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House of Representatives

The House met at 10 a.m.

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

Lord God, our guardian and protector, guide and bless all the Members of the House of Representatives this day. Together may they exercise all in their power to assure the security of our homeland; and as individuals may they model good leadership for all who work in public service on behalf of the citizens of this great Nation.

Lord, we praise You and we thank You for all the men and women You have called to serve as police and law enforcement officers throughout the States and the District of Columbia. Renew them in their commitment and protect them as they strive to guarantee safety, order and equal justice in their communities.

Reward with eternal life and Your saving presence all those who in the past year have made the ultimate sacrifice of offering their lives in the effort to serve others. Console and provide for the families of officers fallen but not forgotten.

Surround with a special blessing today each member of the Capitol Police and Secret Service, and answer their prayers. They stand tall and are honored here as our vanguard of protection in the face of terrorism. Be with them, Lord, now and forever. Amen.

THE JOURNAL

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

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

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

The SPEAKER. The question is on the Speaker's approval of the Journal.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 330, nays 63, answered ''present'' 1, not voting 40, as follows:

[Roll No. 167]

YEAS—330

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Foley
Forbes
Ford
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Langevin
Lantos
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
Meehan
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tauzin
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velazquez
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman

Printed on recycled paper.

Weiner	Whitfield	Woolsey
Weldon (FL)	Wilson (NM)	Wynn
Weldon (PA)	Wilson (SC)	Young (FL)
Wexler	Wolf	

NAYS—63

Aderholt	Holt	Phelps
Baird	Johnson, E. B.	Ramstad
Baldwin	Jones (OH)	Sabo
Bonior	Kennedy (MN)	Schaffer
Borski	Kucinich	Schakowsky
Brady (PA)	Larsen (WA)	Snyder
Capuano	Latham	Strickland
Carson (OK)	LoBiondo	Stupak
Costello	Markey	Tanner
DeFazio	McDermott	Tauscher
Doggett	McGovern	Taylor (MS)
English	McNulty	Thompson (CA)
Fattah	Menendez	Thompson (MS)
Filner	Miller, George	Udall (CO)
Fletcher	Moore	Udall (NM)
Frost	Moran (KS)	Visclosky
Gutknecht	Oberstar	Waters
Hastings (FL)	Obey	Watts (OK)
Hefley	Olver	Weller
Hilliard	Pallone	Wicker
Hinchey	Peterson (MN)	Wu

ANSWERED ''PRESENT''—1

Tancredo

NOT VOTING—40

Blagojevich	Gordon	Oxley
Brown (FL)	Gutierrez	Pastor
Burton	Hall (OH)	Platts
Clay	Hulshof	Pombo
Condit	Hunter	Rangel
Crane	LaFalce	Sanders
Culberson	Lampson	Slaughter
Davis, Tom	Leach	Stark
Deutsch	Maloney (CT)	Taylor (NC)
Doyle	Mascara	Traficant
Edwards	McKinney	Vitter
Ehrlich	Meek (FL)	Young (AK)
Engel	Mink	
Fossella	Murtha	

□ 1025

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

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

Mr. KUCINICH 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.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1613

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1613, a measure referred to the House Subcommittee on National Parks, Recreation and Public Lands.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 one-minutes per side.

CONGRATULATING BARBARA GAYNOR, FOUNDER AND DIRECTION OF MOTHERS' VOICES OF SOUTH FLORIDA

(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 congratulate Barbara Gaynor, founder and director of Mothers' Voices of South Florida, for her vision in targeting parents, caregivers and our youth.

Under her leadership, Mothers' Voices has helped scores of families strengthen communication about sexual health. Barbara Gaynor lost her son to HIV. Her inability to save him served as the catalyst in forming Mothers' Voices and in strengthening her resolve to reduce the number of HIV infections among our youth through prevention, education and awareness.

According to the Office of National AIDS, 50 percent of all HIV infections occur in 13 to 26-year-olds. As a mother who was hit at home by HIV-AIDS, Barbara Gaynor knows best the impact that parental involvement can have in preventing children from becoming statistics.

I ask my colleagues to join me in congratulating Barbara and all of the people that work at Mothers' Voices for their commitment to preserve the future of our Nation's youth.

PROVIDING RESOURCES FOR FAMILIES TO GET OFF OF WELFARE

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

Mr. KUCINICH. Mr. Speaker, while welfare caseloads have dropped dramatically, the decrease in poverty is marginally less. After 5 years, welfare cash assistance caseloads have decreased by nearly 50 percent, but overall poverty has declined by less than 2 percent.

Today we are going to be visiting this issue of what to do about welfare in America. Work is at the center of the welfare debate, and it was at the center of the debate in 1996.

The work requirements are the most significant part of the debate. If States choose or are mandated a 40 hour a week work requirement, that will mean workfare programs. Workfare is overwhelmingly bad for recipients. It will mean the need for even more child care, on top of the $11 billion that is in the bill now, and it will undermine efforts to place people in good jobs.

We need to be very careful in any vote that we take today to make sure that we are not making it impossible for families who are trying to get off of welfare to be able to have the resources that they will need to be able to care for their children.

REMEMBERING FRANCISCO CHAVIANO GONZALES

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

Mr. BALLENGER. Mr. Speaker, I rise today to talk about the plight of a Cuban man, Francisco Chaviano Gonzales. Francisco is a political prisoner in Cuba. He is the President of the National Council for Civil Rights, an organization dedicated to democracy and human rights.

Francisco was arrested for possessing documents revealing human rights abuses in Cuba. A military tribunal sentenced him to 15 years in prison. He languishes today in isolation where he is deprived of basic medical care and proper food. Ironically, Francisco's captivity proves the existence of human rights abuses in Cuba even more than the documents they arrested him for.

The Cold War is over, but the United States' fight for freedom will never end. This man was arrested for promoting the very things America values.

Francisco, we remember you.

□ 1030

DISTURBING INFORMATION FOR AMERICANS

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

Mr. GEORGE MILLER of California. Mr. Speaker, last night and this morning, Americans got some very, very disturbing news. America was informed that sometime last August, the President of the United States was informed of efforts by bin Laden and his followers to engage in a hijacking scheme against American citizens. That information, while disturbing, was not acted upon, with no information flowing to the American people.

It is suggested that this was done because it was a hijacking in the normal sense of the word. The fact of the matter is, we know that a major plot was interrupted to crash a number of 747s in Southeast Asia into the Earth simultaneously, and we know that an effort was interrupted to crash a plane into the Eifel Tower. We know that we interrupted the millennium scheme.

While it is disturbing that this effort was not taken as seriously as it should have been, it is also very disturbing that this information and the briefing of the President of this information has not been released to the American people or to the Congress of the United States for over 8 months.

TIME TO END THE POULTRY EMBARGO

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

Mr. DEAL of Georgia. Mr. Speaker, on March 10 of this year, Russia imposed an export and import ban on United States poultry. Even though an agreement was reached with Russia supposedly on March 30 and they announced that the embargo had been lifted on April 15, the truth is that no American poultry has been shipped into Russia. In fact, over 20,000 metric tons that had been shipped prior to the embargo are still sitting in Russian ports waiting to be unloaded.

In my State of Georgia poultry has a significant impact of some $10 billion a year, the largest segment of our agricultural economy. Over $300 million a year are exported. Mr. Speaker, I think we should understand that the Russian embargo is costing American poultry companies $25 million a day. It is time that this Congress send a message to our trading partners that we expect them to be fair.

Mr. President, as you go to visit with President Putin, I hope you will take the message that this Congress is paying attention and that if Russia wants the lifting of the Jackson-Vanik rules, and if they want admission into the World Trade Organization, it is time to stop playing games with the poultry issue and end the embargo.

WELFARE REFORM

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, I am from a State that made great progress 5 years before we enacted welfare reform, and it is doubly sad for me to see us poised to turn our back on the principles that helped make my State successful.

The House has proposed new mandates which are unfunded. We are going to impose a new approach for work requirements that most successful States have rejected. But most embarrassing for the Republican leadership and the Bush administration is that this Chamber is not even going to be allowed to discuss a real amendment to provide the need for child care that is so essential to successful welfare reform.

Unfortunately, the House is again going to engage in an empty legislative process. The American public deserves better treatment for the critical major issues of our time.

WELFARE REFORM

(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, today we embark on a vigorous debate relative to welfare reform in America. In 1996 in this Chamber, Congress actively debated how to bring financial independence to millions of Americans. Three times it was vetoed by the President of the United States, finally signed into law. Two years later, President Clinton was bragging about being the author of the welfare reform bill that is now the law of the land.

Millions of Americans are now financially independent, working to bring pride and respect to their families, and today we continue that debate to bring more independence to more Americans. I am proud of that work, and I am proud that this bill contains additional money for child care, job training, and preparing our citizens for the future of this country and its economy.

I will welcome the debate vigorously on this floor today because I believe we are on the right path. My grandmother came from Poland, she was a maid at the Travel Lodge Motel, she worked hard all her life. All she wanted to be is a good citizen and an honest, God-fearing person of this country. I salute people like her, and I know we can do better with the bill on the floor today.

AMERICA NEEDS INFORMATION NOW

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, as we address the Republican welfare bill that is unsettling and unhelpful to America's children, with very limited money for child care, for working mothers, some startling news has come from the White House.

After September 11, we were united to fight terrorism and we remain united. But it is difficult to understand and it is disturbing to hear about the information that was given to the White House regarding the notice of potential hijackings in the United States of America. I believe the American public needs to have now a full accounting of what occurred, of what was known by the White House, and when did the White House know, and what did they do about it.

Mr. Speaker, this is a question of national security. This is a question of the United States of America and the people of America being informed. This is a question of sunlight and shining the light on giving us the opportunity to fight terrorism united. It is of great importance that we have this information now.

NATIONAL PEACE OFFICERS MEMORIAL DAY

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, peace officers around the country are in Washington this week to commemorate and honor the 230 officers who died last year in the line of duty. Yesterday was National Peace Officers Memorial Day, where we paid tribute to the commitment to public safety these officers demonstrate on a daily basis.

As we all know, September 11 stands out as one of the most tragic days in American history and law enforcement history. We lost 72 police officers on that Tuesday, the largest loss of law enforcement personnel in a single day ever.

While September 11 offered an extreme glimpse of law enforcement service and sacrifice, acts of heroism and valor are performed every day by police officers across our Nation. Mr. Speaker, 230 police officers who died last year represent the sixth deadliest year in law enforcement history.

