and provide training, including—

‘‘(i) assessing the training and job skill needs of the industry involved;

‘‘(ii) developing a sequence of skill standards that are benchmarked to advanced industry practices; and

‘‘(iii) developing curricula and training methods;

‘‘(iii) purchasing, leasing, or receiving donations of training equipment;

‘‘(v) identifying and developing the skills of training providers;

‘‘(vi) developing apprenticeship programs; and

‘‘(vii) developing training programs for dislocated workers;

‘‘(B) SEED GRANTS.—The Secretary may provide technical assistance and award financial assistance (not to exceed $50,000 per award) on such terms and conditions as the Secretary determines to be appropriate to—

‘‘(1) businesses, nonprofit organizations representing businesses, and labor organizations, for the purpose of establishing an eligible entity; and

‘‘(2) entities described in paragraph (1) and established eligible entities, for the purpose of preparing such application materials and may be required under section 299P).

‘‘(c) OUTFITTING AND PROMOTIONAL ACTIVITIES.—The Secretary may undertake such outreach and promotional activities as the Secretary determines will best carry out the objectives of this chapter.

‘‘(d) LIMITATIONS ON EXPENDITURES.—The Secretary may not award more than 10 percent of the amount awarded to an entity described in section 299P to carry out this section.

‘‘(e) REQUIREMENT OF MATCHING FUNDS.—The Secretary may not award a grant under this chapter to an eligible entity unless such entity agrees that the entity will make available non-Federal financial assistance equal to the costs of carrying out activities funded by that grant in an amount that is not less than $2 for each $1 of Federal funds made available through the grant.

‘‘(f) IN-KIND CONTRIBUTIONS.—The Secretary—

‘‘(1) shall, in awarding grants under this chapter, give priority consideration to those entities whose members offer in-kind contributions; and

‘‘(2) may not consider any in-kind contribution in lieu of or as any part of the contributions required under subsection (a).

‘‘(g) SENIOR MANAGEMENT TRAINING AND DEVELOPMENT.—An eligible entity may not use any amount made available through a grant awarded under this chapter for training and development activities for senior management, unless the Secretary determines that the expenditures for the activities are an integral part of a comprehensive modernization plan; or

‘‘(h) DEDICATED TO TEAM BUILDING OR EMPLOYEE INVOLVEMENT PROGRAMS.—Eligible entities—

‘‘(i) shall, in carrying out the activities referred to in section 299L, provide for
Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a full committee hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of the hearing is to examine manipulation in Western energy markets during 2000–2001, as revealed recently in documents made available as a result of an investigation underway at FERC, actions that were taken to manipulate and manipulate or failures; and further actions that should be taken now and in the future. The hearing will be held in SD–386 on Wednesday, May 15, at 2:30 p.m.

Those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, Attn: Majority Staff, 364 Dirksen Senate Office Building.

For further information, please contact Leon Lowery on 202–224–2200.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 8, 2002, at 2:30 p.m., in closed session to mark up the Department of Defense Authorization Act for Fiscal Year 2003.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, May 8, 2002, at 10 a.m., to conduct a hearing on the nomination of Mr. Robert Mueller III, Director, Federal Bureau of Investigation, and the Honorable Robert S. Mueller III, Director, Federal Bureau of Investigation, and the Honorable Robert S. Mueller III, Director, Federal Bureau of Investigation, to be Federal Insurance and Mitigation Administrator of the Federal Emergency Management Agency.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, May 8, 2002, at 9:30 a.m., in SD–366.

The purpose of the hearing is to receive testimony on the nomination of Guy F. Caruso to be Administrator of the Energy Information Administration, Department of Energy.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, May 8, 2002, at 9:30 a.m., for the purpose of holding a hearing entitled "Securing our Infrastructure: Private/Public Information Sharing."
The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space be authorized to meet on Wednesday, May 8, 2002, at 9:30 a.m., on NASA reauthorization.

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

SUBCOMMITTEE ON SEAPower

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 8, 2002, at 9 a.m., in closed session to mark up the seapower programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2003.

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

SUBCOMMITTEE ON STRATEGic

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic and Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, May 8, 2002, at 10 a.m., in closed session to mark up the strategic programs and provisions contained in the Department of Defense Authorization Act for Fiscal Year 2003.

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

AUTHORIZING USE OF CAPITOL GROUNDS FOR NATIONAL PEACE OFFICERS’ MEMORIAL SERVICE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 347 received from the House, which is at the desk.

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

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 347) authorizing the use of the Capitol Grounds for the National Peace Officers’ Memorial Service.

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

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

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT 107-6

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on May 8, 2002, by the President of the United States:


I further ask unanimous consent that the treaty be considered as having been read the first time, that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President’s message be printed in the Record.

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

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the United States of America and the Republic of Peru, signed at Lima on July 26, 2001.

In addition, I transmit for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of modern extradition treaties recently concluded by the United States and will replace the outdated extradition treaty in force between the two countries signed in 1890. The Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of the two countries. It will make a significant contribution to international law enforcement efforts against serious offenses, including terrorism, organized crime, and drug-trafficking.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE W. BUSH,

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that at 10:30 a.m. on Thursday, May 9, the Senate proceed to executive session to consider en bloc the following nominees: Calendar No. 811, Leonard Davis; Calendar No. 812, Andrew Hanen; Calendar No. 813, Samuel Mays; and Calendar No. 814, Thomas Rose, all four to be United States district judges; that there be 1 hour of debate on the nominations equally divided between the chairman and the ranking member of the Judiciary Committee or their designees; that upon the use or yielding back of time, the Senate vote on confirmation of each nominee; that the motion to reconsider be laid upon the table; that the President be immediately notified of the Senate’s action; that any statements thereon be printed in the Record; and that the Senate return to legislative session, without any intervening action or debate.

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

Mr. REID. I ask unanimous consent that it be in order to request the yeas and nays on the nominees at this time, with one show of hands.

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

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

MEASURE READ THE FIRST TIME—S. 2485

Mr. REID. It is my belief that at the desk there is a bill that has been introduced by Senators MCCAIN and GRAMM of Texas.

The PRESIDING OFFICER. That is correct.

Mr. REID. I ask unanimous consent for its first reading.

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

The clerk will read the bill for the first time.

The assistant legislative clerk read as follows:

A bill (S. 2485) entitled the “Andean Trade Promotion and Drug Eradication Act.”

Mr. REID. I ask now for its second reading, and I object to that request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

ORDERS FOR THURSDAY, MAY 9, 2002

Mr. REID. Madam President, I ask unanimous consent when the Senate completes its business today, it adjourn until 10 a.m. on Thursday, May 9; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate be in a period of morning business until 10:30 a.m., with Senators permitted to speak for up to 10 minutes each, with the time under the control of Senator SAXENIA or her designee; further, at 10:30 a.m. the Senate to executive session under the previous order.

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

Mr. REID. Mr. President, I ask unanimous consent when the Committee completes its business today, it adjourn until 10 a.m. on Thursday, May 9.
ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:05 p.m., adjourned until Thursday, May 9, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 8, 2002:

DEPARTMENT OF JUSTICE

ANTHONY DICHIO, OF MASSACHUSETTS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF MASSACHUSETTS FOR THE TERM OF FOUR YEARS, VICE NANCY J. MCGILLIVRAY-SHAFFER, TERM EXPIRED.

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

JOHN EDWARD MANSFIELD, OF VIRGINIA, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2006. (REAPPOINTMENT)

R. BRUCE MATTHEWS, OF NEW MEXICO, TO BE A MEMBER OF THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD FOR A TERM EXPIRING OCTOBER 18, 2005, VICE JOSEPH DINUNNO, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

GEN. RALPH E. EBERHART, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

CHRISTIAN E. DEGRAFF, 0000

To be lieutenant colonel

CHES H. GARNER, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

MARK D. TOBIN, 0000

WITHDRAWAL

Executive message transmitted by the President to the Senate on May 8, 2002, withdrawing from further Senate consideration the following nomination:

JOSE GERARDO TRONCOSO, OF NEVADA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEVADA FOR THE TERM OF FOUR YEARS. (REAPPOINTMENT), WHICH WAS SENT TO THE SENATE ON APRIL 16, 2002.
## EXTENSIONS OF REMARKS

### 2002 AAA STARS OF LIFE STATEMENT

**HON. BILL LUTHER OF MINNESOTA**  
In the House of Representatives  
Tuesday, May 7, 2002

Mr. LUTHER. Mr. Speaker, I rise today to honor the men and women of the emergency medical and ambulance services profession who dedicate their lives to helping individuals in need.

Every year, the dispatch of an ambulance is the first response to millions of medical emergencies. Often, the survival of a patient is significantly improved by the prompt medical attention provided before arrival at an emergency room. As a result of the selfless acts of these courageous and devoted men and women, the lives of thousands of Americans are saved each year. While these professionals do not expect to receive recognition for their work, they deserve our sincere gratitude.

I consider myself fortunate to have met with a number of medics from Minnesota and around the country and have heard firsthand accounts of the tireless efforts that they perform on a daily basis for their communities they serve. They are truly America's health care safety net.

For the past nine years, the American Ambulance Association (AAA) has recognized those emergency medical and ambulance service professionals who exemplify what is best about their field, and bestowed upon them the Stars of Life award. These appropriately designated Stars of Life have been selected by their peers to represent them in Washington, DC as part of pre-National EMS Week activities. The highlights of their visits to our nation's capital are an annual banquet this evening where they are presented with this prestigious award and meetings today and tomorrow with their Members of Congress.

The American Ambulance Association is honoring 113 Stars of Life this year.

Mr. Speaker, I ask that the names of the 2002 American Ambulance Association Stars of Life honoraries be printed in the RECORD.

#### Table of Stars of Life

<table>
<thead>
<tr>
<th>State</th>
<th>Name of Star of Life</th>
<th>Company or organization</th>
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<tr>
<td>Alabama</td>
<td>James &quot;Pete&quot; Norris</td>
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<td>Arizona</td>
<td>Jim Hayden</td>
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*This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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

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Mr. Speaker, I ask that the names of the 2002 American Ambulance Association Stars of Life honoraries be printed in the RECORD.
Mr. KUCINICH. Mr. Speaker, I rise today in celebration of the anniversary of the Polish Constitution. The Polish Constitution of May 3, 1791 established a tradition of democracy and human rights in Poland that continues today.

The Polish Constitution has the honor of being the first Constitution in Europe to guarantee inalienable human and economic rights for all. This historic document was modeled after the Constitution of the United States of America.

During the turbulent 1790’s of classical Europe, Poland emerged as a light of hope for the future of democracy in Poland, and across the European landscape. While other nations surrounding its sovereign borders engaged in revolution and civil war, Poland maintained its integrity for many years under this Constitution.

The rise of Soviet communism in the post-World War II era stemmed the Polish democratic principle for forty years, but under the capable leadership of Lech Walesa, democracy embodied in this Constitution returned to the Eastern European “cradle of democracy.” The human and economic rights that were abandoned by years of communist rule have triumphantly flourished in recent years.

Mr. Speaker, please join me in honoring the people of Poland, the Polish American community, and their timeless Polish Constitution—on the occasion of the anniversary of its creation—two hundred and eleven years ago.

There are approximately 25 million small businesses in the United States and they account for 75 percent of all new jobs added to the economy and represent 99.7 percent of all employers. There are over 280,000 employer businesses in the state of Illinois, and over 97 percent of them are small businesses, with fewer than 500 employees. Currently, there are an estimated 6.2 million women-owned businesses, accounting for 28 percent of all privately held firms. These firms generate $1.15 trillion in sales and employ 9.2 million workers. Also, minority-owned businesses have quadrupled over the last decade. Minorities now own 15 percent of American businesses and 99 percent of these firms are small businesses. But the sad truth is that not enough is being done to provide these businesses with the opportunities needed to thrive and compete in today’s market.

The rising cost of prescription drugs is certainly a matter of concern. As a nurse, I am very familiar with the role of prescription drugs in medical treatment programs. In recent years, more and more drugs have become available to manage medical problems that formerly were left untreated or required periods of hospitalization. These drugs have allowed Americans to live longer, more productive lives.

I also know the importance of taking the correct dosage of drugs, at the prescribed times. Today, too many seniors cut back on the dosage, or alternate the days they take the drugs. By altering the dosage, they do not receive the full benefit of the prescription drug therapy. Some seniors are forced to choose between buying food or paying for their prescription drugs. Why have they been faced with these decisions? Because they cannot afford to pay for their prescriptions.

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It is time for Congress to take action and pass a Medicare prescription drug plan. We need to make prescription drugs affordable for all our seniors, regardless of where they live, what drugs they take, or their income level. We need a plan that provides a meaningful reduction in the cost of prescription drugs.

But more importantly, we must also look at the continuing increase in the cost of prescription drugs. The rising cost of drugs is certainly a consideration in a Medicare prescription plan that provides a meaningful reduction in the cost of prescription drugs.

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The problem of increasing prescription drug costs is not limited to our seniors. In- spokesmen for the Insurers, employer-sponsored plans, or other private insurance plans are seeing their coverage of prescription drugs diminish and/or their co-payments rise as the insurer tries to keep pace with the rising cost of drugs. Hospitals and state Medicaid programs are struggling with the cost of prescription drugs. We must look at ways to ensure prescription drug are available at reasonable prices for all Americans.

30TH ANNIVERSARY OF THE NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

HON. JOHN COOKSEY OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. COOKSEY. Mr. Speaker, today I wish to congratulate the National Committee for Employer Support of the Guard and Reserve (ESGR)—its 4,200 volunteers and Department of Defense (DOD) staff—in celebrating 30 years of service to this Nation.

The National Committee for Employer Support of the Guard and Reserve (ESGR) was established in 1972, the year the United States ended the Selective Service System and established an all-volunteer military force. DOD realized that support from employers and communities would be instrumental in maintaining Reserve component membership. ESGR was created to obtain employer and community support for the National Guard and Reserve and to promote the role of Reserve forces in the national defense.