Peace officers in every community have an admirable record of service and sacrifice, yet too many Americans lack a true understanding and appreciation of law enforcement's worth. That is why I worked 2 years ago to establish the National Law Enforcement Museum in Washington, D.C. Once construction is complete, the museum will highlight the proud history of the law enforcement profession and educate the public about the dangers and importance of the job.

Unlike most other jobs, peace officers face unprecedented risks while bravely protecting our communities and our freedoms. I hope colleagues will join me in expressing our gratitude for the work these men and women perform.

SOCIAL SECURITY

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

Mr. BACA. Mr. Speaker, our country is aging. The baby boomer generation is retiring soon. I am part of that generation, and more will be retiring.

Social Security will become a necessity for our seniors. Republicans are trying to bankrupt Social Security, so we will have no choice but to privatize, I say privatize; but privatizing forces benefit cuts, increases risks, and removes the guarantee that Social Security will be there for seniors when they need it.

I believe that working families have earned a secured retirement. Without Social Security, how will our seniors pay for medication, rent, food? They are on a fixed income. Privatizing Social Security breaks a promise to working families that if you work hard and pay into the system, no matter how rich or poor, Social Security will be there for your retirement when it is necessary.

Privatizing Social Security, especially for hard-working minorities, women, and working family folks will mean less savings for them. It is time that we start caring about the 95 percent of the population that do not have a trust fund, who live on a check-by-check basis, feed their families, and pay for expenses with no money to save or invest.

SAUDI ARABIA AND TERRORISM

(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, Saudi Crown Prince Abdullah has made a lot of headlines lately promoting his own plan for peace between Israel and the Palestinians. But if Saudi Arabia really wants to help fight terrorism and foster peace in the Middle East, they should take a long look at what is going on in their own country.

The Saudi Government not only permits, but also promotes, radical clerics who teach violence and hatred against Jewish people and the United States. Recently, a prominent Saudi Government cleric held a 2-day telethon that raised over $100 million for the families of Palestinian homicide bombers. The Washington Times reported last week that the Saudi Government itself paid millions of dollars to the families of homicide bombers and to terrorist groups like Hamas. USA Today reported in 1999 that Saudi businessmen had transferred billions of dollars to bank accounts linked to Osama bin Laden. There needs to be an investigation into where all of this money is coming from.

Mr. Speaker, we should welcome Saudi Arabia's peaceful rhetoric, but actions speak louder than words. Saudi Arabia should be careful about lecturing about peace until her own hands are clean.

SOCIAL SECURITY

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

Ms. SANCHEZ. Mr. Speaker, I rise today to speak about Social Security. Since the Social Security Act became law in 1935, it has reduced poverty among our seniors and allowed generations of retirees to live with dignity and with independence. So could there be a better reason not to spend Social Security on anything other than Social Security?

Well, my Republican colleagues have produced a budget that spends hundreds of billions of dollars from the Social Security fund on other programs. Democrats want to strengthen and to preserve Social Security. American families work hard and they pay into that system, and they should be able to count on Social Security when they retire.

That is why privatization is clearly the wrong approach. It forces benefit cuts, it increases the risk, and it removes the guarantee that Social Security will be there when we need it, when we retire.

Do not be fooled. Democrats believe that working families have earned a secure retirement. We want to strengthen and protect Social Security, not spend it on other programs or on tax cuts to the wealthiest.

CONDEMNING TERRORIST ACT IN KASHMIR

(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, I rise to condemn the recent terrorist attack in Kashmir that killed 30 innocent civilians, including two dozen women and children, and which injured nearly 50 more. This terrorist attack is yet another aimed at civilians, specifically Hindus, in Kashmir. Just last month, the suicide squad attacked and killed innocent worshipers at one of the largest Hindu temples in Kashmir.

Innocent Hindus, Sikhs, and Muslims have been targeted by terrorists in Kashmir. An editorial in yesterday's Washington Post entitled ''The General's Broken Promise'' states that Pakistani President Pervez Musharraf has not done enough to rein in these terrorists who attack Kashmiri civilians. While President Musharraf has taken steps to assist the American war on terrorism, he must do more to stop these terrorist attacks from occurring in Kashmir and in Indian.

Once Pakistan moves away from the path of supporting terrorism, a real peace initiative can begin between India and Pakistan. After more than 50 years of hostility, it is time for India and Pakistan to live in peace as neighbors. This can only begin after Pakistan stops supporting terrorism in India.

PASS THE CORPORATE PATRIOT ENFORCEMENT ACT

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

Mr. NEAL of Massachusetts. Mr. Speaker, today on the House floor we should be considering much-needed marriage penalty relief. However, yesterday the Republican leadership withdrew consideration of the Marriage Penalty Tax Relief Act in order to protect financial traitors. Democrats only wanted to pay for this tax relief by implementing the provisions of H.R. 3884, the Corporate Patriot Enforcement Act, a bill authored by myself and the gentleman from Connecticut (Mr. MALONEY). Fearing that this House would vote overwhelmingly to stop the exodus of American corporations to tax havens, the leadership dropped the Marriage Penalty Tax Relief Act altogether.

While House leaders procrastinate, our constituents around the country want Congress to act. Last week commonsense folks out in Peoria at the Journal Star wrote, ''Americans should be outraged, and so should Congress, which should move quickly to pass pending legislation outlawing the dodge.'' I guess the message was not heard here yesterday in this House.

As Congress does nothing, the exodus of two more corporations who voted this week to reincorporate in tax havens at the expense of honest corporations and hard-working Americans continues. Stop the delay, and close the floodgate to these corporate expatriates by passing the Neal-Maloney Corporate Patriot Enforcement Act.

□ 1045

2002 WELFARE REFORM REAUTHORIZATION

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

Mr. ROYCE. Mr. Speaker, prior to 1996 Deborah from California was a single mother caring for her two daughters, a disabled son and a niece. She had no high school diploma. She had no prior work experience. But in 1996 we passed a Republican welfare reform bill which enabled people like Deborah to get off of welfare and into work. The new support services and the new training programs enabled her to become a certified nurse at a hospital close to her home, and that enabled her to take care of her children.

Americans on welfare can now live better lives because of the passage of that bill. There have been 3 million children that have been listed out of poverty since 1996. Welfare caseloads have declined by 9 million and employment of single mothers on welfare rose by 40 percent. We have taken the first step in getting people off of welfare. This year we need to take the second step by decreasing welfare caseloads by promoting work and healthy marriages, by improving child well-being and quality of life and by strengthening families.

SOCIAL SECURITY

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

Mr. ETHERIDGE. Mr. Speaker, I rise today in support of Social Security. Social Security is our Nation's most successful domestic initiative. It has lifted millions of Americans out of poverty. Social Security represents a solemn promise to our seniors that says if you work hard and play by the rules you will not be forced in your golden years into poverty, and no one has a right to break that promise.

The Republican leadership plans to privatize Social Security and replace its guarantee with a risky gamble. This privatization plan jeopardizes the requirement security of our seniors and our working families. Now the Republican leadership is trying to change the subject and duck the word ''privatization.'' The American people will not be fooled by this trick. This House must

put aside partisan tricks and the privatization plan, and I call on my colleagues to join me in opposing privatization and work to protect Social Security and the promise to America's seniors.

PRIVATIZATION OF SOCIAL SECURITY

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

Mr. CROWLEY. Mr. Speaker, if you loved what happened to the people who invested their retirement savings in Enron stock, look out. House Republicans have something even better as a sequel, the privatization of Social Security. They can retitle it all they want as personal retirement accounts or personal choice or individual investing options, but it all means the same thing, privatization, taking your hard earned money from Social Security and giving it to the same people who brought us Enron and Global Crossing. No more guaranteed retirement income for seniors, but guaranteed instability.

Should Ken Lay and Ivan Boesky and Michael Milliken be deciding your personal retirement future? Democrats say no. Republicans say yes. Oppose the Republican efforts to privatize social security. It is your money and do not let them forget it.

When Social Security was started in 1935, 40 percent of Americans were dying in a state of poverty. We have not come very far. Today a full 33 percent of Americans rely on Social Security for their only source of income in retirement years.

BIPARTISAN WELFARE REFORM

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

Mr. ROEMER. Mr. Speaker, I am proud to have voted for a successful bipartisan welfare reform in 1996. That bill has worked to get people off of welfare roles into work, and many of them out of poverty.

Now we have a Republican bill that is coming to the floor later today that threatens that very success because it omits three important things. One, instead of emphasizing work it emphasizes simply knocking people off the welfare roles. We want to give a credit to States to get people into jobs, not just off welfare.

Secondly, we need to emphasize child care. I support more work for welfare families. If they are going to work more, their children are going to need more child care. We have 12,757 children on the waiting list today in Indiana for child care.

Thirdly, we emphasized mothers, single mothers and welfare reform in 1996. We largely left out fathers. We should be able to offer an amendment to make fathers, noncustodial parents get back into the workplace. Let us work with that much maligned body on the other side to get real reform that continues the bipartisan success of 1996.

FROM WELFARE TO WORK

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

Ms. HART. Mr. Speaker, we have the opportunity now to reauthorize one of the most successful pieces of legislation this House has ever passed, the welfare reform legislation. I think it is important to focus on one point that has come to be a part of this reauthorization, improvement in this bill. It is one that will be so very helpful to families across the United States who are struggling to move from welfare to work, welfare to independence, welfare to hope for the future. And one of those situations that we have identified that we are improving greatly in this bill is the opportunity for moms to go to work, and that is because we are adding significant amounts of resources for them to get good safe child care for their children.

There have been so many children elevated from poverty because of the welfare reform. We are only going to improve those figures by doing what we are doing here today. And one of the best parts, one that I am very proud to have been part of, is where we will now give more moms the opportunity to move into the independence of work because we are going to help them with safe and competent child care.

SUCCESS FOR AMERICA'S CHILDREN

(Mrs. WILSON of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WILSON of New Mexico. Mr. Speaker, we are going to go tackle the welfare reform debate here, and there is one very important element and that focuses on children. The real success of welfare reform has been to move people from helplessness to hope and move children out of poverty. There are 3 million fewer children today in poverty because their moms have gotten a job to be able to support their family. We are going to build on that today by adding $2 billion more into child care and giving States the flexibility to move that money from folks who are on welfare to folks who are the low income working poor to support their return to work.

This is a great day for America, a great celebration of all that we have achieved for America's children and we will build on that success.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 422 I call up the bill (H.R. 4737) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 422, the bill is considered read for amendment.