ESGR has lived up to the task and accomplished much more. Since 1972, with the help of the Advertising Council, Inc., ESGR has benefited from nearly $1 billion in pro bono advertising reaching the six million employers with one or more employees in the United States.

Employers have, in turn, signed ESGR Statements of Support, publicly committing to support the National Guard and Reserve. The former Chairman of the Board and CEO of General Motors, Mr. James H. Roche signed the first Statement of Support in the Office of the Secretary of Defense on December 13, 1972. The next day, President Richard Nixon signed a Statement of Support covering all Federal civilian employees. Since the inception of this program, Presidents Ford, Carter, Reagan, Bush, Clinton and President George W. Bush have all signed Statements of Support, along with hundreds of thousands of employers, including Dell Computer Corporation, Xerox, the Society for Human Resource Management and the U.S. Chamber of Commerce.

To date, over 300,000 employers have signed statements of support. Additionally, the strategic alliance formed in 1998 between ESGR and the U.S. Chamber of Commerce resulted in more than 1,200 chambers of commerce nationwide signing a Statement of Support for the Guard and Reserve.

ESGR offers Ombudsman services designed to provide information to employers and Reservists regarding their rights and responsibilities under the law, and to resolve conflicts through informal mediation. These services operate in cooperation with the Department of Labor. ESGR volunteers in 54 U.S. states and territories contribute thousands of hours of effort representing millions of dollars of volunteer service in support of ESGR programs, its services, and the men and women of our nation’s Reserve forces.

Mr. Speaker, the National Committee for Employer Support of the Guard and Reserve is smart government in action. The small ESGR staff in Arlington, VA, under the direction of the Assistant Secretary of Defense for Reserve Affairs provides guidance and support to a network of 4,200 volunteer business, civic, and community leaders.

ESGR educates employers on their rights and obligations under the law and recognize employers who actively support employee participation in the Guard and Reserve. ESGR also educates members of the National Guard and Reserve in regards to their rights and responsibilities to the value of their employers support. Committees can be found in all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

With the end of the cold war, the Reserve components have been called with increasing frequency. During the Gulf War in 1990–1991, more than 250,000 Reserve component members were called to active duty to support military operations in the Persian Gulf. Since the start of Operation Noble Eagle and Enduring Freedom, more than 80,000 National Guard and Reserve troops have been activated and are playing a critical role.

Mr. Speaker, thousands of employers, local and state government officials, Active and Reserve component leaders, and military members from across the nation and around the world request ESGR’s employer support expertise on a daily basis. When Guardmen and Reservists return home following mobilization, ESGR committee members are there to provide information and support services to those in need.

The U.S. Congress passed the Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994, and updated it in 1996. This law completely revised the Veterans Reemployment Rights Act of 1940. USERRA articulates the rights and responsibilities of Guard and Reserve members with regard to job protection and explains employer rights under federal law. ESGR helps employers and Reservists understand this law and helps them informally resolve any employment conflicts that may arise.

Mr. Speaker, again, I want to congratulate ESGR and its 54 ESGR committees on their 30 years of service and commend this network of 4,200 volunteers’ patriots for their time and talent. They are serving their country and maintaining the much needed support of our employers and communities for the Guard and Reserve. Through the efforts of agencies like ESGR, we can call on our Reserve forces to answer our nation’s call without the fear of job loss.

Thank you Mr. Speaker, and thank you ESGR.

Volunteers of the Chaplaincy Committee of the Jewish Federation of Central New Jersey

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. FERGUSON. Mr. Speaker, I rise today to thank and recognize the volunteers of the Chaplaincy Committee of the Jewish Federation of Central New Jersey.

The Chaplaincy program provides services to Jewish residents in nursing homes and patients hospitals in central New Jersey. The committee also works with the nearly 100 volunteers doing either Bikur Holim (visiting the sick) or Kabbalat Shabbat (a service to welcome the Sabbath) for residents in area nursing homes. The volunteers range from all over central New Jersey.

On May 8th, the Chaplaincy Committee plans to recognize and thank the volunteers for their hard work, as I am here to do the same today.

I commend the Jewish Federation of Central New Jersey for the good works they have helped to provide to central New Jersey, and to the volunteers themselves—they have my deepest gratitude. There is no greater gift to the community than your time and service.

Tribute to Ms. Farah M. Walters

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. KUCINICH. Mr. Speaker, I rise today to honor Ms. Farah M. Walters for her masterful leadership of University Hospitals Health System and University Hospitals of Cleveland. As President and Chief Executive Officer of University Hospitals Ms. Walters has presided over UH’s expansion from a $400 million hospital to a nearly $2 billion health-care system serves patients at more than 150 locations in Northeast Ohio and is the region’s largest private sector employer.

Ms. Walters graduated from the executive MBA program at Case Western Reserve University Weatherhead School of Management and holds a Masters of Science In Nutrition from Case Western Reserve University. She has consulted and lectured for major health organizations such as the Pan American Health Organization, American Hospital Association, National Institutes of Health, the U.S. Army, and various hospitals and universities. Ms. Walters has received numerous prestigious awards for her work. For example, in May 2001 she was awarded the Ellis Island Medal of Honor by the National Ethnic Coalition of Organizations Foundation; in February 1999 she became the first woman to receive the Business Executive of the Year award from the Sales & Marketing Executives of Cleveland; and in May 1998 she became the first woman to receive Business Statesmanship Award from the Harvard Business School Club. In January 1993, Mrs. Walters was appointed to Hillary Rodham Clinton’s National Health Care Reform Task Force, and in 1993...
Modern Healthcare selected her one of the 50 individuals in the USA to shape the future of health care in the country. In addition, University Hospitals of Cleveland has been the recipient of many awards under her leadership, including, the North Coast 99 Diversity Award from the Employer Resource Council and Enterprise Development and the Exemplary Voluntary Effort Award from the U.S. Department of Labor.

Ms. Walters serves on a variety of national and local boards and is active in civic affairs. She has served on a number of key committees of the Association of American Medical Colleges in Washington, DC. She also serves on the board of Cleveland Tomorrow, Greater Cleveland Roundtable and Ohio Business Roundtable. In 1994 Ms. Walters was appointed by Governor Voinovich to serve on the 15 member Commission to Study the Ohio Economy and Tax Structure. Within the community, she has served as Chairman for the 1997 United Way Campaign, the first woman and first CEO of a non-profit organization to be selected for the position.

My colleagues in the community and I ask you to Join me in rising to honor this truly remarkable woman who has dedicated her life to the betterment of health care, and is one of Cleveland’s finest citizens.

PAUL SIMON
CHICAGO JOB CORPS CENTER

SPEECH OF
HON. JANICE D. SCHAekowsky
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 7, 2002

Ms. SCHAekowsky. Madam Speaker, I rise in support of Senate Bill 376, which will rename the Chicago Job Corps Center, located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the Paul Simon Chicago Job Corps Center after former U.S. Senator Paul Simon of Illinois. Senator Simon was not only a great U.S. Senator for the state of Illinois, but he is a champion for working people across the nation.

Senator Simon has dedicated his life to helping the people of this country. As a scholar, writer, and public servant, Senator Simon has worked hard to battle against the social injustices that haunt our nation. During his congressional service, Senator Simon was a strong supporter of the federal Jobs Corps program and was instrumental in the chartering of a Jobs Corps center in Chicago. The Center provides opportunities in a campus environment to gain a valuable education with advanced career training, to learn a skilled trade, so that individuals may reach their full potential. Job Corps provides up to two years of hands-on work-based training and internships, in areas ranging from bricklaying to computer repair. The Center also provides academic training in remedial math and reading, GED preparation, and English as a second language, and outreach to those in the community that may not have the opportunity to attend college. It is these things that define the legacy Senator Simon has set to achieve for the millions of Americans looking for skilled employment in the workplace.

Senator Simon has been a dear friend of mine for many, many years. His contributions and dedication as a public servant have always inspired me. He has not only made great contributions to this country and the state of Illinois, but he continues to play a vital role as Director of the Public Policy Institute at Southern Illinois University. He is a leader in strengthening democracy and in addressing key issues such as water shortage crisis. I feel that renaming the Chicago Job Corps Center as the Paul Simon Chicago Job Corps Center is an appropriate recognition of what he has done for the Chicago area and all of us. Thank you Paul, for everything.

WORLD ASTHMA DAY

HON. DIANE E. WATSON
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Ms. WATSON of California. Mr. Speaker, asthma has become epidemic. Over 2.3 million Californians have asthma, a chronic illness that makes breathing difficult and causes symptoms such as shortness of breath, coughing, wheezing and chest tightness. Nation wide, the number of asthma suffers has increased 50 percent since 1980.

Nearly one in thirteen children in the U.S. have asthma and this percentage is growing more rapidly in preschool age children than in any other group. Between 1982 and 1995, incidents of childhood asthma increased by 87 percent and is now the most common chronic illness among children. Asthma accounts for approximately 17 percent of children’s emergency room visits and is the major cause of school absences.

Asthma can be fatal. Rates of death from asthma, hospitalizations and visits to emergency rooms have been increasing for more than 20 years, particularly among children and African Americans. Between 1979 to 1995, the death rate from asthma for all blacks has increased 71 percent while for whites it has increased 41 percent.

Asthma episodes can be triggered by dust, pets, mold, air pollution, tobacco smoke, some insects, certain chemicals, cold air and stress. Managing asthma includes proper diagnosis, access to high quality medical care and monitoring the condition and avoiding the things that trigger attacks.

In Los Angeles, the Asthma and Allergy Foundation of America—Southern California chapter, working in conjunction with the California Department of Health Services—Childhood Asthma Initiative and the Los Angeles County Department of Health Services, is sponsoring a community-based initiative to identify ways to control inhalation exposures that trigger children’s asthma attacks. The Healthy African American Families has established an asthma intervention program called “Breathe Free” that is targeted for African American children in South Los Angeles communities.

I applaud the efforts of these organizations to identify the asthma risk factors, educate the public, provide intervention measures in homes and child care centers and make progress in reversing the terrible trend of childhood asthma.

TRIBUTE TO RETIRING CHAIRMAN
ROBERT W. GIARRUSSO

HON. JAMES T. WALSH
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. WALSH. Mr. Speaker, I rise today to highlight the public service of a longtime local business leader in my Central New York district. From 1988 until just recently, Mr. Bob Giarrusso served as Chairman of the Onondaga County Republican Committee. I write to congratulate him on his retirement and to thank him for his fourteen years of service to our community. He is the longest serving chairman in the committee’s history.

During Bob’s tenure, the Onondaga County Republican Committee flourished. He made the committee more democratic and more inclusive and expanded committee members’ involvement and influence. His efforts supported Republican candidates at all levels of government, and his leadership encouraged some of our community’s brightest and most successful individuals to run for public office.

Most importantly, Bob Giarrusso led local Republicans with an unique style all his own that was both endearing and dignified. Through Bob’s longtime political service, our community certainly has been enhanced. Many new challenges await Central New York Republicans as we enter a new year. I applaud Bob for his strong leadership and believe that his decision to step aside will only infuse the local Republican Party with new energy and new life.

It’s my pleasure to thank Mr. Giarrusso for his service to the Central New York community and to congratulate him on a job well done.

HONORING CITRUS HEIGHTS, CALIFORNIA CITY COUNCILMAN TIM RANNEY

HON. DOUG OSE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. OSE. Mr. Speaker, tonight, Tim Raney will be recognized for his service as a councilman in my hometown of Citrus Heights, California. Though the peaceful transition of officials into and out of elective office is not a unique occurrence in this great nation, this particular event is worthy of our recognition.

Tim Raney was elected to the Citrus Heights City Council in November of 1996, on the same ballot that a proud community voted to make formal its desire to become an incorporated city. Tim was an active leader in the drive for Citrus Heights Cityhood, an effort that was more than a decade in the making, going to the United States Supreme Court to affirm the right of its residents to self-governance.

As a member of the first city council, Tim and the other four council members were responsible for negotiating the contracts for police and public safety services, garbage and waste management services, and all other services that make a city responsive to its citizens.

In his six years on the council, he was a tireless advocate for the community. He
served on the Sacramento Transportation Authority, Sacramento Regional County Sanitation District, and the Sacramento Metropolitan Fire District. In 1998, then Governor Pete Wilson appointed him to the Commission on Local Governance for the 21st Century. From naming a blue-ribbon panel to improve school test scores, to championing economic development issues and working to bring consensus to regional transportation issues, his mark on the community is clear.

As Councilman Raney steps down from the city council to pursue professional goals and commit more time to his growing family in their new home, he does so as more than a former councilman. He will be remembered as one of the founders of the City of Citrus Heights, and as a solid example of a true public servant.

HONORING THE WOODMERE SISTERHOOD OF CONGREGATION SONS OF ISRAEL

HON. CAROLYN MCCARTHY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mrs. McCARTHY of New York. Mr. Speaker, I rise in honor of the past, present and future female congregants of Congregation Sons of Israel—Woodmere Synagogue.

For over 70 years, the Woodmere Sisterhood organization has promoted ideals that lie not only at the core of Judaism, but at the core of humanity. Their involvement on Long Island has affected individuals on many levels. Hundreds of women have dedicated themselves to such betterment of their community and on June 2, members of the Congregation will honor the Sisterhood at the annual Journal Dinner Dance.

These women led other congregants in perpetuating the rich heritage of the Jewish people through a variety of community outreach programs. These included trips to various museums, “Lunch and Learn” Sabbaths, screenings of pertinent films and lecture series.

They established and maintained a Judaic library and Video Center for the use of the congregation and Hebrew School. They also created several scholarship funds. One offers teens the opportunity to spend a summer in Israel; one offers partial tuition to the Hebrew High School; one offers needy children partial tuition to the Morgenstern Hebrew School; and one subsidizes camp tuition. They also have a Torah Fund for the Jewish Theological Seminary in New York City.

The Sisterhood plays a crucial role in certain day-to-day operations of the Synagogue. Their participation in the local community varies from providing new floral arrangements for the sanctuary every Sabbath to gift-giving on special occasions: Bar and Bat Mitzvahs, weddings and births. The Sisterhood was also instrumental in hosting Bat Mitzvah classes for adult women in the congregation.

The Sisterhood is involved in International matters, especially those concerning Israel. The current situation has greatly affected all members of Congregation Sons of Israel-Woodmere. The Sisterhood just concluded a fund drive to purchase an armored school van for an Israeli school.

The list of the Sisterhood’s accomplishments and contributions is endless. Today I rise in recognition of the countless women who have contributed to this effort, in particular the following past Sisterhood presidents:


PERSONAL EXPLANATION

HON. BOB GOODLATTE
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. GOODLATTE. Mr. Speaker, on rollcall No. 128, I was inadvertently detained. Had I been present, I would have voted “aye.”

IN PRAISE OF THE BUSH ADMINISTRATION’S SUPPORT OF OUR 2ND AMENDMENT RIGHTS TO KEEP AND BEAR ARMS

HON. RONNIE SHOWS
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. SHOWS. Mr. Speaker, I rise today to offer my praise to President Bush for declaring that the Second Amendment protects an individual’s right to possess a firearm and is not tied to the maintenance of state militias.

On Monday, Solicitor General Theodore Olson made the Bush Administration’s position clear when he filed briefs in the Supreme Court on two cases that are under review. In short, it is the Administration’s position that the Second Amendment grants an individual the right to keep and bear arms.

I am pleased that the Bush Administration has recognized that the Constitution protects individual rights to keep and bear arms. But we must always remain vigilant against efforts to strip us of our rights. As a member of the National Rifle Association, I vigorously oppose any gun control efforts that violate constitutional rights, such as national registration of law-abiding gun owners or misguided law suits against gun manufacturers.

Some people believe that enacting new laws against guns will prevent school violence or crimes committed with guns. It is easy for them to equate gun violence with the need for greater gun control, but this is a complex problem with many factors contributing to it, not just guns. We should stop looking for scapegoats. Simply enacting more gun control laws on top of the many already in place does not begin to address this problem.

Again, I applaud President Bush for taking a strong stand in favor of our constitutional right to keep and bear arms.

HONORING OF DR. MARTY PLAX

HON. DENNIS J. KUCINICH
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. KUCINICH. Mr. Speaker, I rise today to recognize Marty Plax, for his 26 years of service as Director of The American Jewish Committee’s Cleveland Chapter. His tenure as Area Director was characterized by integrity, character, and intelligence.

Marty Plax’s academic background made him an ideal candidate to serve as director of the committee. After receiving an undergraduate degree from Washington University in 1963, he went on to the State University of New York at Buffalo where he earned a Masters Degree and Ph.D. in Political Science. Dr. Plax then embarked on a highly distinguished academic career, which included lecturing and holding professional positions at a number of major universities. In addition, Dr. Plax shared his expertise as the Visiting Scholar at the Hebrew Union College in Los Angeles and served as Adjunct Associate Professor at Cleveland State University since 1979.

Moreover, Dr. Plax is a man with a strong social conscience, who used his academic training to assist him in community involvement. He is a prolific social writer who has published several books, numerous articles, and countless “Letters to the Editor.” However, his writings were only one aspect of his community work. He can be best described as a “Contemplative in Action.” A leader in Community Conflict Resolution, he has been involved with mediation and conciliation as Chairman of the Ohio Boxing Commission, as a member of the Community Relations Committee for The Cleveland Orchestra, and on the State Advisory Committee of the U.S. Civil Rights Commission.

I ask my colleagues to join me in rising to honor this truly remarkable individual for his distinguished years of service to Cleveland, the United States, and the world.

REMARKS BY BILL WEBB, EXECUTIVE DIRECTOR OF THE CONGRESSIONAL FIRE SERVICES INSTITUTE

HON. CURT WELDON
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, I would like to encourage in the CONGRESSIONAL RECORD the remarks of Bill Webb, Executive Director of the Congressional Fire Services Institute, during a ceremony honoring one of our colleagues, NICK SMITH of Michigan, for his support of our Nation’s fire and emergency service personnel.

Good afternoon. My name is Bill Webb, Executive Director of the Congressional Fire Services Institute. Established as a nonprofit, nonpartisan policy institute, CFPSI serves a unique role in Washington, DC educating Congress about the needs and challenges of our Nation’s fire and emergency services . . . not the needs of one particular fire service, such as the career or volunteer fire service or the chiefs, but all fire and emergency services providers.
Each day, we work with a select group of members—allied members so to speak—who understand the cooperative roles of our Nation’s fire service and the Federal Government to ensure community safety. They represent both sides of the political aisle. Our efforts are geared towards developing legislation and influencing Federal policies for the benefit of public safety.

Today, we are honoring a true champion of our Nation’s fire and emergency services, Congressman Nick Smith. While Congressman Smith represents the 7th district of Michigan, his contributions to public safety go way beyond his Congressional district, impacting the readiness of over 29,000 fire departments, nationwide.

The fire service is greatly indebted to this individual for championing many of our causes. For instance, two years ago, Congress authorized for the first time a major grant program specifically for local fire and emergency services departments. This year, the Assistance to Firefighters Grant program became a reality, enabling thousands of departments to receive funding to help reduce the threat of fire and other dangers within their jurisdictions.

Operating a fire department is not an easy task. Nor is getting Federal programs established. The grant program was no exception. I’ll never forget a meeting I attended two years ago in a Congressional office regarding this program. A number of Congressmen and women were meeting with the OMB Director to express their frustration with the budget proposal which failed to include funding for this program. One of the most vocal members at the meeting was Congressman Smith, who was not shy about expressing his frustration over the lack of funding. Two days later, the OMB Director had a change of heart and added $50 million in the budget for this grant program. Everyone at the meeting would agree who made the difference for the fire service that day.

And before this program, Congressman Smith was working to revitalize the mission of the United States Fire Administration. In 1999, a blue ribbon panel charged with reviewing the mission of the Fire Administration issued a report questioning, among other things, an apparent lack of leadership within the organization. The report included 34 recommendations for improvement.

Much of the problem had to do with a lack of funding needed for research, education and training. As Chair of the Basic Research Subcommittee, which has oversight of USFA, Congressman Smith was able to significantly increase the funding authority, enabling Congress to infuse a financial dose of medicine into the staggering agency.

That same year, I had the honor of attending the National Fallen Firefighters Memorial Service in Emmitsburg, Maryland, an annual event honoring the sacrifices of those who have fallen selflessly in the line of duty. Congressman Smith delivered the special address. I don’t remember any particular thing he said; but what I do recall is that he didn’t read from a prepared script, but rather spoke from the heart. You could easily sense Nick Smith’s admiration and respect for all first responders.

Congressman Smith is an individual of great character, a man who is truly dedicated to our Nation’s fire and emergency services. The events of September 11th have made all of us work a little harder to ensure we are ready for the next attack. In the months since September 11th, it has been a passion, an unrelenting mission for which we should all be grateful.

I have just shared with you my observation of Nick Smith in Washington. Now it is my pleasure to turn the microphone over to Chief Victor Hilbert, of the Delta Township Fire Department who will offer some insights into how the Congressman’s work has benefited public safety in his own Congressional district.

TRIBUTE TO THE WILKERSON CHAPTER
HON. JOHN SHIMKUS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the Wilkerson Chapel and the anniversary of its 140 years of service to the community of Collinsville, Illinois.

The people of the Wilkerson Chapel are truly good Samaritans. They have spent 140 years preaching the word of Christ to Collinsville and surrounding areas and participating in other good works.

To such people as Rev. Charles Orr and his congregation, the good deeds themselves are their own best rewards. Yet, on this special day, I think it is appropriate that they are recognized for their efforts. They are good Christians and good Americans, and remind us all of the compassion and energy that makes this country great.

To the people of the Wilkerson Chapel, thank you for all your good works over almost the last century and a half; and may God grant you the opportunity to continue doing His work for many years into the future.

RECOGNIZING STAFF SERGEANT WINFORD EVANS AS THE RECIPIENT OF THE DISTINGUISHED SERVICE CROSS
HON. JO ANN EMERSON
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mrs. EMERSON. Mr. Speaker, on Saturday, March 30th, a great soldier and leader was awarded the Distinguished Service Cross, 56 years after its authorization.

Sadly, the recipient, SSG Winford Evans, who fought for this country in World War II passed away in 1991. However, the U.S. Army presented the award, along with two others, to his family during a ceremony held in Sikeston, Missouri.

Two medals were awarded to SSG Evans for his heroic achievements in the Asian Pacific Theater from 1943–1945. This May as we take time to celebrate Military Appreciation Month, it seems fitting that we recognize men and women in uniform like SSG Winford Evans. His sacrifice, along with those who came before SSG Evans and those who will come after him and hold in their hearts an appreciation and admiration for their actions and desire to secure peace and freedom for all of us.

Mr. Speaker, on this very special occasion, I ask that all of my colleagues join me in recognizing and remembering SSG Evans and extend our best wishes to his family as they remember his service to the United States of America.

EXPRESSING REGRET AND SYMPATHY FOR FAMILIES OF CANADIAN SOLDIERS WHO LOST THEIR LIVES IN SOUTHERN AFGHANISTAN
SPEECH OF
HON. CASS BALLINGER
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 7, 2002

Mr. BALLINGER. Madam Speaker, I rise in support of H. Res. 412 and offer my sincerest condolences to the families and friends of the four Canadian soldiers who gave their last full measure of devotion in the defense of liberty during Operation Enduring Freedom last month. Eight of their comrades also were wounded in the same tragic incident. They, along with the rest of Canada, are now left to mourn the loss of their fellow patriots.

The tragic event of April 17 should remind all of us that war is dangerous. Service men and women often risk their lives each and every day, so that we may enjoy our freedom and security. These brave Canadians have made the ultimate sacrifice for Canada and for freedom throughout the world. Today, I pray for their families and loved ones.

Canada is not only our neighbor, it has been our closest friend and ally. Soon after the terrorist attacks on September 11, Canadian families selflessly opened their homes to American travelers who were stranded in Canada when American airspace was closed. Since then, Canada has stood, shoulder to shoulder, with its American ally to face the forces of evil in Afghanistan and elsewhere. Despite this tragic accident, Canada and the United States will continue to stand together and fight our mutual enemies until they are vanquished and peace prevails.

Canada, we grieve with you today for your fallen heroes. Their dedication and steadfastness in the face of danger should be a source of pride and comfort. With soldiers like these, I have no doubt that the days of the terrorist are numbered and that victory will be ours.
CONGRESSIONAL RECORD — Extensions of Remarks E747

TANF REAUTHORIZATION

HON. MAXINE WATERS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002
Ms. WATERS. Mr. Speaker, in the past several weeks we have heard a lot about talk about TANF reauthorization. The Bush Administration wants to increase the number of hours that welfare recipients work to 40. Twenty-four hours would have to be in work-related activities, activities that do not include education or vocational training.

But even in the remaining 16 hours, the limits on education and job training are severe in the Republican proposals. Recipients can receive vocational training, education, or rehabilitation and substance abuse treatment for a total of 80 hours a year for education.

We know that education is one of the main avenues for a person to move out of poverty. A year 2000 survey of people who left the welfare rolls after 1996 found that only those workers who had at least a two-year post secondary or vocational degree were able to rise above the poverty line.

Single female heads of households with a high school diploma are 60 percent more likely to have jobs. That number increases to 95 percent when they have an associate’s degree.

We need to focus less on putting people in jobs, and focus more on training people for careers with room for advancement. TANF Reauthorization should be about reducing poverty, not reducing caseloads.

RECOGNIZING THE OUTSTANDING WORK OF THE CONGRESSIONAL TOWN MEETING STUDENTS OF THE UNIVERSITY OF VERMONT

HON. BERNARD SANDERS
OF VERMONT
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002
Mr. SANDERS. Mr. Speaker, today, I recognize the outstanding work done by participants in my Student Congressional Town Meeting held this spring at the University of Vermont.

These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see government do regarding these concerns.

FINANCIAL AID AND HIGHER EDUCATION
(By Candace Crosby and Kim Dickenson Apr. 8, 2002)

CANDACE CROSBY. As students preparing for college, we find that the financial issue is becoming a larger problem compared to what our parents had to pay for college tuition. According to a VSAC representative, 70 to 80 percent of students today need some type of financial aid. The rates for tuition are high, but what’s worse is that they are rising at a rate of about 5 percent a year all over the country.

What concerns us as future college students is we will be able to pay for the tuition, and tuition doesn’t include room and board and other expenses. We think that, today, there is a lack of adequate financial aid for college-bound students.

When preparing to pay for college, teens in Vermont turn to VSAC: the Vermont Student Association Corporation—financial help. Of course, VSAC is a healthy program, but are they able to give financial aid to all the students that need it? No. Does VSAC have enough money to give scholarships and grants to the teens that need it at the same increasing rate that college tuition is rising?

We spoke to a representative from VSAC who gave us the information that VSAC has increased their funds for scholarships and financial aid, but people keep up with the increasing tuition costs. Based on one of VSAC’s grants, the Vermont Incentive Grant, fulltime graduates can get between $500 and $8,650 for one year to help pay for college. The $8,650 is an extremely helpful amount of money to receive, but not all the teens going to college will receive this amount. Even if a student gets the minimum, $500, it will not even begin to help for any student to pay for their college education. It will only cover a few of the books that students will need for their first year of college.