The text of H.R. 4737 is as follows:

H.R. 4737

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 ''Personal Responsibility, Work, and Family Promotion Act of 2002''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Findings.

TITLE I—TANF

Sec. 101. Purposes.
Sec. 102. Family assistance grants.
Sec. 103. Promotion of family formation and healthy marriage.
Sec. 104. Supplemental grant for population increases in certain States.
Sec. 105. Bonus to reward employment achievement.
Sec. 106. Contingency fund.
Sec. 107. Use of funds.
Sec. 108. Repeal of Federal loan for State welfare programs.
Sec. 109. Universal engagement and family self-sufficiency plan requirements.
Sec. 110. Work participation requirements.
Sec. 111. Maintenance of effort.
Sec. 112. Performance improvement.
Sec. 113. Data collection and reporting.
Sec. 114. Direct funding and administration by Indian tribes.
Sec. 115. Research, evaluations, and national studies.
Sec. 116. Studies by the Census Bureau and the General Accounting Office.
Sec. 117. Definition of assistance.
Sec. 118. Technical corrections.
Sec. 119. Fatherhood program.
Sec. 120. State option to make TANF programs mandatory partners with one-stop employment training centers.
Sec. 121. Sense of the Congress.

TITLE II—CHILD CARE

Sec. 201. Short title.
Sec. 202. Goals.
Sec. 203. Authorization of appropriations.
Sec. 204. Application and plan.
Sec. 205. Activities to improve the quality of child care.
Sec. 206. Report by Secretary.
Sec. 207. Definitions.
Sec. 208. Entitlement funding.

TITLE III—TAXPAYER PROTECTIONS

Sec. 301. Exclusion from gross income for interest on overpayments of income tax by individuals.
Sec. 302. Deposits made to suspend running of interest on potential underpayments.
Sec. 303. Partial payment of tax liability in installment agreements.

TITLE IV—CHILD SUPPORT

Sec. 401. Federal matching funds for limited pass through of child support payments to families receiving TANF.

Sec. 402. State option to pass through all child support payments to families that formerly received TANF.
child support payments to families that formerly received TANF.
Sec. 403. Mandatory review and adjustment of child support orders for families receiving TANF.
Sec. 404. Mandatory fee for successful child support collection for family that has never received TANF.
Sec. 405. Report on undistributed child support payments.
Sec. 406. Use of new hire information to assist in administration of unemployment compensation programs.
Sec. 407. Decrease in amount of child support arrearage triggering passport denial.
Sec. 408. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.
Sec. 409. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.
Sec. 410. Improving Federal debt collection practices.
Sec. 411. Maintenance of technical assistance funding.
Sec. 412. Maintenance of Federal Parent Locator Service funding.
TITLE V—CHILD WELFARE
Sec. 501. Extension of authority to approve demonstration projects.
Sec. 502. Elimination of limitation on number of waivers.
Sec. 503. Elimination of limitation on number of States that may be granted waivers to conduct demonstration projects on same topic.
Sec. 504. Elimination of limitation on number of waivers that may be granted to a single State for demonstration projects.
Sec. 505. Streamlined process for consideration of amendments to and extensions of demonstration projects requiring waivers.
Sec. 506. Availability of reports.
Sec. 507. Technical correction.
TITLE VI—SUPPLEMENTAL SECURITY INCOME
Sec. 601. Review of State agency blindness and disability determinations.
TITLE VII—STATE AND LOCAL FLEXIBILITY
Sec. 701. Program coordination demonstration projects.
Sec. 702. State food assistance block grant demonstration project.
TITLE VIII—ABSTINENCE EDUCATION
Sec. 801. Extension of abstinence education funding under maternal and child health program.
TITLE IX—TRANSITIONAL MEDICAL ASSISTANCE
Sec. 901. One-year reauthorization of transitional medical assistance.
Sec. 902. Adjustment to payments for medicaid administrative costs to prevent duplicative payments and to fund a 1-year extension of transitional medical assistance.
TITLE X—EFFECTIVE DATE
Sec. 1001. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 4. FINDINGS.

The Congress makes the following findings:

(1) The Temporary Assistance for Needy Families (TANF) Program established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) has succeeded in moving families from welfare to work and reducing child poverty.

(A) There has been a dramatic increase in the employment of current and former welfare recipients. The percentage of working recipients reached an all-time high in fiscal years 1999 and 2000. In fiscal year 1999, 33 percent of adult recipients were working, compared to less than 7 percent in fiscal year 1992, and 11 percent in fiscal year 1996. All States met the overall participation rate standard in fiscal year 2000, as did the District of Columbia and Puerto Rico.

(B) Earnings for welfare recipients remaining on the rolls have also increased significantly, as have earnings for female-headed households. The increases have been particularly large for the bottom 2 income quintiles, that is, those women who are most likely to be former or present welfare recipients.

(C) Welfare dependency has plummeted. As of September 2001, 2,103,000 families and 5,333,000 individuals were receiving assistance. Accordingly, the number of families in the welfare caseload and the number of individuals receiving cash assistance declined 52 percent and 56 percent, respectively, since the enactment of TANF. These declines have persisted even as unemployment rates have increased: unemployment rates nationwide rose 25 percent, from 3.9 percent in September 2000 to 4.9 percent in September 2001, while welfare caseloads continued to drop by 7 percent.

(D) The child poverty rate continued to decline between 1996 and 2000, falling 21 percent from 20.5 to 16.2 percent. The 2000 child poverty rate is the lowest since 1979. Child poverty rates for African-American and Hispanic children have also fallen dramatically during the past 6 years. African-American child poverty is at the lowest rate on record and Hispanic child poverty has had the largest 4-year decrease on record.

(E) Despite these gains, States have had mixed success in fully engaging welfare recipients in work activities. While all States have met the overall work participation rates required by law, in 2000, in an average month, only about ⅓ of all families with an adult participated in work activities that were countable toward the State's participation rate. Eight jurisdictions failed to meet the more rigorous 2-parent work requirements, and about 20 States are not subject to the 2-parent requirements, most because they moved their 2-parent cases to separate State programs where they are not subject to a penalty for failing the 2-parent rates.

(2) As a Nation, we have made substantial progress in reducing teen pregnancies and births, slowing increases in nonmarital childbearing, and improving child support collections and paternity establishment.

(A) The teen birth rate has fallen continuously since 1991, down a dramatic 22 percent by 2000. During the period of 1991–2000, teenage birth rates fell in all States and the District of Columbia, Puerto Rico, and the Virgin Islands. Declines also have spanned age, racial, and ethnic groups. There has been success in lowering the birth rate for both younger and older teens. The birth rate for those 15–17 years of age is down 29 percent since 1991, and the rate for those 18 and 19 is down 16 percent. Between 1991 and 2000, teen birth rates declined for all women ages 15–19—white, African American, American Indian, Asian or Pacific Islander, and Hispanic women ages 15–19. The rate for African American teens—until recently the highest—experienced the largest decline, down 31 percent from 1991 to 2000, to reach the lowest rate ever reported for this group. Most births to teens are nonmarital; in 2000, about 73 percent of the births to teens aged 15–19 occurred outside of marriage.

(B) Nonmarital childbearing continued to increase slightly in 2000, however not at the sharp rates of increase seen in recent decades. The birth rate among unmarried women in 2000 was 3.5 percent lower than its peak reached in 1994, while the proportion of births occurring outside of marriage has remained at approximately 33 percent since 1998.

(C) The negative consequences of out-of-wedlock birth on the mother, the child, the family, and society are well documented. These include increased likelihood of welfare dependency, increased risks of low birth weight, poor cognitive development, child abuse and neglect, and teen parenthood, and decreased likelihood of having an intact marriage during adulthood.

(D) An estimated 23,900,000 children do not live with their biological father. 16,000,000 children live with their mother only. These facts are attributable largely to declining marriage rates, increasing divorce rates, and increasing rates of nonmarital births during the latter part of the 20th century.

(E) There has been a dramatic rise in cohabitation as marriages have declined. Only 40 percent of children of cohabiting couples will see their parents marry. Those who do marry experience a 50 percent higher divorce rate. Children in single-parent households and cohabiting households are at much higher risk of child abuse than children in intact married and stepparent families.

(F) Children who live apart from their biological fathers, on average, are more likely to be poor, experience educational, health, emotional, and psychological problems, be victims of child abuse, engage in criminal behavior, and become involved with the juvenile justice system than their peers who live with their married, biological mother and father. A child living in a single-parent family is nearly 5 times as likely to be poor as a child living in a married-couple family. In married-couple families, the child poverty rate is 8.1 percent, in households headed by a single mother, the poverty rate is 39.7 percent.

(G) Since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, child support collections within the child support enforcement system have grown every year, increasing from $12,000,000,000 in fiscal year 1996 to nearly $19,000,000,000 in fiscal year 2001. The number of paternities established or acknowledged in fiscal year 2002 reached an historic high of over 1,500,000—which includes a nearly 100 percent increase through in-hospital acknowledgement programs to 688,510 in 2000 from 349,356 in 1996. Child support collections were made in over 7,000,000 cases in fiscal year 2000, significantly more than the almost 4,000,000 cases having a collection in 1996.

(3) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 gave States great flexibility in the use of Federal funds to develop innovative programs to help families leave welfare and begin employment and to encourage the formation of 2-parent families.

(A) Total Federal and State TANF expenditures in fiscal year 2000 were $24,000,000,000, up from $22,600,000,000 for the previous year. This increased spending is attributable to significant new investments in supportive

services in the TANF program, such as child care and activities to support work.

(B) Since the welfare reform effort began there has been a dramatic increase in work participation (including employment, community service, and work experience) among welfare recipients, as well as an unprecedented reduction in the caseload because recipients have left welfare for work.

(C) States are making policy choices and investment decisions best suited to the needs of their citizens.

(i) To expand aid to working families, all States disregard a portion of a family's earned income when determining benefit levels.

(ii) Most States increased the limits on countable assets above the former Aid to Families with Dependent Children (AFDC) program. Every State has increased the vehicle asset level above the prior AFDC limit for a family's primary automobile.

(iii) States are experimenting with programs to promote marriage and father involvement. Over half the States have eliminated restrictions on 2-parent families. Many States use TANF, child support, or State funds to support community-based activities to help fathers become more involved in their children's lives or strengthen relationships between mothers and fathers.