KIM DICKENSON. Online at USNews.com, we searched for data for various Vermont colleges. We looked up the cost at Castleton State College, Lyndon State College, UVM, Johnson State College, VTC and Southern Vermont College. We found that the average tuition costs for these schools was approximately $6,255. We found that the average room and board add approximately $5,500 more to tuition. Together, this amounts to $12,355. Even more interesting is that some of the room-and-board costs are higher than the tuition costs. At Castleton State College, room and board is $5,530. At Lyndon State College, room and board is $5,530. At UVM, $12,000 is a lot of money, even with VSAC’s help, but students leave colleges thousands of dollars in debt.

What about students who want to go to college outside of Vermont? These costs are astronomical, and the tuition alone can be $20,000 or $30,000, because the students are not residents of the state. How are students supposed to pay for college without a lot of financial aid when they go to these schools? 0 percent of Vermont students take out loans provided by VSAC. We found a list of loans that could be borrowed from VSAC, and the amounts ranged from $1,000 to $50,000. Even if a student went to a college that had tuition aid, and they took out a loan to pay the first two years, they would have to pay back 73,615. The student pays 23,615 more dollars in interest. That is practically paying for a third year of college.

We think that is a ridiculous amount. We thought of a few solutions so that students can save aid and won’t have to have an enormous debt to pay back. The burden of debt would decrease if funds for scholarships, grants and other financial aid increased. We think the federal and state governments should fund VSAC’s financial aid programs even more then they already do. This would enable more students to receive money. The financial burden on families wouldn’t be as great.

THE RIGHTS OF THE ABENAKI
(By Evan Worth, Alan Blackman, Nicolette Baron, and Steph Bernath Apr. 8, 2002)

EVAN WORTH. Every person has the right to be free. One issue of the Abenaki rights. And as of now, they are not recognized as an Indian tribe. They have been pushed, seeking federal recognition for 25 years, yet they are not granted the De- eral recognition, which they need to have been a continuous entity since 1900, they need to have existed as a community since before 1900, there needs to be a political influence throughout history, they need a membership criteria and governing proce- dures, they need resources, they cannot be members of any other type of group, and cannot be stripped of their status.

ALAN BLACKMAN. Vermont seems to have a long-held tradition in being first in giving people, specific groups of people, rights—outlawing slavery, granting rights for all men to vote, and, more recently, civil rights. I feel we should continue this. And in doing this, it is another way to, so to speak, take Vermont forward.

The main concern against this, particularly Governor Dean’s apprehension with granting them recognition is, casinos and land claims. Chief April Rushlow has charged movement could cause the Abenaki to be quite frankly, they have higher concerns, such as burial grounds and things of this nature. The main reason they want this, what provoked this, actually, such a strong pursuit of this, was kids being taunted at school for being Abenaki, but not being recognized by the government. What they want is essentially recognition, to show that the government is concerned with the Abenaki, and to get better economic sta- tus for these people. And it would give them the right to have their own cultural center, which is the only native American tribe that has not been recognized.

State recognition could lead to federal rec- ognition, which would give the Abenaki rights to make their own laws, including those regarding fish and wildlife regulations. The laws that they would make would most likely conform to the guidelines of the state of the United States, not beyond that or not be radical, which I think is what the state gov- ernment is concerned with. All laws would be to prohibit harm and yo know. And fishing and wildlife laws would be based on the need to eat, and not hunting game, not game-hunting. And being recognized as a tribe would allow them to sell their wares, like basket weaving, which is a tradition in the Abenaki, and to get better economic sta- tus for these people. And it would give them rights with schools and scholarships, really, really important, to send their kids to school.

STEPH BERNATH. What I find to be very disturbing is that the state government has not given Abenaki recognition. It is not a radical pursuit. And even Governor Dean has said that granting them recognition is, casinos and land claims. And it would give them the rights to have their own cultural center, which is the only native American tribe that has not been recognized.

The victims of this criticism, on the other hand, the Abenaki, have openly acknowledg- ed very many times that the Abenaki are not a tribe; they have the rights to have their own cultural center, which is the only native American tribe that has not been recognized.

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recognition. They have said that they are willing to work with the people of Vermont, as they have done in years prior, and stated that they have nothing to fear from the tribe.

The Abenaki are willing to work with the state of Vermont, but it appears as if the state of Vermont is unwilling to work with the Abenaki people of the Dawn, the people who have lived in Vermont for thousands of years. It is time that these people receive the recognition they deserve. The state of Vermont must be willing to give them a chance to prove who they are and what they stand for.

Chief April Rushlow has stated, “We’re the only U.S. state that has to prove who we are.” She was right. Chief Rushlow also said, “We’re here when it is convenient for the state of Vermont.” Once again, Chief Rushlow was right.

HONORING SUMNER COUNTY EXECUTIVE THOMAS MARLIN ON THE OCCASION OF HIS RETIREMENT FROM GOVERNMENT SERVICE

HON. BOB CLEMENT
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to honor Sumner County Executive Thomas C. Marlin on the occasion of his retirement from government service. I consider him to be a good friend of the Clement family and appreciate his dedication to the people of Tennessee and Sumner County in particular.

An outstanding public servant, Marlin was born and raised in Nashville, Tennessee. He served his country in the U.S. Navy from 1952-1956. Upon returning from his tour of duty, he worked in the private sector at the telephone company for some 22 years. During this time he became active in county government, serving as election commission chairman, county coroner, and county magistrate, respectively.

In 1976 he was elected Assessor of Property where he served honorably for 18 years. He was also an active member of the Board of County Officials Association and was elected President of the Tennessee Association of Assessing Officials by his peers across the state. In 1988, he was named Overall Outstanding County Official of the Year for the entire state of Tennessee.

Marlin ran for and won the office of Sumner County Executive in 1994, a position from which he will retire this month after working for 18 years. While in office, he has been an active participant in community and civic organizations within the county throughout his life.

Marlin and his wife of 46 years, Nancy, are members of Hendersonville Church of Christ and have two children and four grandchildren. In his leisure time he enjoys fishing and University of Tennessee football.

As a county executive with a solid open door policy to the citizens of Sumner County, Marlin truly has always been, “It is a pleasure to serve you.”

May he be commended for his tenure of public service and enjoy his retirement.

KLUGERS RECEIVE ANTI-DEFAMATION LEAGUE DISTINGUISHED COMMUNITY SERVICE AWARD

HON. PAUL E. KANJORSKI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the well-deserved recognition that my friends Allan and Sue Kluger will receive from the Anti-Defamation League on May 8, 2002, in Plains Township, Luzerne County, Pennsylvania. The Klugers will receive the League’s 2002 Distinguished Community Service Award.

Allan is the president and founder of the Wilkes-Barre-based law firm Hourigan, Kluger & Quinn, P.C. He is a graduate of Wyoming Seminary, Amherst College and the University of Pennsylvania Law School.

He is a member of the board of directors of Luzerne National Bank, Bertels Can Company, King’s College, the Valley Auto Club, Bloomsburg University Foundation, F.M. Kirby Center for the Performing Arts, Northeast Pennsylvania Ethics Commission and the Luzerne Foundation. Mr. Kluger is also on the board of directors and executive committee of the Greater Wilkes-Barre Chamber of Business and Industry.

He has received the following honors: B’nai B’rith Outstanding Citizen Award, Ethics Award given by Ethics Institute of Northeastern Pennsylvania, Wyoming Seminary Distinguished Service Award, Boy Scouts Distinguished Citizen Award, and Lifetime Achievement in Philanthropy Award presented by the Greater Pocono Northeast Chapter of the National Society of Fund Raising Executives.

Sue, a graduate of Goucher College and College Misericordia Graduate School, has served as the executive director of Leadership Wilkes-Barre for the last 20 years. Leadership Wilkes-Barre brings together existing and emerging leaders from throughout Wyoming Valley and exposes them to the problems and challenges of their community and motivates and encourages them to assume leadership roles in community affairs.

She has received the following honors: Woman of the Year, Sisters of Mercy; Lifetime Achievement in Philanthropy Award, National Society of Fund Raising Executives; Preceptor Award, National Association for Community Leadership; National Director of Who’s Who in Executive and Professional Women; United Way of Pennsylvania, Volunteer of the Year Award; College Misericordia; B’nai B’rith Distinguished Service Award; Distinguished Daughter of Pennsylvania; U.S. Postal Service Honoree for Women’s History Month; Northeastern Pa. Council of Boy Scouts Honoree, Salute to Northeastern Pennsylvania Women; and Athenaeum Award, Greater Wilkes-Barre Chamber of Commerce Award for Outstanding Business Women.

Sue is also on the board of directors of Northeast Regional Cancer Institute, the Divergence Institute and the Greater Wilkes-Barre Chamber of Business, World Industry. She is a trustee of Wyoming Seminary and a member of the Northeastern Regional Advisory Board of PNC Bank.

Allan and Sue have three children. Attorney Elizabeth Kluger Cooper of Great Falls, Va.; Attorney Joseph E. Kluger, Allentown and Wilkes-Barre; and Lawrence Kluger of Mechanicsburg. The couple also has four grandchildren.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives the service to the community of Allan and Sue Kluger and this well-deserved award, and I wish them all the best.

PERSONAL EXPLANATION

HON. DOUG BERUETER
OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. BERUETER. Mr. Speaker, on May 7, 2002, official business on the other side of Capitol Hill caused this Member to unavoidably miss roll call vote 128 (H. Con. Res. 271, expressing the sense of the Congress supporting the National Importance of Health Care Coverage Month). Had this Member been present he would have voted “aye.”

WHAT AMERICA MEANS TO ME

HON. MARK FOLEY
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. FOLEY. Mr. Speaker, I rise today to pay tribute to young Americans who have penned essays describing the ideals and characteristics that they believe make this country great. These essays, entitled “What America Means to Me,” are particularly impressive because they were written by elementary students at The Joseph Littles—Nguzu Saba Charter School in West Palm Beach, Florida.

The following 4th and 5th graders are to be commended for their inspirational works: Alia Bougouneau, Diandra Buchanan, Simon Calixte, Daki Geuka and Stewart Bett. These students have indeed impressed their fellow students, teachers and the surrounding community.

The dreams expressed by these students are dreams common to every American but I find it remarkable that these students have, at such a young age, already grasped the essential strands that weave our country together with great strength. Our country is one that has always thrived on the support of its citizens and, now more than ever, this support is integral to our nation’s might. I am most pleased to honor these young Americans for their show of support to the country they love. Mr. Speaker, let the record reflect Congress’ appreciation for their efforts.

MINNESOTA MOURNS THE DEATH OF LLOYD DUXBURY, JR.

HON. JIM RAMSTAD
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. RAMSTAD. Mr. Speaker, I rise to salute a Minnesota legislative giant who served our
The late Lloyd Duxbury was a highly respected and beloved figure in the political and legal communities of the United States.

**GREAT STATE WITH THE HIGHEST DISTINCTION AND RECOGNITION**

Lloyd Duxbury was born and raised in Caledonia, Minnesota, a small town in the southeastern part of the state. Dux loved the farmers and small shopkeepers, and he loved his fellow lawyers and legislators.

Lloyd Duxbury's top legislative priority was fairness. That's why he worked so hard in Minnesota to remove the tax on people's personal property and convert it to a sales tax.

Speaker Duxbury worked with people of all sides to get things done and he was at his best when circumstances got the most heated. He brought people together to solve problems, and he hated partisan wrangling. When President Richard Nixon nominated Dux to be U.S. Attorney in 1969, he turned the post down because of its partisan nature.

Following his retirement as Speaker in 1969, Dux was appointed Vice President and Chairman of the National Committee to Preserve Social Security and Medicare. He served on the board of the National Committee on Aging and lobbied for the establishment of a Council of the Burlington-Northern Railroad.

Dux served his country in the U.S. Army from 1943 until 1946. He received his B.A. degree from Harvard University in 1947 and his J.D. degree from Harvard Law School in 1949.

Elected to the Minnesota House in 1950, shortly after graduating from Harvard Law School, Dux rose to the leadership ranks. He was highly respected as a legislator, served the House Conservative Caucus as its leader from 1959 until 1962, and was elected Speaker of the Minnesota House in 1963.

Lloyd Duxbury's legislative career spanned six terms as Speaker, three terms as Majority Leader, and 12 years as a member of the Minnesota House of Representatives, serving from 1943 to 1969. He was a member of the Democratic-Farmer-Labor party.

Lloyd Duxbury was a man of great character and integrity. He was known for his dedication to public service and his commitment to the ideals of fairness and justice.

TRIBUTE TO DR. ROGER BOYKIN

HON. GREGORY W. MEIKS
OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. MEIKS of New York. Mr. Speaker, I rise today to pay tribute to a man whose commitment and dedication in the areas of health and community service warrant our utmost commendation. On Friday, Dr. Roger Boykin will be honored for his many years of community service in the City of New York at a celebration entitled “A Salute to Our Very Own.”

I feel privileged to have known and worked alongside Dr. Boykin, a long-time resident of Jamaica, New York. On a first-hand basis, I can attest to the fact that the quality of life in communities across the great State of New York has been enriched by the diligence and compassionate commitment of Dr. Boykin. Very early in his life, career and residency, Dr. Boykin demonstrated his singular purpose as care and concern for others. With patience and compassion, Dr. Boykin served his community and his state in fine form.

Dr. Boykin was born the son of Richard Boykin, Sr. and Thelma Boykin. He attended Brooklyn Technical High School. He went on to receive his Bachelor of Science in Pharmacy from New York University and a M.D. degree from Columbia University School of Pharmacy Sciences. Following his long passion to become an M.D. and a servant in the community, young Roger successfully completed his Doctor of Medicine degree (cum laude) from State University of New York-Downstate in June of 1973.

After completing his residency and internship at State University of New York Downstate Medical Center/Kings County Hospital Center and Brooklyn Veteran’s Administration Medical Center respectively, in Internal Medicine, he received a Fellowship and served at Albert Einstein Hospital, Bronx Municipal Hospital and VanEtten in Pulmonary Medicine.

His unique talent for giving to the community and his expertise in his profession were not lost on his peers and colleagues. Among his many achievements include certification as a Diplomate of The National Board of Medical Examiners; Diplomate of The American Board of Pulmonary Medicine; Diplomate of the American Board of Critical Care Medicine; Diplomate of the American Board of Geriatric Medicine; and a member of the American Thoracic Society.

Dr. Boykin practiced his unique brand of compassionate medical care and considered patient relations a vital part of his practice. In 1987, he began his career as an instructor in Clinical Medicine at State University of New York Downstate Medical Center and in 1992, Dr. Boykin became an Assistant Professor. Currently, Dr. Boykin is the Associate Chief of Staff for Primary and Extended Care for the Health Department, New York Harbor Healthcare System; Assistant Professor of Clinical Medicine at State University of New York Health Science Center in Brooklyn; Assistant Professor of Clinical Medicine at Touro College and an Instructor for the American Heart Association.

Throughout his career, Dr. Boykin has served his patients with compassion and care. Through his many years of service to the community, he has contributed to the improvement and enrichment of his neighborhood family. Dr. Boykin may have single handedly changed the course of behavior for community physicians involved in public service. He has for many years worked with and perpetuated the highest professional standards, unwavering commitment, and irreplaceable knowledge and expertise. He has put much more on the table than a dent for community care, the most effective and comprehensive health care for all and we in the State of New York are most grateful to be the recipient of his personal largess and generosity.

“A Salute to Our Very Own” is a fitting title for honoring Dr. Boykin’s community service. He has made a nation and a neighborhood a much better place to live. He has given without reserve and we can only hope to thank and commemorate him adequately.

I wish him well in all his future endeavors and join with my Queens family, friends, colleagues and fellow elected officials in commemorating his years of service.

IN HONOR OF TOM BARRON

HON. MARK UDALL
OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Tom Barron for his extraordinary advocacy of environmental causes and his unwavering commitment to young people everywhere.

A dear friend of mine once said that she looked for two qualities in leaders—that they care about the earth, and that they care about kids. If caring about the earth and kids is the mark of a special leader, and I believe it is, then Tom Barron is such a man.

Tom grew up in the ranch country of Colorado with his seven brothers and sisters. It was on the family ranch that he developed a love for the land and a passion for exploring nature—all at a very young age. Tom has been a leader in the movement to protect the environment. A Rhodes Scholar, a board member of the Wilderness Society, Yale University and a Trustee for the Nature Conser-

vancy of Colorado. Today he is a very popular writer who has created the beloved characters of young Merlin and Kate, in The Ancient One. He believes that stories are the most powerful and effective way to express complicated and philosophical points of view. He knows that experience, rather than lectures, are often what teach us the most in life. This is very clear in all of his work. In The Last Years of Merlin, Merlin learns all of his most important lessons from nature. He learns how to be humble and to understand his connection to the larger universe. Most important of all, he realizes his fundamental responsibility to something greater than his own self-interest.

Tom Barron’s character Kate, in The An-
cient One, turns herself into an ancient redwood tree in order to save her town. In the book, a chain saw cuts into the side of the tree, into Kate’s side, which is a powerful met-
aphor for violence, cruelty and senseless de-
struction.

Throughout his professional and private life Tom Barron has made it a goal to bolster edu-
cational causes and recognize exceptional
young people. He has donated incredible amounts of his own time and many resources to the betterment of children's lives. His mother, Gloria Barron, spent twenty years creating The Touch Museum at the Colorado School for the Deaf and Blind. She was an example of selflessness and service, and to honor his mother, Tom Barron founded the Gloria Barron Prize for Young Heroes. The prize honors young people from diverse backgrounds who have shown exceptional leadership in making the world a better place. Recipients of the award have distinguished themselves by organizing wonderful projects, including the creation of scholarships, working to conserve a local river, and organizing a rodeo for disabled children.

Mr. Speaker, I ask my colleagues to join me in expressing our gratitude to Tom Barron for his extraordinary contributions to Mother Earth and to all of her children.

RELIGIOUS FANATICISM AND HUMAN RIGHTS IN SAUDI ARABIA

HON. TOM LANTOS
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. LANTOS. Mr. Speaker, in recent months our Nation, and this Congress, has sought to understand the motivation for and consequences of religious fanaticism, especially in the Middle East. An opinion article entitled “In Saudi Arabia, an Extreme Problem,” published in the Washington Post today brings into focus the fundamental problem of religious fanaticism in Saudi Arabia. This insightful article asserts persuasively that political and religious fanaticism has given rise to the deplorable human rights conditions, particularly concerning women, in Saudi Arabia. The article is all the more compelling because its author, Sulaiman Al-Hattlan, is a Saudi Arabian citizen and a courageous voice for democracy and human rights and who has witnessed firsthand the devastating effects of religious fanaticism in his country. He believes that the Saudi government reforms its system to promote education, free-thinking, political participation, and the human rights of the Saudi people. Mr. Speaker, I earnestly commend the following article to the attention of my colleagues and request that the article be placed in the CONGRESSIONAL RECORD.

(From the Washington Post, May 8, 2002)

IN SAUDI ARABIA, AN EXTREME PROBLEM
(look)

While the Saudi Crown Prince Abdullah rightly searches for peace in the Middle East, it is equally important for us in Saudi Arabia to seek peace for our own home. As a citizen of Saudi Arabia, I dread the possibility that Osama bin Laden might in- stigate a repeat of a deadly 1979 Saudi govern- ment mistake. In that year, a group of religious fanatics took control of the Grand Mosque of Mecca. They denounced the legitimacy of the Saudi government, claiming that it was “Islamic” enough. The government maneuvered to recapture the mosque, and later the group’s leader and most of his followers were executed.

But the end of the story had a twist: Though the Saudi authorities then began to adopt some of the ideas of the fanatics, it then essentially adopted their ideology. After the Mecca incident, Saudi au- thorities began imposing crushingly strict and pointless rules. Women were banned from appearing on television. Music was not allowed to be played in the Saudi media. Banners adorned the streets and the five daily prayers. Members of the religious police were granted more power to intervene in people’s personal lives. The Saudi govern- ment, essentially against its people, perhaps fearing further extremist threats. The fundamentalists interpreted these govern- ment actions as a nod to their power and an indication that they were now dictating the rules of the game.

The result has been all sorts of restrictions that have given rise to fanaticism in the kingdom, and a society with a constant undercurrent of a “witch hunt.” Different groups in Saudi society end up competing with fundamentalists over who can appear more conservative in the public eye. Our pri- vate life, too, has been full of contradictions and hypocrisy, as we seek to avoid being alienated or excluded as “seculars” or “lib- erals.” In our obsession with our image, and fearing each other, we all lose. As a society, Saudi Arabians lost 20 years of a generation by avoiding a difficult reality. Our government was wrong, and, by extension, so were we. None of us dared to say it loudly then, and some still cannot say it. But our reaction to the 1979 Mecca tragedy has created a genera- tion of angry, confused young people, many of whom have become fanatics, including those 15 Saudi suspected in the Sept. 11 terrorist attacks and the 100—or more—Saudi prisoners in Guantanamo. How many other confused young Saudis are still out there? It does not take a great deal to describe the motives of terrorism. Oppression and poverty are an easy recipe for fanaticism. People who are economically lead- ing their lives will more willingly follow an extremist mentality because they know nothing else, and have no moderate alter- natives to compare it with. This extremist mentality becomes so entrenched and perva- sive that its endurance is not dependent upon the life or death of one persuasive lead- er. Therefore, whether bin Laden eventually is killed or survives the current war is a temporary concern; in the long term, the real issue is the endurance or destruction of his rabid philosophy.

The Saudi government itself must fight against all kinds of monopoly of thought or debate. Right now it misses a historic oppor- tunity to develop its educational system, augment freedom of the press and expand women’s rights, among other pressing issues. It can begin to give qualified, young, edu- cated Saudis access to more political participa- tion. This would involve ending region- alism, a process that gives greater privileges to some families and some Saudi regions.

As an added bonus, such a measure would safeguard against future tribal conflicts— still very much a part of Saudi national poli- tics—that would undermine the country’s regional economic and political favor- itism. It might also help end the civil war, which we are in, with the silent, is going through. The Saudi Arabian society must also start a tough process of social and political reform. Our independent writers and intellectuals should be part of a public social dialogue that tolerates different ideas and thoughts.

Our universities need to open doors for polit- ical and social activities to their students: At the very minimum, students ought to have the right to create institutions. This would teach them the concept of “social activism,” and to organize civilized and peaceful activities within their univer- sities. Such next generation create and participate in a productive and peaceful civil society, instead of dying in Afghanistan or elsewhere for causes that most of them do not even fully comprehend.

What we learned from the deadly 1979 Mecca experience should be put to use now. Ending political and religious fanaticism is crucial for the survival of the Saudi society and its leadership. Release from this choker, if only can come from within Saudi Arabia, before it becomes too late. My dream, the most promising hope for peace in the Middle East, is also our best hope in terms of social and political reforms in the kingdom.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2001

SPEECH OF HON. NEIL ABERCROMBIE
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 7, 2002

Mr. ABERCROMBIE Madam Speaker, I voted “Present” on final passage of the Senate amendments to H.R. 3525, the Enhanced Border Security and Visa Reform Act of 2001. I fully support the bill’s stated purposes of re- ducing the risk posed by terrorists and organiza- tions which would enter the United States with the intent to commit acts of terrorism.

My concern with this measure centers on Section 306, entitled “Restriction On Issuance Of Visas To Nonimmigrants From Countries That Are State Sponsors Of International Terror- orism.” Section 306 establishes a sweeping, overt-prohibition against issuing non- immigrant visas to citizens of any nation on the State Department’s list of terrorist states. This could preclude the kind of people-to-people contact that can change cultures, and even the political regimes of those countries. Even at the height of the Cold War, we had exchange programs involving students and scholars from Communist nations. By sharing their first-hand experiences and changed per- spectives, returnees from these programs helped undermine the demonized image of the Soviet Union projected in the official propaganda of the Soviet Union and its satellites.

In many of the nations on the prohibited list, there is a vast reservoir of goodwill toward the United States and a broadly based public sentiment exerting a countervailing pressure against their regimes’ official hostility toward our country. Iran is a case in point, where large numbers of voters in the most recent na- tional elections cast their ballots in favor of candidates who disagreed with the policies of the current faction. It is a serious mistake to discount that popular sentiment and to ignore opportunities to strengthen it by exposing citi- zens of those nations to Americans and Amer- ican life.

Section 306 authorizes the Secretary of State, in consultation with the Attorney General and heads of other agencies, to make ex- ceptions to individual aliens covered by this Section if they are found to pose no threat to the safety or national security of the United States. Section 306 directs the Secretary of State, in consultation with the Attorney General and heads of other agencies, to develop standards for making these exceptions.

The language here is unacceptably broad. If the exemption guidelines or standards were
Congressional Record — Extensions of Remarks

Colonel Kenneth J. Sweet Honored as Lance P. Sijan Award Recipient

HON. GERALD D. KLECKZA
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. KLECZKA. Mr. Speaker, on Thursday, May 16th 2002, the Greater Milwaukee Aerie 4214 Fraternal Order of Eagles will award Colonel Kenneth J. Sweet (Retired) the Lance P. Sijan Award.

Lance P. Sijan was born and raised in the Milwaukee community of Bay View. After graduating from the Air Force Academy in 1965, he went to serve in DaNang, Vietnam where he flew sixty-six combat missions. On his last mission his plane was shot down over enemy territory and, although he evaded the enemy for 6 weeks, rescue efforts failed and he died as a prisoner of war.

Lance was posthumously awarded the Medal of Honor along with the Distinguished Flying Cross, two Purple Hearts, two Air Medals and a Certificate of Honorable Service. His courageous service is recognized throughout the country with scholarships and memorials.

Throughout a career that spans over 40 years, Colonel Kenneth J. Sweet (Retired) has served his country faithfully and in the same courageous manner as Lance P. Sijan.

Colonel Sweet’s first assignment with the Army Air Corps was at Wheeler Field, Hawaii where he was on guard duty on December 7, 1941 when the Japanese attacked Pearl Harbor. He was among the first to fire a rifle in defense of his country at the start of WWII. After the war ended he became one of the founders of the 128th Air Refueling Wing when the unit gained Federal recognition in 1947.

During the Korean War, Colonel Sweet was active for 21 months, and earned his commission on September 29th, 1961. Retiring in 1982 with 40 years and 8 months of service to his country, Colonel Sweet remains active in the community, advocating for military retiree’s in Wisconsin and founding the Wisconsin National Retiree Council in 1983, and has served as its director for 16 years.

So it is with great pride that I thank Colonel Kenneth Sweet for his years of dedicated military service, and congratulate him on receiving the 2002 Lance P. Sijan Award.

SENSE OF CONGRESS REGARDING PUBLIC AWARENESS OF THE IMPORTANCE OF HEALTH CARE EDUCATION AND HEALTH CARE COVERAGE MONTH

SPREECH OF
HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 7, 2002

Mr. MOORE. Madam Speaker, I rise today to express my support for H. Con. Res. 271, a resolution calling on the President to designate a National Importance of Health Care Coverage Month.

It is time for the leaders of our country to acknowledge that we are facing, in the near future, a nationwide health care crisis. This crisis will cut across all sectors. Seniors insured by the Medicare program and low-income children insured by the Medicaid program are facing severe cuts in nearly every state. Workers with employer-based insurance will face radically increased premiums, and the uninsured, who are already the most vulnerable will still be without.

The Baby Boomers will soon retire and flood the Medicare program. In preparation for this long-anticipated event, Congress has set forth unreasonable small business fees calling for more severe cuts in Medicare reimbursement for home health care, hospital services and nursing home services. At the same time, some physicians are refusing to take new Medicare patients due to an illogical and unworkable reimbursement scheme.