(4) Therefore, it is the sense of the Congress that increasing success in moving families from welfare to work, as well as in promoting healthy marriage and other means of improving child well-being, are very important Government interests and the policy contained in part A of title IV of the Social Security Act (as amended by this Act) is intended to serve these ends.

TITLE I—TANF

SEC. 101. PURPOSES.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) in the matter preceding paragraph (1), by striking ''increase'' and inserting ''improve child well-being by increasing'';

(2) in paragraph (1), by inserting ''and services'' after ''assistance'';

(3) in paragraph (2), by striking ''parents on government benefits'' and inserting ''families on government benefits and reduce poverty''; and

(4) in paragraph (4), by striking ''two-parent families'' and inserting ''healthy, 2-parent married families, and encourage responsible fatherhood''.

SEC. 102. FAMILY ASSISTANCE GRANTS.

(a) EXTENSION OF AUTHORITY.—Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended—

(1) by striking ''1996, 1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''2003 through 2007''; and

(2) by inserting ''payable to the State for the fiscal year'' before the period.

(b) STATE FAMILY ASSISTANCE GRANT.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended by striking subparagraphs (B) through (E) and inserting the following:

''(B) STATE FAMILY ASSISTANCE GRANT.—The State family assistance grant payable to a State for a fiscal year shall be the amount that bears the same ratio to the amount specified in subparagraph (C) of this paragraph as the amount required to be paid to the State under this paragraph for fiscal year 2002 (determined without regard to any reduction pursuant to section 412(a)(1)) bears to the total amount required to be paid under this paragraph for fiscal year 2002.

''(C) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2007 $16,566,542,000 for grants under this paragraph.''.

(c) MATCHING GRANTS FOR THE TERRITORIES.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking ''1997 through 2002'' and inserting ''2003 through 2007''.

SEC. 103. PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.

(a) STATE PLANS.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) Encourage equitable treatment of married, 2-parent families under the program referred to in clause (i).''.

(b) HEALTHY MARRIAGE PROMOTION GRANTS; REPEAL OF BONUS FOR REDUCTION OF ILLEGITIMACY RATIO.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

''(2) HEALTHY MARRIAGE PROMOTION GRANTS.—

''(A) AUTHORITY.—The Secretary shall award competitive grants to States, territories, and tribal organizations for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy, married, 2-parent families.

''(B) HEALTHY MARRIAGE PROMOTION ACTIVITIES.—Funds provided under subparagraph (A) shall be used to support any of the following programs or activities:

''(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

''(ii) Education in high schools on the value of marriage, relationship skills, and budgeting.

''(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women and non-married expectant fathers.

''(iv) Pre-marital education and marriage skills training for engaged couples and for couples interested in marriage.

''(v) Marriage enhancement and marriage skills training programs for married couples.

''(vi) Divorce reduction programs that teach relationship skills.

''(vii) Marriage mentoring programs which use married couples as role models and mentors in at-risk communities.

''(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

''(C) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2007 $100,000,000 for grants under this paragraph.''.

(c) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY, 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

''(V) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY, 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—The term 'qualified State expenditures' includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).''.

SEC. 104. SUPPLEMENTAL GRANT FOR POPULATION INCREASES IN CERTAIN STATES.

Section 403(a)(3)(H) (42 U.S.C. 603(a)(3)(H)) is amended—

(1) in the subparagraph heading, by striking ''OF GRANTS FOR FISCAL YEAR 2002'';

(2) in clause (i), by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2002 through 2006'';

(3) in clause (ii), by striking ''2002'' and inserting ''2006''; and

(4) in clause (iii), by striking ''fiscal year 2002'' and inserting ''each of fiscal years 2002 through 2006''.

SEC. 105. BONUS TO REWARD EMPLOYMENT ACHIEVEMENT.

(a) REALLOCATION OF FUNDING.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended—

(1) in the paragraph heading, by striking ''HIGH PERFORMANCE STATES'' and inserting ''EMPLOYMENT ACHIEVEMENT'';

(2) in subparagraph (D)(ii)—

(A) in subclause (I), by striking ''equals $200,000,000'' and inserting ''(other than 2003) equals $200,000,000, and for bonus year 2003 equals $100,000,000''; and

(B) in subclause (II), by striking ''$1,000,000,000'' and inserting ''$900,000,000''; and

(3) in subparagraph (F), by striking ''$1,000,000,000'' and inserting ''$900,000,000''.

(b) BONUS TO REWARD EMPLOYMENT ACHIEVEMENT.—

(1) IN GENERAL.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended by striking subparagraphs (A) through (F) and inserting the following:

''(A) IN GENERAL.—The Secretary shall make a grant pursuant to this paragraph to each State for each bonus year for which the State is an employment achievement State.

''(B) AMOUNT OF GRANT.—

''(i) IN GENERAL.—Subject to clause (ii) of this subparagraph, the Secretary shall determine the amount of the grant payable under this paragraph to an employment achievement State for a bonus year, which shall be based on the performance of the State as determined under subparagraph (D)(i) for the fiscal year that immediately precedes the bonus year.

''(ii) LIMITATION.—The amount payable to a State under this paragraph for a bonus year shall not exceed 5 percent of the State family assistance grant.

''(C) FORMULA FOR MEASURING STATE PERFORMANCE.—

''(i) IN GENERAL.—Subject to clause (ii), not later than October 1, 2003, the Secretary, in consultation with the States, shall develop a formula for measuring State performance in operating the State program funded under this part so as to achieve the goals of employment entry, job retention, and increased earnings from employment for families receiving assistance under the program, as measured on an absolute basis and on the basis of improvement in State performance.

''(ii) SPECIAL RULE FOR BONUS YEAR 2004.—For the purposes of awarding a bonus under this paragraph for bonus year 2004, the Secretary may measure the performance of a State in fiscal year 2003 using the job entry rate, job retention rate, and earnings gain rate components of the formula developed under section 403(a)(4)(C) as in effect immediately before the effective date of this paragraph.

''(D) DETERMINATION OF STATE PERFORMANCE.—For each bonus year, the Secretary shall—

''(i) use the formula developed under subparagraph (C) to determine the performance of each eligible State for the fiscal year that precedes the bonus year; and

''(ii) prescribe performance standards in such a manner so as to ensure that—

''(I) the average annual total amount of grants to be made under this paragraph for each bonus year equals $100,000,000; and

''(II) the total amount of grants to be made under this paragraph for all bonus years equals $500,000,000.

''(E) DEFINITIONS.—In this paragraph:

''(i) BONUS YEAR.—The term 'bonus year' means each of fiscal years 2004 through 2008.

''(ii) EMPLOYMENT ACHIEVEMENT STATE.—The term 'employment achievement State' means, with respect to a bonus year, an eligible State whose performance determined pursuant to subparagraph (D)(i) for the fiscal year preceding the bonus year equals or exceeds the performance standards prescribed under subparagraph (D)(ii) for such preceding fiscal year.

''(F) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 2004 through 2008 $500,000,000 for grants under this paragraph.

''(G) GRANTS FOR TRIBAL ORGANIZATIONS.—This paragraph shall apply with respect to tribal organizations in the same manner in which this paragraph applies with respect to States. In determining the criteria under which to make grants to tribal organizations under this paragraph, the Secretary shall consult with tribal organizations.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2003.

SEC. 106. CONTINGENCY FUND.

(a) DEPOSITS INTO FUND.—Section 403(b)(2) (42 U.S.C. 603(b)(2)) is amended—

(1) by striking ''1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''2003 through 2007''; and

(2) by striking all that follows ''$2,000,000,000'' and inserting a period.

(b) GRANTS.—Section 403(b)(3)(C)(ii) (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking ''fiscal years 1997 through 2002'' and inserting ''fiscal years 2003 through 2007''.

(c) DEFINITION OF NEEDY STATE.—Clauses (i) and (ii) of section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) are amended by inserting after ''1996'' the following: '', and the Food Stamp Act of 1977 as in effect during the corresponding 3-month period in the fiscal year preceding such most recently concluded 3-month period,''.

(d) ANNUAL RECONCILIATION: FEDERAL MATCHING OF STATE EXPENDITURES ABOVE ''MAINTENANCE OF EFFORT'' LEVEL.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended—

(1) in subparagraph (A)(ii)—

(A) by adding ''and'' at the end of subclause (I);

(B) by striking ''; and'' at the end of subclause (II) and inserting a period; and

(C) by striking subclause (III);

(2) in subparagraph (B)(i)(II), by striking all that follows ''section 409(a)(7)(B)(iii))'' and inserting a period;

(3) by amending subparagraph (B)(ii)(I) to read as follows:

''(I) the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the fiscal year; plus''; and

(4) by striking subparagraph (C).

(e) CONSIDERATION OF CERTAIN CHILD CARE EXPENDITURES IN DETERMINING STATE COMPLIANCE WITH CONTINGENCY FUND MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended—

(1) by striking ''(other than the expenditures described in subclause (I)(bb) of that paragraph)) under the State program funded under this part'' and inserting a close parenthesis; and

(2) by striking ''excluding any amount expended by the State for child care under subsection (g) or (i) of section 402 (as in effect during fiscal year 1994) for fiscal year 1994,''.

SEC. 107. USE OF FUNDS.

(a) GENERAL RULES.—Section 404(a)(2) (42 U.S.C. 604(a)(2)) is amended by striking ''in any manner that'' and inserting ''for any purposes or activities for which''.

(b) TREATMENT OF INTERSTATE IMMIGRANTS.—

(1) STATE PLAN PROVISION.—Section 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)) is amended by striking clause (i) and redesignating clauses (ii) through (iv) as clauses (i) through (iii), respectively.

(2) USE OF FUNDS.—Section 404 (42 U.S.C. 604) is amended by striking subsection (c).

(c) INCREASE IN AMOUNT TRANSFERABLE TO CHILD CARE.—Section 404(d)(1) (42 U.S.C. 604(d)(1)) is amended by striking ''30'' and inserting ''50''.

(d) INCREASE IN AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—Section 404(d)(2)(B) (42 U.S.C. 604(d)(2)(B)) is amended to read as follows:

''(B) APPLICABLE PERCENT.—For purposes of subparagraph (A), the applicable percent is 10 percent for fiscal year 2003 and each succeeding fiscal year.''.

(e) CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.—Section 404(e) (42 U.S.C. 604(e)) is amended to read as follows:

''(e) AUTHORITY TO CARRYOVER OR RESERVE CERTAIN AMOUNTS FOR BENEFITS OR SERVICES OR FOR FUTURE CONTINGENCIES.—

''(1) CARRYOVER.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.

''(2) CONTINGENCY RESERVE.—A State or tribe may designate any portion of a grant made to the State or tribe under this part as a contingency reserve for future needs, and may use any amount so designated to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part. If a State or tribe so designates a portion of such a grant, the State shall, on an annual basis, include in its report under section 411(a) the amount so designated.''.

SEC. 108. REPEAL OF FEDERAL LOAN FOR STATE WELFARE PROGRAMS.

(a) REPEAL.—Section 406 (42 U.S.C. 606) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 409(a) (42 U.S.C. 609(a)) is amended by striking paragraph (6).

(2) Section 412 (42 U.S.C. 612) is amended by striking subsection (f) and redesignating subsections (g) through (i) as subsections (f) through (h), respectively.

(3) Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking ''406,''.

SEC. 109. UNIVERSAL ENGAGEMENT AND FAMILY SELF-SUFFICIENCY PLAN REQUIREMENTS.

(a) MODIFICATION OF STATE PLAN REQUIREMENTS.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by striking clauses (ii) and (iii) and inserting the following:

''(ii) Require a parent or caretaker receiving assistance under the program to engage in work or alternative self-sufficiency activities (as defined by the State), consistent with section 407(e)(2).

''(iii) Require families receiving assistance under the program to engage in activities in accordance with family self-sufficiency plans developed pursuant to section 408(b).''.

(b) ESTABLISHMENT OF FAMILY SELF-SUFFICIENCY PLANS.—

(1) IN GENERAL.—Section 408(b) (42 U.S.C. 608(b)) is amended to read as follows:

''(b) FAMILY SELF-SUFFICIENCY PLANS.—

''(1) IN GENERAL.—A State to which a grant is made under section 403 shall—

''(A) assess, in the manner deemed appropriate by the State, of the skills, prior work experience, and employability of each work-eligible individual (as defined in section 407(b)(2)(C)) receiving assistance under the State program funded under this part;

''(B) establish for each family that includes such an individual, in consultation as the State deems appropriate with the individual, a self-sufficiency plan that specifies appropriate activities described in the State plan submitted pursuant to section 402, including direct work activities as appropriate designed to assist the family in achieving their maximum degree of self-sufficiency, and that provides for the ongoing participation of the individual in the activities;

''(C) require, at a minimum, each such individual to participate in activities in accordance with the self-sufficiency plan;

''(D) monitor the participation of each such individual in the activities specified in the self sufficiency plan, and regularly review the progress of the family toward self-sufficiency;

''(E) upon such a review, revise the self-sufficiency plan and activities as the State deems appropriate.

''(2) TIMING.—The State shall comply with paragraph (1) with respect to a family—

''(A) in the case of a family that, as of October 1, 2002, is not receiving assistance from the State program funded under this part, not later than 60 days after the family first receives assistance on the basis of the most recent application for the assistance; or

''(B) in the case of a family that, as of such date, is receiving the assistance, not later than 12 months after the date of enactment of this subsection.

''(3) STATE DISCRETION.—A State shall have sole discretion, consistent with section 407, to define and design activities for families for purposes of this subsection, to develop methods for monitoring and reviewing progress pursuant to this subsection, and to make modifications to the plan as the State deems appropriate to assist the individual in increasing their degree of self-sufficiency.

''(4) RULE OF INTERPRETATION.—Nothing in this part shall preclude a State from requiring participation in work and any other activities the State deems appropriate for helping families achieve self-sufficiency and improving child well-being.''.

(2) PENALTY FOR FAILURE TO ESTABLISH FAMILY SELF-SUFFICIENCY PLAN.—Section 409(a)(3) (42 U.S.C. 609(a)(3)) is amended—

(A) in the paragraph heading, by inserting ''OR ESTABLISH FAMILY SELF-SUFFICIENCY PLAN'' after ''RATES''; and

(B) in subparagraph (A), by inserting ''or 408(b)'' after ''407(a)''.

SEC. 110. WORK PARTICIPATION REQUIREMENTS.

(a) IN GENERAL.—Section 407 (42 U.S.C. 607) is amended by striking all that precedes subsection (b)(3) and inserting the following:

''SEC. 407. WORK PARTICIPATION REQUIREMENTS.

''(a) PARTICIPATION RATE REQUIREMENTS.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

''(1) 50 percent for fiscal year 2003;

''(2) 55 percent for fiscal year 2004;

''(3) 60 percent for fiscal year 2005;

''(4) 65 percent for fiscal year 2006; and

''(5) 70 percent for fiscal year 2007 and each succeeding fiscal year.

''(b) CALCULATION OF PARTICIPATION RATES.—

''(1) AVERAGE MONTHLY RATE.—For purposes of subsection (a), the participation rate of a State for a fiscal year is the average of the participation rates of the State for each month in the fiscal year.

''(2) MONTHLY PARTICIPATION RATES; INCORPORATION OF 40-HOUR WORK WEEK STANDARD.—

''(A) IN GENERAL.—For purposes of paragraph (1), the participation rate of a State for a month is—

''(i) the total number of countable hours (as defined in subsection (c)) with respect to the counted families for the State for the month; divided by

''(ii) 160 multiplied by the number of counted families for the State for the month.

''(B) COUNTED FAMILIES DEFINED.—

''(i) IN GENERAL.—In subparagraph (A), the term 'counted family' means, with respect to a State and a month, a family that includes a work-eligible individual and that receives assistance in the month under the State program funded under this part, subject to clause (ii).

''(ii) STATE OPTION TO EXCLUDE CERTAIN FAMILIES.—At the option of a State, the term 'counted family' shall not include—

''(I) a family in the first month for which the family receives assistance from a State program funded under this part on the basis of the most recent application for such assistance; or

''(II) on a case-by-case basis, a family in which the youngest child has not attained 12 months of age.

''(iii) STATE OPTION TO INCLUDE INDIVIDUALS RECEIVING ASSISTANCE UNDER A TRIBAL FAMILY ASSISTANCE PLAN OR TRIBAL WORK PROGRAM.—At the option of a State, the term 'counted family' may include families in the State that are receiving assistance under a tribal family assistance plan approved under section 412 or under a tribal work program to which funds are provided under this part.

''(C) WORK-ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term 'work-eligible individual' means an individual—

''(i) who is married or a single head of household; and

''(ii) whose needs are (or, but for sanctions under this part that have been in effect for more than 3 months (whether or not consecutive) in the preceding 12 months or under part D, would be) included in determining the amount of cash assistance to be provided to the family under the State program funded under this part.''.

(b) RECALIBRATION OF CASELOAD REDUCTION CREDIT.—Section 407(b)(3)(A)(ii) (42 U.S.C. 607(b)(3)(A)(ii)) is amended to read as follows:

''(ii) the average monthly number of families that received assistance under the State program funded under this part during—

''(I) if the fiscal year is fiscal year 2003, fiscal year 1996;

''(II) if the fiscal year is fiscal year 2004, fiscal year 1998;

''(III) if the fiscal year is fiscal year 2005, fiscal year 2001; or

''(IV) if the fiscal year is fiscal year 2006 or any succeeding fiscal year, the then 4th preceding fiscal year.''.

(c) SUPERACHIEVER CREDIT.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraphs (4) and (5) and inserting the following:

''(4) SUPERACHIEVER CREDIT.—

''(A) IN GENERAL.—The participation rate, determined under paragraphs (1) and (2) of this subsection, of a superachiever State for a fiscal year shall be increased by the lesser of—

''(i) the amount (if any) of the superachiever credit applicable to the State; or

''(ii) the number of percentage points (if any) by which the minimum participation rate required by subsection (a) for the fiscal year exceeds 50 percent.

''(B) SUPERACHIEVER STATE.—For purposes of subparagraph (A), a State is a superachiever State if the State caseload for fiscal year 2001 has declined by at least 60 percent from the State caseload for fiscal year 1995.

''(C) AMOUNT OF CREDIT.—The superachiever credit applicable to a State is the number of percentage points (if any) by which the decline referred to in subparagraph (B) exceeds 60 percent.

''(D) DEFINITIONS.—In this paragraph:

''(i) STATE CASELOAD FOR FISCAL YEAR 2001.—The term 'State caseload for fiscal year 2001' means the average monthly number of families that received assistance during fiscal year 2001 under the State program funded under this part.

''(ii) STATE CASELOAD FOR FISCAL YEAR 1995.—The term 'State caseload for fiscal year 1995' means the average monthly number of families that received aid under the State plan approved under part A (as in effect on September 30, 1995) during fiscal year 1995.''.

(d) COUNTABLE HOURS.—Section 407 of such Act (42 U.S.C. 607) is amended by striking subsections (c) and (d) and inserting the following:

''(c) COUNTABLE HOURS.—

''(1) DEFINITION.—In subsection (b)(2), the term 'countable hours' means, with respect to a family for a month, the total number of hours in the month in which any member of the family who is a work-eligible individual is engaged in a direct work activity or other activities specified by the State (excluding an activity that does not address a purpose specified in section 401(a)), subject to the other provisions of this subsection.

''(2) LIMITATIONS.—Subject to such regulations as the Secretary may prescribe:

''(A) MINIMUM WEEKLY AVERAGE OF 24 HOURS OF DIRECT WORK ACTIVITIES REQUIRED.—If the work-eligible individuals in a family are engaged in a direct work activity for an average total of fewer than 24 hours per week in a month, then the number of countable hours with respect to the family for the month shall be zero.

''(B) MAXIMUM WEEKLY AVERAGE OF 16 HOURS OF OTHER ACTIVITIES.—An average of not more than 16 hours per week of activities specified by the State (subject to the exclusion described in paragraph (1)) may be considered countable hours in a month with respect to a family.

''(3) SPECIAL RULES.—For purposes of paragraph (1):

''(A) PARTICIPATION IN QUALIFIED ACTIVITIES.—

''(i) IN GENERAL.—If, with the approval of the State, the work-eligible individuals in a family are engaged in 1 or more qualified activities for an average total of at least 24 hours per week in a month, then all such engagement in the month shall be considered engagement in a direct work activity, subject to clause (iii).

''(ii) QUALIFIED ACTIVITY DEFINED.—The term 'qualified activity' means an activity specified by the State (subject to the exclusion described in paragraph (1)) that meets such standards and criteria as the State may specify, including—

''(I) substance abuse counseling or treatment;

''(II) rehabilitation treatment and services;

''(III) work-related education or training directed at enabling the family member to work;

''(IV) job search or job readiness assistance; and

''(V) any other activity that addresses a purpose specified in section 401(a).