Hospitals are closing their doors across the country due to low federal reimbursements and lack of nursing staff. Recently, in my district, all but one hospital emergency room was regulated with an eye to security considerations, so narrow as to preclude the possibility of accuring the benefits of a broader—but still regulated with an eye to security considerations—exchange of citizens. In abdicating its role in setting standards, the Congress has foregone an opportunity to have a voice in this important aspect of policymaking.

We know who the uninsured are. And we know where they work. The statistics show us that, overwhelmingly, low income workers in small businesses are the people to be uninsured. According to the Blue Cross and Blue Shield Association, the working uninsured are most likely to be employed in firms with less than 25 employees.

But we in Congress are not doing a good job of making small businesses aware of the benefits available to small business owners who do the right thing and offer health insurance.

A study of employers commissioned by the National Association of Health Underwriters found that small businesses are not always aware of the benefits, tax and otherwise, associated with offering health insurance.

Fifty-seven percent of small employers do not know that health insurance premiums are 100% tax deductible. Fifty-six percent of employers do not realize that health insurance premiums are treated like general business expenses with regard to taxes.

I have seen the Child Health Insurance Program make a difference to kids in my district. But despite the success of the CHIP program, 26% of poor children and 16% of near-poor children remain uninsured. Nine million American children remain uninsured.

Madam Speaker, it is time for our nation to address the health care crisis that is looming on the horizon. Congress needs to act immediately to ensure that our health care system is secure, by adequately funding and maintaining our infrastructure, addressing the workforce shortage, especially that of registered nurses, and ensuring that health care coverage is available and affordable for all Americans.

This resolution is a small part of that effort. Today, we need to take the first step to make the public aware of the importance of health care coverage—to ensure that small businesses are aware of the benefits of health insurance coverage, and that parents know when their children are eligible for Medicaid or CHIP.

Congresswoman WILSON and I are asking the President to designate a National Importance of Health Care Coverage Month to help bring this issue to the forefront of the national health care debate. During that month, I will challenge my colleagues to tell small businesses, parents of children and uninsured people in their congressional districts about the importance of health care coverage, the
Our Medicare providers are facing very real and very serious circumstances, and we must address the challenges head on. It is true that the Congress consider Medicare legislation this year, we urge you to support adequate reimbursement for the healthcare providers in our communities. We look forward to working with you to achieve this goal.

Sincerely,

Marion Berry, John Tanner, Max Sandlin, Mike Ross, David Phelps, Adam Schiff, Ellen O. Tauscher, Jim Turner, Cities of W. Stenholm, Tim Hold, F. Allen Boyd, Jr., Dennis Moore, Collin Peterson, Gene Taylor, Bud Cramer, Joe Baca, Jim Matheson, Sanford Bishop, Jr., Chris John, Mike Thompson, Ronnie Shows, Mike McNulty, Ken R. Lucas, Steve J. Israel, Jane Harman.

HONORING THE REVEREND DR. S. HOWARD WOODSON, JR.

HON. RUSHL D. HOLT OF NEW JERSEY IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. HOLT. Mr. Speaker, I rise today to call the attention of my colleagues to an effort taking place in central New Jersey today to honor Reverend Woodson, the late Reverend Dr. S. Howard Woodson, Jr.

Today, in the City of Trenton, New Jersey, one of our community's busiest thoroughfares, Calhoun Street, is being renamed in honor of Dr. Woodson. It’s an expression of thanks from a grateful community for over half a century of leadership and community involvement by this amazing man. Reverend Woodson was a community leader in Trenton since 1946. As the respected pastor of Shiloh Baptist Church, Dr. Woodson was also a noted leader in our nation’s civil rights movement. As the Chairman of the Board of the Carver YMCA, Rev. Woodson fought to be granted independent status from the National YMCA, in order to desegregate that community institution. Later, as President of the State Conference of the NAACP, he convinced officials to convene the first state conference on housing discrimination. This conference raised awareness and led to many advances in housing rights for all in our community. Reverend Woodson’s long and distinguished career has been marked by many firsts. He was the first individual of color elected as councilman-at-large in Trenton. He was also the first person of color to serve as Chairman of the Ranking Legislative Committee, Assistant Democratic Leader, and Speaker of the New Jersey State House.

In addition to being a respected and influential leader in community events, Reverend Woodson nurtured and helped grow the congregation of the Shiloh Baptist Church into one of the strongest, most committed and most spiritually vibrant churches in New Jersey. Through Reverend Woodson’s leadership, the church erected a new center of worship and reached out to our community to clean up neighborhoods and bring people together for positive social change.

Today’s honor is well deserved, and one of many earned by the late Dr. Woodson over his long and distinguished career. I take pride in joining with my colleagues in the House in marking this honor for an individual who meant so much to so many in central New Jersey.

FIBROMYALGIA AWARENESS DAY

HON. MARK FOLEY OF FLORIDA IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. FOLEY. Mr. Speaker, I would like to express my support for the National Fibromyalgia Association and to recognize May 12, 2002 as Fibromyalgia Awareness Day. This year alone, over 10 million Americans will be diagnosed with Fibromyalgia, a disease of which there is no known cure.

Fibromyalgia is a chronic illness which causes fatigue and debilitating pain in women, men and children of all ages and races. Patients with this illness often have to learn to live with widespread pain throughout their bodies; extreme fatigue; sleep disorders; stiffness and weakness; migraine headaches; numbness and tingling; impairment of memory and concentration.

As with many diseases of this type, medical professionals frequently are inadequately educated on Fibromyalgia diagnosis and treatment. What is worse, children and young adults with the disease not only suffer from the illness; but also from the lack of understanding and social acceptance. Others with the disease may be discriminated against at work, by friends or family. Developing a greater understanding of this disease will help guarantee a hope for a better future for people with Fibromyalgia.

I am proud to recognize the needs of the National Fibromyalgia Association and to acknowledge May 12, 2002 as Fibromyalgia Awareness Day in Palm Beach Gardens. I urge all of our citizens to support the search for a cure and help those individuals and families who deal with this devastating disease on a daily basis.

HONORING SGT. KERRY PORTERFIELD ON THE OCCASION OF HIS RETIREMENT

HON. MICHE THOMPSON OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. THOMPSON of California. Mr. Speaker, I rise today in recognition of Sergeant Kerry Porterfield as he retires from a thirty-one year career of exemplary service as an officer of the St. Helena Police Department.

As a native of St. Helena, I know firsthand the impact that Kerry has had on our community while both on and off duty. As a police officer, his dedication to the pursuit of justice is admirable. With over 2,000 hours of law enforcement classes and 60,000 hours of experience under his belt, Kerry has a wealth of experience and know-how that will be sorely missed. A self-taught computer guru and driver of the St. Helena Police Department, his dedication to the pursuit of justice is admirable. After attending Napa High School, Kerry went to Napa Valley Junior College where he discovered a fascination with law enforcement. Upon graduating with an associate’s degree in Criminal Justice, Kerry became a patrolman for the St. Helena Police Department on December 1, 1970.

As the son of Virginia and Cliff Porterfield, both Navy veterans, Kerry is a devoted fan of the Navy Blue Angels, and often travels to see them in action.

Mr. Speaker, Sergeant Kerry Porterfield has served the people of the St. Helena, California with both enthusiasm for his work and steadfast professionalism. He is an invaluable asset to the community of St. Helena.
to our community and I speak on behalf of the people of St. Helena when I thank Kerry Porterfield for his outstanding service and wish him luck in his future endeavors.

IN HONOR OF INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS DAY OF ACTION

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. BONIOR. Mr. Speaker, I recognize the hard-working men and women of the International Association of Machinists and Aerospace Workers, and all that they do for our safety and the safety of our nations' transportation services. Today, IAMAW workers from Detroit to Dallas, and from Phoenix to Philadelphia, will be rallying together in a display of strength and solidarity.

Far too often, their good work goes unnoticed and undervalued, but these are the men and women who inspect our planes before they take off, ensure hazardous materials get transported by rail safely and build the ships for our national defense. They are truly stewards of the public health.

IAMAW members safely transport more than one million passengers each day. They keep the traveling public safe in our planes and trains and check in passengers and their luggage. They keep America moving. They deserve to be treated with dignity and respect.

We need to stop the cycle of hardships, cutbacks and threats of privatization that IAMAW members have had to face in recent times. They work hard every day to ensure that our transportation systems are safe, reliable and professionally maintained—and for that we owe them a great debt of gratitude.

So today, I thank the IAMAW's 150,000 air- and railroad workers for what they do. Together, they keep our nation moving safely, and I am proud to honor them on this day of action.

TRIBUTE TO KANSAS BUSINESS AND PROFESSIONAL WOMEN

HON. DENNIS MOORE
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, May 8, 2002

Mr. MOORE. Mr. Speaker, I rise today to offer my congratulations to the Kansas Business and Professional Women for their upcoming 83rd annual state convention, which will take place from June 7th--9th in Topeka, Kansas. I also want to congratulate their new president, Julie Smith, a resident of the Third Congressional District of Kansas, for putting together an outstanding weekend of programs and events for her members.

Among the outstanding speakers scheduled are: Coach Marian Washington of the University of Kansas' women's basketball team, who will serve as keynote speaker; motivational speaker Susan Mayer; and author Suzy Aliegra. A candidates' forum for Kansas Attorney General candidates is planned, as well as a sock hop, casino night, and many opportunities for networking and information exchanges.

The Kansas Business and Professional Women's organization is nationally associated with the American Business and Professional Women's Association, both of which offer outstanding networking, educational and support services for their membership.

Mr. SMITH of Texas. Mr. Speaker, this week is National Small Business Week. It is a time to celebrate the contributions that America's small businesses make to our economy.
Small business is the engine that drives this Nation, producing 75 percent of new jobs, accounting for almost 98 percent of all employees and 53 percent of the private work force. It is our small businesses that will continue to lead us to economic recovery.

In particular, small tech businesses are on the front lines of the digital revolution. They have led the way in advances from broadband deployment to software development.

My state of Texas ranks second nationally in high tech workers, employing more than 411,000 with an annual payroll of about $25 billion. Many of those employees are working for small businesses.

And my new congressional district contains thou-sands of small, innovative high tech centered businesses.

One such company is Security Broadband in Austin. Security Broadband was founded in 1999 and already has over 100 employees.

Security Broadband uses real-time audio and video via highspeed cable Internet to provide security for homes.

If there’s an emergency, the Security Broadband system sends audio and video sig-nals to a central monitoring station. Personnel use this information to help verify whether an actual emergency exists. With 95 percent of home alarm incidents not genuine, law en-forcement officials spend a large amount of time responding to false alarms. In case of an actual emergency, audio and video capability provides information that can help make the scene safer for responding officers.

Customers also can view their homes and see and talk with family via the Internet when away from home.

Security Broadband is just one of the thou-sands of small technology businesses around the country connecting rural America, de-veloping next generation hardware and software, and keeping America on the forefront of tech-nological advances.

TRIBUTE TO CAPTAIN JOSEPH A. PARISEAU

HON. DUNCAN HUNTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. HUNTER. Mr. Speaker, I rise today to give recognition to the extraordinary life of Captain Joseph A. Pariseau who, at the age of 82, passed away on February 23, 2002.

Joe was born March 19, 1919, in Franklin, MA, the son of a baker. Nurtured by a loving family of seven, Joe spent a happy childhood in Attleboro, MA, excelling in sports like the others Pariseau boys. He attended Providence College on a football scholarship, graduating in 1941 with a degree in Philosophy.

After earning his Navy wings in 1942, Joe was assigned to VP-63, flying combat mis-sions based from Wales, Gibraltar and North Africa, patrolling for German submarines. This arrogant behemoth, since brought down by its own hubris, toyed with the public health and safety of California to boost its own profit, and there’s finally a smoking gun to prove it.

Internal Enron documents released by the bankrupt company’s new management de-scribe these unethical, if not illegal, trading practices in detail and indicate that other companies were doing the same thing. All the while, everyone from Enron’s then-chief Kenneth Lay to Energy Secretary Spencer Abraham and regulators who should have smelled a rat were say it was all California’s fault. For failing to build enough power plants. For adopting a power deregulation plan that wasn’t free-market enough. For en-vironmental laws with a tooth.

"The Federal Energy Regulatory Commis-sion refused to accept its legal responsibility to rein in a wildly out-of-control market. Ulti-mately, commissioners said, the free market would work. For California, that meant a year of crisis, of rolling blackouts, of one major utility going bankrupt and another flat broke, of the state doling out $6 billion to buy daily power and an additional $60 bil-lion for long-term contracts at what we now know are grossly inflated rates. FERC fi-nally acted out of political necessity; it was too little, too late."

The Enron memes go on in pages of snearng, “gotcha” detail about such things as how to get paid for not putting any energy on the grid. In another ploy, the firm would buy power in California at a capped price of $250 a megawatt-hour and resell it in Oregon for $1.20—at a time when California was flirting daily with blackouts. The schemes have made names like D. Stouffer, Stacey Lowrance of Tacoma, WA, and Stace-lye L. Lowrance. Of course, these are the same people Joe was devoted to his family and a true gentleman. A hero in the eyes of his family, Joe’s service to our country reminds me of a passage in James A. Michener’s great classic, “The Bridges at Toko-Ri.”

"Why is America lucky enough to have such men? They leave this tiny ship and fly against the enemy. Then they leave the ship, lost somewhere at sea. And when they find it, they have to land upon its pitching deck. Where did we get such men?"

ENRON GREED

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 8, 2002

Mr. FARR of California. Mr. Speaker, memo released this week by the FERC, con-firm what those of us from California long sus-pected: Enron reaped millions upon millions of dollars off the backs of Californians by manip-ulating the energy market, cheating con-sumers, and lying to energy regulators and the State. Recently released internal documents clearly illustrate Enron’s strategies to game the energy trading system. The Enron doc-uments describe knowingly and consciously submitting false information to the State in order to increase energy prices.