''(iii) LIMITATION.—

''(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply to a family for more than 3 months in any period of 24 consecutive months.

''(II) SPECIAL RULE APPLICABLE TO EDUCATION AND TRAINING.—A State may, on a case-by-case basis, apply clause (i) to a work-eligible individual so that participation by the individual in education or training, if needed to permit the individual to complete a certificate program or other work-related education or training directed at enabling the individual to fill a known job need in a local area, may be considered countable hours with respect to the family of the individual for not more than 4 months in any period of 24 consecutive months.

''(B) SCHOOL ATTENDANCE BY TEEN HEAD OF HOUSEHOLD.—The work-eligible members of a family shall be considered to be engaged in a direct work activity for an average of 40 hours per week in a month if the family includes an individual who is married, or is a single head of household, who has not attained 20 years of age, and the individual—

''(i) maintains satisfactory attendance at secondary school or the equivalent in the month; or

''(ii) participates in education directly related to employment for an average of at least 20 hours per week in the month.

''(d) DIRECT WORK ACTIVITY.—In this section, the term 'direct work activity' means—

''(1) unsubsidized employment;

''(2) subsidized private sector employment;

''(3) subsidized public sector employment;

''(4) on-the-job training;

''(5) supervised work experience; or

''(6) supervised community service.''.

(e) PENALTIES AGAINST INDIVIDUALS.—Section 407(e)(1) (42 U.S.C. 607(e)(1)) is amended to read as follows:

''(1) REDUCTION OR TERMINATION OF ASSISTANCE.—

''(A) IN GENERAL.—Except as provided in paragraph (2), if an individual in a family receiving assistance under a State program funded under this part fails to engage in activities required in accordance with this section, or other activities required by the State under the program, and the family does not otherwise engage in activities in accordance with the self-sufficiency plan established for the family pursuant to section 408(b), the State shall—

''(i) if the failure is partial or persists for not more than 1 month—

''(I) reduce the amount of assistance otherwise payable to the family pro rata (or more, at the option of the State) with respect to any period during a month in which the failure occurs; or

''(II) terminate all assistance to the family, subject to such good cause exceptions as the State may establish; or

''(ii) if the failure is total and persists for at least 2 consecutive months, terminate all cash payments to the family including qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for at least 1 month and thereafter until the State determines that the individual has resumed full participation in the activities, subject to such good cause exceptions as the State may establish.

''(B) SPECIAL RULE.—In the event of a conflict between a requirement of clause (i)(II) or (ii) of subparagraph (A) and a requirement of a State constitution, or of a State statute that, before 1966, obligated local government to provide assistance to needy parents and children, the State constitutional or statutory requirement shall control.''.

(f) CONFORMING AMENDMENTS.—

(1) Section 407(f) (42 U.S.C. 607(f)) is amended in each of paragraphs (1) and (2) by striking ''work activity described in subsection (d)'' and inserting ''direct work activity''.

(2) The heading of section 409(a)(14) (42 U.S.C. 609(a)(14)) is amended by inserting ''OR REFUSING TO ENGAGE IN ACTIVITIES UNDER A FAMILY SELF-SUFFICIENCY PLAN'' after ''WORK''.

SEC. 111. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A) by striking ''fiscal year 1998, 1999, 2000, 2001, 2002, or 2003'' and inserting ''fiscal year 2003, 2004, 2005, 2006, 2007 or 2008''; and

(2) in subparagraph (B)(ii)—

(A) by inserting ''preceding'' before ''fiscal year''; and

(B) by striking ''for fiscal years 1997 through 2002,''.

(b) STATE SPENDING ON PROMOTING HEALTHY MARRIAGE.—

(1) IN GENERAL.—Section 404 (42 U.S.C. 604) is amended by adding at the end the following:

''(l) MARRIAGE PROMOTION.—A State, territory, or tribal organization to which a grant is made under section 403(a)(2) may use a grant made to the State, territory, or tribal organization under any other provision of section 403 for marriage promotion activities, and the amount of any such grant so used shall be considered State funds for purposes of section 403(a)(2).''.

(2) FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION DISREGARDED FOR PURPOSES OF MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)), as amended by section 103(c) of this Act, is amended by adding at the end the following:

''(VI) EXCLUSION OF FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION ACTIVITIES.—Such term does not include the amount of any grant made to the State under section 403 that is expended for a marriage promotion activity.''.

SEC. 112. PERFORMANCE IMPROVEMENT.

(a) STATE PLANS.—Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by redesignating clause (vi) and clause (vii) (as added by section 103(a) of this Act) as clauses (vii) and (viii), respectively; and

(ii) by striking clause (v) and inserting the following:

''(v) The document shall—

''(I) describe how the State will pursue ending dependence of needy families on government benefits and reducing poverty by promoting job preparation and work;

''(II) describe how the State will encourage the formation and maintenance of healthy 2-parent married families, encourage responsible fatherhood, and prevent and reduce the incidence of out-of-wedlock pregnancies;

''(III) include specific, numerical, and measurable performance objectives for accomplishing subclauses (I) and (II), and with respect to subclause (I), include objectives consistent with the criteria used by the Secretary in establishing performance targets under section 403(a)(4)(B) if available; and

''(IV) describe the methodology that the State will use to measure State performance in relation to each such objective.

''(vi) Describe any strategies and programs the State may be undertaking to address—

''(I) employment retention and advancement for recipients of assistance under the program, including placement into high-demand jobs, and whether the jobs are identified using labor market information;

''(II) efforts to reduce teen pregnancy;

''(III) services for struggling and noncompliant families, and for clients with special problems; and

''(IV) program integration, including the extent to which employment and training services under the program are provided through the One-Stop delivery system created under the Workforce Investment Act of 1998, and the extent to which former recipients of such assistance have access to additional core, intensive, or training services funded through such Act.''; and

(B) in subparagraph (B), by striking clause (iii) (as so redesignated by section 107(b)(1) of this Act) and inserting the following:

''(iii) The document shall describe strategies and programs the State is undertaking to engage religious organizations in the provision of services funded under this part and efforts related to section 104 of the Personal Responsibility and Work Opportunity Reconcilation Act of 1996.

''(iv) The document shall describe strategies to improve program management and performance.''; and

(2) in paragraph (4), by inserting ''and tribal'' after ''that local''.

(b) CONSULTATION WITH STATE REGARDING PLAN AND DESIGN OF TRIBAL PROGRAMS.—Section 412(b)(1) (42 U.S.C. 612(b)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by adding at the end the following:

''(G) provides an assurance that the State in which the tribe is located has been consulted regarding the plan and its design.''.

(c) PERFORMANCE MEASURES.—Section 413 (42 U.S.C. 613) is amended by adding at the end the following:

''(k) PERFORMANCE IMPROVEMENT.—The Secretary, in consultation with the States, shall develop uniform performance measures designed to assess the degree of effectiveness, and the degree of improvement, of State programs funded under this part in accomplishing the purposes of this part.''.

(d) ANNUAL RANKING OF STATES.—Section 413(d)(1) (42 U.S.C. 613(d)(1)) is amended by striking ''long-term private sector jobs'' and inserting ''private sector jobs, the success of the recipients in retaining employment, the ability of the recipients to increase their wages''.

SEC. 113. DATA COLLECTION AND REPORTING.

(a) CONTENTS OF REPORT.— Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in clause (vii), by inserting ''and minor parent'' after ''of each adult'';

(2) in clause (viii), by striking ''and educational level'';

(3) in clause (ix), by striking '', and if the latter 2, the amount received'';

(4) in clause (x)—

(A) by striking ''each type of''; and

(B) by inserting before the period ''and, if applicable, the reason for receipt of the assistance for a total of more than 60 months'';

(5) in clause (xi), by striking the subclauses and inserting the following:

''(I) Subsidized private sector employment.

''(II) Unsubsidized employment.

''(III) Public sector employment, supervised work experience, or supervised community service.

''(IV) On-the-job training.

''(V) Job search and placement.

''(VI) Training.

''(VII) Education.

''(VIII) Other activities directed at the purposes of this part, as specified in the State plan submitted pursuant to section 402.'';

(6) in clause (xii), by inserting ''and progress toward universal engagement'' after ''participation rates'';

(7) in clause (xiii), by striking ''type and'' before ''amount of assistance'';

(8) in clause (xvi), by striking subclause (II) and redesignating subclauses (III) through (V) as subclauses (II) through (IV), respectively; and

(9) by adding at the end the following:

''(xviii) The date the family first received assistance from the State program on the basis of the most recent application for such assistance.

''(xix) Whether a self-sufficiency plan is established for the family in accordance with section 408(b).

''(xx) With respect to any child in the family, the marital status of the parents at the birth of the child, and if the parents were not then married, whether the paternity of the child has been established.''.

(b) USE OF SAMPLES.—Section 411(a)(1)(B) (42 U.S.C. 611(a)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking ''a sample'' and inserting ''samples''; and

(B) by inserting before the period '', except that the Secretary may designate core data elements that must be reported on all families''; and

(2) in clause (ii), by striking ''funded under this part'' and inserting ''described in subparagraph (A)''.

(c) REPORT ON FAMILIES THAT BECOME INELIGIBLE TO RECEIVE ASSISTANCE.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraph (6) as paragraph (5); and

(3) by inserting after paragraph (5) (as so redesignated) the following:

''(6) REPORT ON FAMILIES THAT BECOME INELIGIBLE TO RECEIVE ASSISTANCE.—The report required by paragraph (1) for a fiscal quarter shall include for each month in the quarter the number of families and total number of individuals that, during the month, became ineligible to receive assistance under the State program funded under this part (broken down by the number of families that become so ineligible due to earnings, changes in family composition that result in increased earnings, sanctions, time limits, or other specified reasons).''.

(d) REGULATIONS.—Section 411(a)(7) (42 U.S.C. 611(a)(7)) is amended—

(1) by inserting ''and to collect the necessary data'' before ''with respect to which reports'';

(2) by striking ''subsection'' and inserting ''section''; and

(3) by striking ''in defining the data elements'' and all that follows and inserting '', the National Governors' Association, the American Public Human Services Association, the National Conference of State Legislatures, and others in defining the data elements.''.