Enron’s overwhelming greed is beyond out-rageous; it may be criminal. Clearly, the bil-lions of dollars stolen from Californians must be returned. It was a scam after all.

The state has asked for $9 billion, an amount high but that they now should regard as just and fair. But these factors alone did not cause the state’s power costs to go from $7 billion in 1999 to $27 billion the next year. The Justice Department should investigate possible criminal violations. The state should demand that all of its long-term con-tracts, signed under the duress of the in-flated market, be nullified and renegotiated without delay. And FERC should extend its moratorium on market contracts beyond the Sept. 30 expiration. Electricity is vital to pub-lic welfare. It must not be held hostage by manipulators piously invoking the free market.

They scoffed in Washington and Houston when Davis called the energy manipulators pirates. Now we know why he was right.
Terrorism Ordinance

Mr. Speaker, today I rise to recognize and celebrate “Three Days of Hope” at St. Luke’s House (SLH) in Bethesda, Maryland. SLH helps patients released from psychiatric hospitals to live and work successfully in their communities by offering integrated mental health services and community resources.

St. Luke’s House was founded in 1971 by St. Luke’s Episcopal Church. The programs offered by SLH include supported living, life skills training and vocational rehabilitation, and 24-hour crisis care and services for youth with serious emotional disabilities. Currently, SLH provides care for over 800 youth and adults. To accomplish this, SLH operates 31 group homes and apartments in the community. It has helped more than 4,000 individuals return to an active community life.

The efforts at SLH have raised public awareness of an ever increasing mental health issue. Its continued success is due to the hard work of SLH staff and volunteers that give thousands of hours to make this ministry beneficial to SLH residents and community.

The SLH Mental Health Clinic provides mental health services to the public and patients in other SLH programs. The McAuliffe Crisis House is a voluntary community-based residential alternative to inpatient hospitalization. The Career Transition Program is a joint endeavor between SLH and Montgomery Public Schools that help high school students with serious emotional disabilities to receive counseling and vocational training.

The efforts at SLH have raised public awareness of a mental health issue and its continued success is due to the hard work of SLH staff and volunteers that give thousands of hours to make this ministry beneficial to SLH residents and community.

Unfortunately, this kind of abuse is typical of the Indian government. The Rashtriya Swayamsewak Sangh (RSS), a hardline, militant Hindu fundamentalist organization published a booklet on how to implicate Christians and other minorities in false criminal cases. The RSS is the parent organization of the ruling BJP, which sponsored and passed POTO. Mr. Speaker, we must not support this kind of tyranny. Today, I rise to India’s Black Coaches Association will honor Indiana University’s Coach Mike Davis as the “Male Coach of the Year” during their national convention to be held in Indianapolis this weekend.

Mr. Speaker, my heartfelt and enthusiastic congratulation is extended to Coach Mike Davis and the Indiana University Basketball Team for their achievements in this year’s NCAA Final Four Tournament.

Coach Davis started his coaching career as Alabama’s assistant basketball coach in 1995, and remained with the program until 1997. In 1997 Coach Davis became an assistant coach for the Indiana University basketball program.

On September 10th, 2002, Coach Davis became the interim men’s basketball coach at Indiana University.

With only a month to prepare for the 2002–2003 season Davis led the Hoosiers to a 21–13 record, a runner-up finish in the Big Ten Tournament and an at-large bid to the NCAA tournament.

Displaying leadership, unwavering faith, and heart throughout the 2001–2002 season, Coach Davis led the Indiana Hoosier’s to their first NCAA Final-Four appearance since 1993, narrowly missing the championship.

Coach Davis makes it no secret that he is a religious man; in fact the Christian faith permeates his entire life including basketball.

The Indiana University basketball team has voluntary chapel each week at Eastern Star Church in my district where Coach Davis is a member.

Coach Davis believes unto whom much is given much is required. He is a cheerful and generous philanthropist. For example, Coach Davis donated to non-profit organizations the bonus he received for leading Indiana to the Final Four. His gifts helped to enrich the lives of many.

Coach Davis and Indiana University are to be congratulated for reminding Hoosiers and basketball fans everywhere that leadership, faith, and determination are products of achievement.

Mr. Speaker, to Coach Davis, keep up the good work and congratulations on your award and great season!

Your spirit has enriched the lives of countless individuals, especially the young people.
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, May 9, 2002 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

MAY 10

10 a.m.
Indian Affairs
To hold hearings on proposed legislation authorizing funds for the implementation of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
SR-485

MAY 13

10 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine transformation plans of the United States Postal Service.
SD-342

MAY 14

9:30 a.m.
Energy and Natural Resources
To hold hearings on S. J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.
SH-216

10 a.m.
Indian Affairs
Commerce, Science, and Transportation
To hold joint oversight hearings to examine telecommunications issues in Indian country.
Room to be announced
Governmental Affairs Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the impact of tobacco marketing on women and girls.
SD-342

JUDICIARY

Constitution Subcommittee
To hold hearings to examine the risk of executing the innocent, focusing on the Report of the Illinois Governor’s Commission on Capital Punishment.
SD-226

Health, Education, Labor, and Pensions
To hold hearings to examine America’s hospital preparedness concerning bioterrorism.
SD-430

10:30 a.m.
Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the Annual National Export Strategy Report on the Trade Promotion Coordinating Committee.
SD-538

2:30 p.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, and Fisheries Subcommittee
To hold hearings on S. 1825, to authorize the Secretary of Commerce to provide financial assistance to the States of Alaska, Washington, Oregon, California, and Idaho and tribes in the region for salmon habitat restoration projects in coastal waters and upland drainages.
SR-253

MAY 15

9:30 a.m.
Judiciary
To hold hearings to examine copyright royalties, focusing on webcasting.
SD-226

10 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Air Force.
SD-192

2 p.m.
Appropriations
Treasury and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Internal Revenue Service, Department of the Treasury.
SD-192

2:30 p.m.
Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold hearings to examine affordable housing production and working families.
SD-538

MAY 16

9:30 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine the impact of stress management in reversing heart disease.
SD-192

Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR-253

ENERGY AND NATURAL RESOURCES

To resume hearings on S. J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.
SH-216

2:30 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine the consumer impact of Eurmon’s influence on state pension funds.
SR-253

MAY 17

10:30 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine non-proliferation programs, focusing on U.S. cruise missile threat.
SD-342

MAY 20

2:30 p.m.
Indian Affairs
To hold oversight hearings to examine the Branch of Acknowledgment, Department of the Interior.
Room to be announced

MAY 21

9:30 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine difficulties and solutions concerning nonproliferation disputes between Russia and China.
SD-342

MAY 22

9:30 a.m.
Governmental Affairs
To hold hearings to examine voting representation in Congress for the citizens of the District of Columbia.
SD-342

10 a.m.
Indian Affairs
To hold hearings on S. 1340, to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands.
SR-485

MAY 23

9:30 a.m.
Energy and Natural Resources
To resume hearings on S. J. Res. 34, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982.
Room to be announced
HIGHLIGHTS

Senate agreed to the Conference Report on H.R. 2646, Farm Security Act.
The House passed H.J. Res. 87, Yucca Mountain Repository Site Approval.

Senate

Chamber Action

Routine Proceedings, pages S3979–S4084

Measures Introduced: Sixteen bills and three resolutions were introduced, as follows: S. 2471–2486, and S. Res. 263–265.

Measures Passed:


Andean Trade Preference Expansion Act: Senate resumed consideration of H.R. 3009, to extend the Andean Trade Preference Act, and to grant additional trade benefits under that Act, taking action on the following amendments proposed thereto:

Adopted:
Dorgan Amendment No. 3387 (to Amendment No. 3386), to ensure transparency of investor protection dispute resolution tribunals under the North American Free Trade Agreement.

Pending:
Daschle Amendment No. 3386, in the nature of a substitute.

Farm Security Act Conference Report: By 64 yeas to 35 nays (Vote No. 103), Senate agreed to the conference report on H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011.

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed.

Nominations—Agreement: A unanimous-consent-time agreement was reached providing for the consideration of the nominations of Leonard E. Davis, to be United States District Judge for the Eastern District of Texas, Andrew S. Hanen, to be United States District Judge for the Southern District of Texas, Samuel H. Mays, Jr., to be United States District Judge for the Western District of Tennessee, and Thomas M. Rose, to be United States District Judge for the Southern District of Ohio, at 10:30 a.m., on Thursday, May 9, 2002, with a vote to occur on each nomination.

Nominations Received: Senate received the following nominations:
Anthony Dichio, of Massachusetts, to be United States Marshal for the District of Massachusetts for the term of four years.
David McQueen Laney, of Texas, to be a Member of the Reform Board (Amtrak) for a term of five years.
John Edward Mansfield, of Virginia, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2006. (Reappointment)
R. Bruce Matthews, of New Mexico, to be a Member of the Defense Nuclear Facilities Safety Board for a term expiring October 18, 2005.

1 Air Force nomination in the rank of general.
Routine lists in the Army, Marine Corps.

Nominations Withdrawn: Senate received notification of withdrawal of the following nomination:
Jose Gerardo Troncoso, of Nevada, to be United States Marshal for the District of Nevada for the
term of four years. (Reappointment), which was sent to the Senate on April 16, 2002.

Messages From the House: Pages S4061–62
Measures Referred: Page S4062
Measures Read First Time: Page S4062
Executive Communications: Pages S4062–64
Additional Cosponsors: Pages S4062–65
Statements on Introduced Bills/Resolutions:
Additions Statements:
Amendments Submitted:
Notices of Hearings/Meetings:
Authority for Committees to Meet: Pages S4082–83
Record Votes: One record vote was taken today. (Total—103)
Adjournment: Senate met at 10 a.m., and adjourned at 6:05 p.m., until 10 a.m., on Thursday, May 9, 2002.

Committee Meetings
(Committees not listed did not meet)

APPROPRIATIONS—DEFENSE HEALTH PROGRAMS

APPROPRIATIONS—GAO/CBO/GPO
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 David M. Walker, Comptroller General, General Accounting Office; Dan L. Crippen, Director, Congressional Budget Office; and Michael F. DiMario, Public Printer, Government Printing Office.

APPROPRIATIONS—FEMA

AUTHORIZATION—DEFENSE
Committee on Armed Services: Committee met in closed session to mark up proposed legislation authorizing funds for fiscal year 2003 for military activities of the Department of Defense, but did not complete action thereon, and will meet again on Thursday, May 9.

AUTHORIZATION—DEFENSE
Committee on Armed Services: Subcommittee on Emerging Threats and Capabilities met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense.

AUTHORIZATION—DEFENSE
Committee on Armed Services: Subcommittee on SeaPower met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense.

AUTHORIZATION—DEFENSE
Committee on Armed Services: Subcommittee on Strategic met in closed session and approved for full committee consideration, those provisions which fall within the jurisdiction of the subcommittee, of proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense.

NOMINATION
Committee on Banking, Housing, and Urban Affairs: Committee concluded hearings on the nomination of Anthony Lowe, of Washington, to be Federal Insurance Administrator, Federal Emergency Management Agency, after the nominee, who was introduced by Senator DeWine, testified and answered questions in his own behalf.
NASA BUDGET

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings on the President’s proposed budget request for fiscal year 2003 for the National Aeronautics and Space Administration, after receiving testimony from Sean O’Keefe, Administrator, and William F. Readdy, Deputy Associate Administrator, Office of Space Flight, both of the National Aeronautics and Space Administration.

NOMINATION

Committee on Energy and Natural Resources: Committee concluded hearings on the nomination of Guy F. Caruso, of Virginia, to be Administrator of the Energy Information Administration, Department of Energy, after the nominee testified and answered questions in his own behalf.

UNDERGROUND STORAGE TANK COMPLIANCE

Committee on Environment and Public Works: Subcommittee on Superfund, Toxics, Risk, and Waste Management concluded hearings on S. 1850, to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, after receiving testimony from Marianne L. Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response, Environmental Protection Agency; John Stephenson, Director, Natural Resources and Environment, General Accounting Office; Craig Perkins, City of Santa Monica, Santa Monica, California; Grant Cope, U.S. Public Interest Research Group, Washington, D.C.; Kathleen Stillier, Delaware Department of Natural Resources and Environmental Control, New Castle, on behalf of the Association of State and Territorial Solid Waste Management Officials; Arthur J. DeBlois III, DB Companies, Inc., Providence, Rhode Island, on behalf of the Society of Independent Gasoline Marketers of America and the National Association of Convenience Stores; and Roger Brunner, Zurich North America, East Lansing, Michigan.

CRITICAL INFRASTRUCTURE INFORMATION SECURITY

Committee on Governmental Affairs: Committee concluded hearings on critical infrastructure information security issues, focusing on facilitating the security of the critical infrastructure of the United States, to encourage the secure disclosure and protected exchange of critical infrastructure information, to enhance the analysis, prevention, and detection of attacks on critical infrastructure, and to enhance the recovery from such attacks, after receiving testimony from Ronald L. Dick, Director, National Infrastructure Protection Center, Federal Bureau of Investigation, and John G. Malcolm, Deputy Assistant Attorney General, Criminal Division, both of the Department of Justice; John S. Tritak, Director, Critical Infrastructure Assurance Office, Department of Commerce; Michele R. Gent, North American Electric Reliability Council, Princeton, New Jersey; Harris N. Miller, Information Technology Association of America, Arlington, Virginia; Alan Paller, SANS Institute, Fredericksburg, Virginia; Ty R. Sagalow, American International Group, New York, New York, on behalf of the Financial Services Information Sharing and Analysis Center; David L. Sobel, Electronic Privacy Information Center, Washington, D.C.; and Rena I. Steinzor, University of Maryland School of Law, Baltimore, on behalf of the Natural Resources Defense Council.