(e) ADDITIONAL REPORTS BY STATES.—Section 411 (42 U.S.C. 611) is amended—

(1) by redesignating subsection (b) as subsection (e); and

(2) by inserting after subsection (a) the following:

''(b) ANNUAL REPORTS ON PROGRAM CHARACTERISTICS.—Not later than 90 days after the end of fiscal year 2004 and each succeeding fiscal year, each eligible State shall submit to the Secretary a report on the characteristics of the State program funded under this part and other State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)). The report shall include, with respect to each such program, the program name, a description of program activities, the program purpose, the program eligibility criteria, the sources of program funding, the number of program beneficiaries, sanction policies, and any program work requirements.

''(c) MONTHLY REPORTS ON CASELOAD.—Not later than 3 months after the end of a calendar month that begins 1 year or more after the enactment of this subsection, each eligible State shall submit to the Secretary report on the number of families and total number of individuals receiving assistance in the calendar month under the State program funded under this part.

''(d) ANNUAL REPORT ON PERFORMANCE IMPROVEMENT.—Beginning with fiscal year 2004, not later than January 1 of each fiscal year, each eligible State shall submit to the Secretary a report on achievement and improvement during the preceding fiscal year under the numerical performance goals and measures under the State program funded under this part with respect to each of the matters described in section 402(a)(1)(A)(v).''.

(f) ANNUAL REPORTS TO CONGRESS BY THE SECRETARY.—Section 411(e), as so redesignated by subsection (e) of this section, is amended—

(1) in the matter preceding paragraph (1), by striking ''and each fiscal year thereafter'' and inserting ''and by July 1 of each fiscal year thereafter'';

(2) in paragraph (2), by striking ''families applying for assistance,'' and by striking the last comma; and

(3) in paragraph (3), by inserting ''and other programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))'' before the semicolon.

(g) INCREASED ANALYSIS OF STATE SINGLE AUDIT REPORTS.—Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

''(f) INCREASED ANALYSIS OF STATE SINGLE AUDIT REPORTS.—

''(1) IN GENERAL.—Within 3 months after a State submits to the Secretary a report pursuant to section 7502(a)(1)(A) of title 31, United States Code, the Secretary shall analyze the report for the purpose of identifying the extent and nature of problems related to the oversight by the State of nongovernmental entities with respect to contracts entered into by such entities with the State program funded under this part, and determining what additional actions may be appropriate to help prevent and correct the problems.

''(2) INCLUSION OF PROGRAM OVERSIGHT SECTION IN ANNUAL REPORT TO THE CONGRESS.—The Secretary shall include in each report under subsection (a) a section on oversight of State programs funded under this part, including findings on the extent and nature of the problems referred to in paragraph (1), actions taken to resolve the problems, and to the extent the Secretary deems appropriate make recommendations on changes needed to resolve the problems.''.

SEC. 114. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) TRIBAL FAMILY ASSISTANCE GRANT.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)) is amended by striking ''1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''2003 through 2007''.

(b) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)) is amended by striking ''1997, 1998, 1999, 2000, 2001, and 2002'' and inserting ''2003 through 2007''.

SEC. 115. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

(a) SECRETARY'S FUND FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—Section 413 (42 U.S.C. 613), as amended by section 112(c) of this Act, is further amended by adding at the end the following:

''(1) FUNDING FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—

''(1) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $102,000,000 for each of fiscal years 2003 through 2007, which shall be available to the Secretary for the purpose of conducting and supporting research and demonstration projects by public or private entities, and providing technical assistance to States, Indian tribal organizations, and such other entities as the Secretary may specify that are receiving a grant under this part, which shall be expended primarily on activities described in section 403(a)(2)(B), and which shall be in addition to any other funds made available under this part.

''(2) SET ASIDE FOR DEMONSTRATION PROJECTS FOR COORDINATION OF PROVISION OF CHILD WELFARE AND TANF SERVICES TO TRIBAL FAMILIES AT RISK OF CHILD ABUSE OR NEGLECT.—

''(A) IN GENERAL.—Of the amounts made available under paragraph (1) for a fiscal year, $2,000,000 shall be awarded on a competitive basis to fund demonstration projects designed to test the effectiveness of tribal governments or tribal consortia in coordinating the provision to tribal families at risk of child abuse or neglect of child welfare services and services under tribal programs funded under this part.

''(B) USE OF FUNDS.—A grant made to such a project shall be used—

''(i) to improve case management for families eligible for assistance from such a tribal program;

''(ii) for supportive services and assistance to tribal children in out-of-home placements and the tribal families caring for such children, including families who adopt such children; and

''(iii) for prevention services and assistance to tribal families at risk of child abuse and neglect.

''(C) REPORTS.—The Secretary may require a recipient of funds awarded under this paragraph to provide the Secretary with such information as the Secretary deems relevant to enable the Secretary to facilitate and oversee the administration of any project for which funds are provided under this paragraph.''.

(b) FUNDING OF STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended in the matter preceding subparagraph (A) by striking ''1997 through 2002'' and inserting ''2003 through 2007''.

(c) REPORT ON ENFORCEMENT OF CERTAIN AFFIDAVITS OF SUPPORT AND SPONSOR DEEMING.—Not later than March 31, 2004, the Secretary of Health and Human Services, in consultation with the Attorney General, shall submit to the Congress a report on the enforcement of affidavits of support and sponsor deeming as required by section 421, 422, and 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(d) REPORT ON COORDINATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit a report to the Congress describing common or conflicting data elements, definitions, performance measures, and reporting requirements in the Workforce Investment Act of 1998 and part A of title IV of the Social Security Act, and, to the degree each Secretary deems appropriate, at the discretion of either Secretary, any other program administered by the respective Secretary, to allow greater coordination between the welfare and workforce development systems.

SEC. 116. STUDIES BY THE CENSUS BUREAU AND THE GENERAL ACCOUNTING OFFICE.

(a) CENSUS BUREAU STUDY.—

(1) IN GENERAL.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

''(a) IN GENERAL.—The Bureau of the Census shall implement a new longitudinal survey of program dynamics, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples. The content of the survey should include such information as may be necessary to examine the issues of out-of-wedlock childbearing, marriage, welfare dependency and compliance with work requirements, the beginning and ending of spells of assistance, work, earnings and employment stability, and the well-being of children.''.

(2) APPROPRIATION.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking ''1996,'' and all that follows through ''2002'' and inserting ''2003 through 2007''.

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the combined effect of the phase-out rates for Federal programs and policies which provide support to low-income families and individuals as they move from welfare to work, at all earning levels up to $35,000 per year, for at least 5 States including Wisconsin and California, and any potential disincentives the combined phase-out rates create for families to achieve independence or to marry.

(2) REPORT.—Not later than 1 year after the date of the enactment of this subsection, the Comptroller General shall submit a report to Congress containing the results of the study conducted under this section and, as appropriate, any recommendations consistent with the results.

SEC. 117. DEFINITION OF ASSISTANCE.

(a) IN GENERAL.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

''(6) ASSISTANCE.—

''(A) IN GENERAL.—The term 'assistance' means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

''(B) EXCEPTION.—The term 'assistance' does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State in accordance with regulations prescribed by the Secretary).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking ''assistance'' and inserting ''aid''.

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking ''assistance'' and inserting ''benefits or services''.

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(B)(i)) is amended in the heading by striking ''ASSISTANCE'' and inserting ''AID''.

(4) Section 413(d)(2) (42 U.S.C. 613(d)(2)) is amended by striking ''assistance'' and inserting ''aid''.

SEC. 118. TECHNICAL CORRECTIONS.

(a) Section 409(c)(2) (42 U.S.C. 609(c)(2)) is amended by inserting a comma after ''appropriate''.

(b) Section 411(a)(1)(A)(ii)(III) (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

(c) Section 413(j)(2)(A) (42 U.S.C. 613(j)(2)(A)) is amended by striking ''section'' and inserting ''sections''.

(d)(1) Section 413 (42 U.S.C. 613) is amended by striking subsection (g) and redesignating subsections (h) through (j) and subsections (k) and (l) (as added by sections 112(c) and 115(a) of this Act, respectively) as subsections (g) through (k), respectively.

(2) Each of the following provisions is amended by striking ''413(j)'' and inserting ''413(i)'':

(A) Section 403(a)(5)(A)(ii)(III) (42 U.S.C. 603(a)(5)(A)(ii)(III)).

(B) Section 403(a)(5)(F) (42 U.S.C. 603(a)(5)(F)).

(C) Section 403(a)(5)(G)(ii) (42 U.S.C. 603(a)(5)(G)(ii)).

(D) Section 412(a)(3)(B)(iv) (42 U.S.C. 612(a)(3)(B)(iv)).

SEC. 119. FATHERHOOD PROGRAM.

(a) SHORT TITLE.—This section may be cited as the ''Promotion and Support of Responsible Fatherhood and Healthy Marriage Act of 2002''.

(b) FATHERHOOD PROGRAM.—

(1) IN GENERAL.—Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended by adding at the end the following:

"SEC. 117. FATHERHOOD PROGRAM.

''(a) IN GENERAL.—Title IV (42 U.S.C. 601–679b) is amended by inserting after part B the following:

"'PART C—FATHERHOOD PROGRAM

"'SEC. 441. FINDINGS AND PURPOSES.

'''(a) FINDINGS.—The Congress finds that there is substantial evidence strongly indicating the urgent need to promote and support involved, committed, and responsible fatherhood, and to encourage and support healthy marriages between parents raising children, including data demonstrating the following:

'''(1) In approximately 90 percent of cases where a parent is absent, that parent is the father.

'''(2) By some estimates, 60 percent of children born in the 1990's will spend a significant portion of their childhood in a home without a father.

'''(3) Nearly 75 percent of children in single-parent homes will experience poverty before they are 11 years old, compared with only 20 percent of children in 2-parent families.

'''(4) Low income is positively correlated with children's difficulties with education, social adjustment, and delinquency, and single-parent households constitute a disproportionate share of low-income households.

'''(5) Where families (whether intact or with a parent absent) are living in poverty, a significant factor is the father's lack of job skills.

'''(6) Children raised in 2-parent married families, on average, fare better as a group in key areas, including better school performance, reduced rates of substance abuse, crime, and delinquency, fewer health, emotional, and behavioral problems, lower rates of teenage sexual activity, less risk of abuse or neglect, and lower risk of teen suicide.

'''(7) Committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills.

'''(8) An estimated 24,000,000 children (33.5 percent) live apart from their biological father.

'''(9) A recent national survey indicates that of all children under age 18 not living with their biological father, 29 percent had not seen their father even once in the last 12 months.