AFFORDABLE PHARMACEUTICALS

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine certain provisions of the 1984 Drug Price Competition and Patent Term Restoration Act, known as the Hatch-Waxman Act, assuring greater access to affordable pharmaceuticals, after receiving testimony from Senators McCain, Schumer, and Hatch; South Dakota Governor William Janklow, Pierre, on behalf of the Business for Affordable Medicine; and Bruce E. Bradley, General Motors Corporation, on behalf of the RxHealth Value, Gregory J. Glover, Ropes and Gray, on behalf of the Pharmaceutical Research and Manufacturers of America, and Kathleen D. Jaeger, Generic Pharmaceutical Association, all of Washington, D.C.

NATIVE AMERICAN ECONOMIC DEVELOPMENT

Committee on Indian Affairs: Committee concluded hearings on S. 343, to establish a demonstration project to authorize the integration and coordination of Federal funding dedicated to the community, business, and economic development of Native American communities, after receiving testimony from Neal A. McCabe, Assistant Secretary of the Interior for Indian Affairs; Tex G. Hall, National Congress of American Indians, Washington, D.C.; Ivan Makil, Salt River Pima-Maricopa Indian Community Council, Scottsdale, Arizona; James DeLaCruz, Quinault Indian Nation, Taholah, Washington, on behalf of the Self-Governance Six-Tribe Consortium; and Katherine A. Spilde, Harvard University John F. Kennedy School of Government/Project on American Indian Economic Development, Cambridge, Massachusetts.
FBI REFORM

Committee on the Judiciary: Committee concluded oversight hearings to examine the reformation of the Federal Bureau of Investigation, focusing on how the FBI can reorganize and refocus its efforts to protect our national security by rooting out spies and terrorists, and protecting our public safety by investigating criminal activity with the resources made available by the Administration and the Congress, after receiving testimony from Larry D. Thompson, Deputy Attorney General, and Robert S. Mueller III, Director, Federal Bureau of Investigation, both of the Department of Justice.

House of Representatives

Chamber Action

Measures Introduced: 9 public bills, H.R. 4678–4686; and 3 resolutions, H. Con. Res. 398–400, were introduced. Pages H2234–35

Reports Filed: Reports were filed today as follows:

H.R. 2941, to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields, amended (H. Rept. 107–448);

H.R. 3833, to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, amended (H. Rept. 107–449); and


Page H2234

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Simpson to act as Speaker pro tempore for today.

Page H2167

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Tom Mullins, Christ Fellowship of Palm Beach Gardens, Florida.

Page H2167

Presidential Action Under Section 203 of the Trade Act of 1974 Regarding Steel Imports: The House agreed to H. Res. 414, the rule that provided for the tabling of H.J. Res. 84, disapproving the action taken by the President under section 203 of the Trade Act of 1974 transmitted to the Congress on March 5, 2002, by a recorded vote of 386 ayes to 30 noes with 1 voting “present,” Roll No. 130.

Pages H2180–83

Yucca Mountain Repository Site Approval: The House passed H.J. Res. 87, approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982 by a yea-and-nay vote of 306 yeas to 117 nays, Roll No. 133.

Pages H2179–80

Earlier, Representative Gibbons raised a point of order against consideration of the joint resolution pursuant to section 425 of the Congressional Budget Act and Impoundment Control Act of 1974 dealing with unfunded mandates. Representative Gibbons then identified the following language in the joint resolution on which he based the point of order: “Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, that there hereby is approved the site at Yucca Mountain, Nevada, for a repository.” Subsequently and pursuant to section 426(b)(3) of the Act, the House agreed to consider the joint resolution by a yea-and-nay vote of 308 yeas to 105 nays, Roll No. 132.

Pages H2180–H2205

Recess: The House recessed at 7:33 p.m. and reconvened at 11:33 p.m.
Senate Messages: Messages received from the Senate today appear on page H2167.

Referrals: S. 410, was referred to the Committee on the Judiciary and S. 2431 and S. Con. Res. 108 were held at the desk.

Quorum Calls—Votes: Four yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H2177–78, H2178–79, H2179, H2182–83, and H2204–05. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 11:34 p.m.

Committee Meetings

MEDICARE AND THE FEDERAL BUDGET
Committee on the Budget: Held a hearing on Medicare and the Federal Budget. Testimony was heard from public witnesses.

SPECIAL EDUCATION REFORMS
Committee on Education and the Workforce: Subcommittee on Education Reform held a hearing on “State and Local Level Special Education Reforms that Work and Federal Barriers to Innovation.” Testimony was heard from Lawrence C. Gloeckler, Deputy Commissioner, Vocational and Education Services for Individuals with Disabilities, Department of Education, State of New York; Diane McCain, Director, Choice Office, Department of Education, State of Florida; and public witnesses.

REDUCING MEDICAL ERRORS
Committee on Energy and Commerce: Subcommittee on Health held a hearing entitled “Reducing Medical Errors: A Review of Innovative Strategies to Improve Patient Safety.” Testimony was heard from public witnesses.

FINANCIAL SERVICES REGULATORY RELIEF ACT

METROPOLITAN WASHINGTON AIRPORTS AUTHORITY—IMPACT OF SEPTEMBER 11TH TERRORIST ATTACKS
Committee on Government Reform: Subcommittee on the District of Columbia held a hearing on “The Metropolitan Washington Airports Authority—The Impact of the September 11th Terrorist Attacks on the Security and Operation of Airports Serving the Nation’s Capital.” Testimony was heard from the following officials of the Department of Transportation: Steve Brown, Associate Administrator, Air Traffic Services, FAA; and John McGraw, Director, Transportation Security Administration; James A. Wilding, President and CEO, Metropolitan Washington Airports Authority; and public witnesses.

OVERSIGHT—MAIL DELIVERY—HOUSE OF REPRESENTATIVES
Committee on House Administration: Held an oversight hearing on Congressional Mail Delivery in the U.S. House of Representatives. Testimony was heard from Sylvester Black, Manager, Capital Metro Operations, U.S. Postal Service; and James M. Eagen III, Chief Administrative Officer, House of Representatives.

MISCELLANEOUS MEASURES
Committee on the Judiciary: Ordered reported the following bills: H.R. 3482, amended, Cyber Security Enhancement Act of 2001; H.R. 2054, amended, to give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those State; H.R. 1448, amended, to clarify the tax treatment of bonds and other obligations issued by the Government of American Samoa; H.R. 3180, to consent to certain amendments to the New Hampshire-Vermont Interstate School Compact; H.R. 2621, amended, Consumer Product Protection Act of 2001; and H.R. 2068, amended, to revise, codify, and enact without substantive change certain general and permanent laws, related to public buildings, property, and works, as title 40, United States Code, “Public Buildings, Property, and Works”.

The Committee began markup of H.R. 3215, Combating Illegal Gambling Reform and Modernization Act.

Committee recessed subject to call.

MISCELLANEOUS MEASURES
Committee on Rules: Granted, by a record vote of 7 to 4, a structured rule on H.R. 4546, National Defense
Authorization Act for Fiscal Year 2003, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill shall be considered as an original bill for the purpose of amendment. The rule waives all points of order against the committee amendment in the nature of a substitute. The rule provides that no amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of the resolution. The rule provides that except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Testimony was heard from Chairman Stump, and Representatives Saxton, Hostettler, Rohrabacher, Skelton, Spratt, Taylor of Mississippi, Allen, Sanchez, Tauscher, Langevin, Markley, Farr, Hastings of Florida, Hinchey, Blumenauer, Tierney, Hoeflel, Holt, and Shows.

HEALTH EFFECTS OF PARTICULATE AIR POLLUTION

Committee on Science: Held a hearing on Health Effects of Particulate Air Pollution: What does the Science Say? Testimony was heard from public witnesses.

NATIONAL SMALL BUSINESS WEEK

Committee on Small Business: Held a hearing on National Small Business Week: Small Business Success Stories. Testimony was heard from public witnesses.

RAIL INFRASTRUCTURE DEVELOPMENT AND EXPANSION ACT; AMTRAK REAUTHORIZATION

Committee on Transportation and Infrastructure: Subcommittee on Railroads approved for full Committee action, as amended, the following bills: H.R. 2950, Rail Infrastructure Development and Expansion Act of the 21st Century; and H.R. 4545, Amtrak Reauthorization Act of 2002.

DCI WRAP-UP

Permanent Select Committee on Intelligence: Met in executive session to hold a hearing on DCI Wrap-up. Testimony was heard from departmental witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST of May 1, 2002, p. D425)


H.R. 4167, to extend for 8 additional months the period for which chapter 12 of title 11 of the United States Code is reenacted. Signed on May 7, 2002. (Public Law 107–170)

COMMITTEE MEETINGS FOR THURSDAY, MAY 9, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: closed business meeting to continue to mark up proposed legislation authorizing appropriations for fiscal year 2003 for military activities of the Department of Defense, 9:30 a.m., SR–222.

Committee on Commerce, Science, and Transportation: Subcommittee on Oceans, Atmosphere, and Fisheries, to hold oversight hearings to examine management issues at the National Marine Fisheries Services, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources: Subcommittee on Public Lands and Forests, to hold hearings on S. 454, to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes; S. 1139, to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; S. 1325, to ratify an agreement between the Aleut Corporation and the United States of America to exchange land rights received under the Alaska Native Claims Settlement Act for certain land interests on Adak Island; S. 1497/H.R. 2385, to convey certain property to the city of St. George, Utah, in order to provide for the protection and preservation of certain rare paleontological resources on that property; S. 1711/H.R. 1576, to designate the James Peak Wilderness and the James Peak Protection Area in the State of Colorado; and S. 1907, to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon, 2:30 p.m., SD–366.


Committee on Finance: to hold hearings to examine revenue issues related to the Highway Trust Fund, 9:30 a.m., SD–215.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine consolidated student loans, focusing on variable rates, 10 a.m., SD–430.
Committee on the Judiciary: Subcommittee on Administrative Oversight and the Courts, to hold hearings to examine past nomination procedures, 10 a.m., SD–226.

Full Committee, to hold hearings on the nomination of Richard R. Clifton, of Hawaii, to be United States Circuit Judge for the Ninth Circuit; the nomination of Christopher C. Conner, to be United States District Judge for the Middle District of Pennsylvania; the nomination of Joy Flowers Conti, to be United States District Judge for the Western District of Pennsylvania; and the nomination of John E. Jones III, to be United States District Judge for the Middle District of Pennsylvania, 2 p.m., SD–226.

House

Committee on Appropriations, to mark up the supplemental appropriations for fiscal year 2002, 9:30 a.m., 2359 Rayburn.

Subcommittee on Labor, Health and Human Services, and Education, to continue on Public Witnesses, 12 p.m., 2358 Rayburn.


Committee on Financial Services, Subcommittee on Financial Institutions and Consumer Credit, hearing on “Recovering Dictators’ Plunder,” 10 a.m., 2128 Rayburn.


Committee on the Judiciary, Subcommittee on the Constitution, hearing on H.J. Res. 91, proposing an amendment to the Constitution of the United States to protect the rights of crime victims, 12 p.m., 2237 Rayburn.

Subcommittee on Crime, Terrorism, and Homeland Security, hearing and markup of the following bills: H.R. 4623, Child Obscenity and Pornography Prevention Act of 2002; H.R. 4477, Sex Tourism Prohibition Improvement Act of 2002; H.R. 4658, Truth in Domain Names Act; H.R. 3726, Video Voyeurism Act of 2002; H.R. 4640, to provide criminal penalties for providing false information in registering a domain name on the Internet; and H.R. 4679, Lifetime Consequences for Sex Offenders Act of 2002, 10 a.m., and 2 p.m., 2141 Rayburn.

Committee on Rules, Subcommittee on Legislation and Budget Process, to continue hearings on “Assessing the Accuracy of Federal Budget Estimating,” Part 11, 10:30 a.m., H–313 Capitol.

Committee on Science, Subcommittee on Research, hearing on H.R. 4664, National Science Foundation Reauthorization Act of 2002; followed by a markup of the following bills: H.R. 3130, Technology Talent Act of 2001 and H.R. 4664, 9:30 a.m., 2318 Rayburn.

Subcommittee on Space and Aeronautics, hearing on NASA’s Science Priorities, 2 p.m., 2318 Rayburn.

Committee on Veterans’ Affairs, to mark up the following bills: H.R. 4015, Jobs for Veterans Act; H.R. 4085, Veterans’ and Survivors’ Benefits Expansion Act of 2002; H.R. 4514, Veterans Major Medical Facilities Construction Act of 2002; H.R. 3253, Department of Veterans Affairs Emergency Preparedness Research, Education, and Bio-Terrorism Prevention Act of 2002, and H.R. 4608, to name the Department of Veterans Affairs medical center in Wichita, Kansas, as the “Robert J. Dole Department of Veterans Affairs Medical Center,” 3 p.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, to continue hearings on the Extraterritorial Income (ETI) Regime, 2 p.m., 1100 Longworth.

Joint Meetings

Commission on Security and Cooperation in Europe: to hold hearings to examine developments in the conflict in Chechnya, 2 p.m., 340 Cannon Building.
Next Meeting of the SENATE
10 a.m., Thursday, May 9

Senate Chamber

Program for Thursday: After the recognition of one Senator for a speech and the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will consider the nominations of Leonard E. Davis, to be United States District Judge for the Eastern District of Texas, Andrew S. Hanen, to be United States District Judge for the Southern District of Texas, Samuel H. Mays, Jr., to be United States District Judge for the Western District of Tennessee, and Thomas M. Rose, to be United States District Judge for the Southern District of Ohio, with a vote to occur on each nomination.

Also, Senate may continue consideration of H.R. 3009, Andean Trade Preference Expansion Act.

Next Meeting of the HOUSE OF REPRESENTATIVES
9 a.m., Thursday, May 9

House Chamber


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