'''(b) PURPOSES.—The purposes of this part are:

'''(1) To provide for projects and activities by public entities and by nonprofit community entities, including religious organizations, designed to test promising approaches to accomplishing the following objectives:

'''(A) Promoting responsible, caring, and effective parenting through counseling, mentoring, and parenting education, dissemination of educational materials and information on parenting skills, encouragement of positive father involvement, including the positive involvement of nonresident fathers, and other methods.

'''(B) Enhancing the abilities and commitment of unemployed or low-income fathers to provide material support for their families and to avoid or leave welfare programs by assisting them to take full advantage of education, job training, and job search programs, to improve work habits and work skills, to secure career advancement by activities such as outreach and information dissemination, coordination, as appropriate, with employment services and job training programs, including the One-Stop delivery system established under title I of the Workforce Investment Act of 1998, encouragement and support of timely payment of current child support and regular payment toward past due child support obligations in appropriate cases, and other methods.

'''(C) Improving fathers' ability to effectively manage family business affairs by means such as education, counseling, and mentoring in matters including household management, budgeting, banking, and handling of financial transactions, time management, and home maintenance.

'''(D) Encouraging and supporting healthy marriages and married fatherhood through such activities as premarital education, including the use of premarital inventories, marriage preparation programs, skills-based marriage education programs, marital therapy, couples counseling, divorce education and reduction programs, divorce mediation and counseling, relationship skills enhancement programs, including those designed to reduce child abuse and domestic violence, and dissemination of information about the benefits of marriage for both parents and children.

'''(2) Through the projects and activities described in paragraph (1), to improve outcomes for children with respect to measures such as increased family income and economic security, improved school performance, better health, improved emotional and behavioral stability and social adjustment, and reduced risk of delinquency, crime, substance abuse, child abuse and neglect, teen sexual activity, and teen suicide.

'''(3) To evaluate the effectiveness of various approaches and to disseminate findings concerning outcomes and other information in order to encourage and facilitate the replication of effective approaches to accomplishing these objectives.

"'SEC. 442. DEFINITIONS.

''In this part, the terms ''Indian tribe'' and ''tribal organization'' have the meanings given them in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act.

"'SEC. 443. COMPETITIVE GRANTS FOR SERVICE PROJECTS.

'''(a) IN GENERAL.—The Secretary may make grants for fiscal years 2003 through 2007 to public and nonprofit community entities, including religious organizations, and to Indian tribes and tribal organizations, for demonstration service projects and activities designed to test the effectiveness of various approaches to accomplish the objectives specified in section 441(b)(1).

'''(b) ELIGIBILITY CRITERIA FOR FULL SERVICE GRANTS.—In order to be eligible for a grant under this section, except as specified in subsection (c), an entity shall submit an application to the Secretary containing the following:

'''(1) PROJECT DESCRIPTION.—A statement including—

'''(A) a description of the project and how it will be carried out, including the geographical area to be covered and the number and characteristics of clients to be served, and how it will address each of the 4 objectives specified in section 441(b)(1); and

'''(B) a description of the methods to be used by the entity or its contractor to assess the extent to which the project was successful in accomplishing its specific objectives and the general objectives specified in section 441(b)(1).

'''(2) EXPERIENCE AND QUALIFICATIONS.—A demonstration of ability to carry out the project, by means such as demonstration of experience in successfully carrying out projects of similar design and scope, and such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

'''(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

'''(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

'''(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs under parts A, B, and D of this title, including programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

'''(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

'''(7) SELF-INITIATED EVALUATION.—If the entity elects to contract for independent evaluation of the project (part or all of the cost of which may be paid for using grant funds), a commitment to submit to the Secretary a copy of the evaluation report within 30 days after completion of the report and not more than 1 year after completion of the project.

'''(8) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including random assignment of clients to service recipient and control groups, if determined by the Secretary to be appropriate, and affording the Secretary access to the project and to project-related records and documents, staff, and clients.

'''(c) ELIGIBILITY CRITERIA FOR LIMITED PURPOSE GRANTS.—In order to be eligible for a grant under this section in an amount under $25,000 per fiscal year, an entity shall submit an application to the Secretary containing the following:

'''(1) PROJECT DESCRIPTION.—A description of the project and how it will be carried out, including the number and characteristics of clients to be served, the proposed duration of the project, and how it will address at least 1 of the 4 objectives specified in section 441(b)(1).

'''(2) QUALIFICATIONS.—Such information as the Secretary may require as to the capacity of the entity to carry out the project, including any previous experience with similar activities.

'''(3) COORDINATION WITH RELATED PROGRAMS.—As required by the Secretary in appropriate cases, an undertaking to coordinate and cooperate with State and local entities responsible for specific programs relating to the objectives of the project including, as appropriate, jobs programs and programs serving children and families.

'''(4) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find

necessary for purposes of oversight of project activities and expenditures.

''(5) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

''(d) CONSIDERATIONS IN AWARDING GRANTS.—

''(1) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall seek to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban and in rural areas, and entities employing differing methods of achieving the purposes of this section, including working with the State agency responsible for the administration of part D to help fathers satisfy child support arrearage obligations.

''(2) PREFERENCE FOR PROJECTS SERVING LOW-INCOME FATHERS.—In awarding grants under this section, the Secretary may give preference to applications for projects in which a majority of the clients to be served are low-income fathers.

''(e) FEDERAL SHARE.—

''(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for a share of the cost of such project in such fiscal year equal to—

''(A) up to 80 percent (or up to 90 percent, if the entity demonstrates to the Secretary's satisfaction circumstances limiting the entity's ability to secure non-Federal resources) in the case of a project under subsection (b); and

''(B) up to 100 percent, in the case of a project under subsection (c).

''(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

''SEC. 444. MULTICITY, MULTISTATE DEMONSTRATION PROJECTS.

''(a) IN GENERAL.—The Secretary may make grants under this section for fiscal years 2003 through 2007 to eligible entities (as specified in subsection (b)) for 2 multicity, multistate projects demonstrating approaches to achieving the objectives specified in section 441(b)(1). One of the projects shall test the use of married couples to deliver program services.

''(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section must be a national nonprofit fatherhood promotion organization that meets the following requirements:

''(1) EXPERIENCE WITH FATHERHOOD PROGRAMS.—The organization must have substantial experience in designing and successfully conducting programs that meet the purposes described in section 441.

''(2) EXPERIENCE WITH MULTICITY, MULTISTATE PROGRAMS AND GOVERNMENT COORDINATION.—The organization must have experience in simultaneously conducting such programs in more than 1 major metropolitan area in more than 1 State and in coordinating such programs, where appropriate, with State and local government agencies and private, nonprofit agencies (including community-based and religious organizations), including State or local agencies responsible for child support enforcement and workforce development.

''(c) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, an entity must submit to the Secretary an application that includes the following:

''(1) QUALIFICATIONS.—

''(A) ELIGIBLE ENTITY.—A demonstration that the entity meets the requirements of subsection (b).

''(B) OTHER.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

''(2) PROJECT DESCRIPTION.—A description of and commitments concerning the project design, including the following:

''(A) IN GENERAL.—A detailed description of the proposed project design and how it will be carried out, which shall—

''(i) provide for the project to be conducted in at least 3 major metropolitan areas;

''(ii) state how it will address each of the 4 objectives specified in section 441(b)(1);

''(iii) demonstrate that there is a sufficient number of potential clients to allow for the random selection of individuals to participate in the project and for comparisons with appropriate control groups composed of individuals who have not participated in such projects; and

''(iv) demonstrate that the project is designed to direct a majority of project resources to activities serving low-income fathers (but the project need not make services available on a means-tested basis).

''(B) OVERSIGHT, EVALUATION, AND ADJUSTMENT COMPONENT.—An agreement that the entity—

''(i) in consultation with the evaluator selected pursuant to section 445, and as required by the Secretary, will modify the project design, initially and (if necessary) subsequently throughout the duration of the project, in order to facilitate ongoing and final oversight and evaluation of project operation and outcomes (by means including, to the maximum extent feasible, random assignment of clients to service recipient and control groups), and to provide for mid-course adjustments in project design indicated by interim evaluations;

''(ii) will submit to the Secretary revised descriptions of the project design as modified in accordance with clause (i); and

''(iii) will cooperate fully with the Secretary's ongoing oversight and ongoing and final evaluation of the project, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

''(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

''(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

''(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs funded under parts A, B, and D of this title, programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

''(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits (in addition to those required under the preceding provisions of paragraph (2)) as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

''(d) FEDERAL SHARE.—

''(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for up to 80 percent of the cost of such project in such fiscal year.

''(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

''SEC. 445. EVALUATION.

''(a) IN GENERAL.—The Secretary, directly or by contract or cooperative agreement, shall evaluate the effectiveness of service projects funded under sections 443 and 444 from the standpoint of the purposes specified in section 441(b)(1).

''(b) EVALUATION METHODOLOGY.—Evaluations under this section shall—

''(1) include, to the maximum extent feasible, random assignment of clients to service delivery and control groups and other appropriate comparisons of groups of individuals receiving and not receiving services;

''(2) describe and measure the effectiveness of the projects in achieving their specific project goals; and

''(3) describe and assess, as appropriate, the impact of such projects on marriage, parenting, domestic violence, child abuse and neglect, money management, employment and earnings, payment of child support, and child well-being, health, and education.

''(c) EVALUATION REPORTS.—The Secretary shall publish the following reports on the results of the evaluation:

''(1) An implementation evaluation report covering the first 24 months of the activities under this part to be completed by 36 months after initiation of such activities.

''(2) A final report on the evaluation to be completed by September 30, 2010.

''SEC. 446. PROJECTS OF NATIONAL SIGNIFICANCE.

''The Secretary is authorized, by grant, contract, or cooperative agreement, to carry out projects and activities of national significance relating to fatherhood promotion, including—

''(1) COLLECTION AND DISSEMINATION OF INFORMATION.—Assisting States, communities, and private entities, including religious organizations, in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, developing, and making available (through the Internet and by other means) to all interested parties information regarding approaches to accomplishing the objectives specified in section 441(b)(1).

''(2) MEDIA CAMPAIGN.—Developing, promoting, and distributing to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that promotes and encourages involved, committed, and responsible fatherhood and married fatherhood.

''(3) TECHNICAL ASSISTANCE.—Providing technical assistance, including consultation and training, to public and private entities, including community organizations and faith-based organizations, in the implementation of local fatherhood promotion programs.

''(4) RESEARCH.—Conducting research related to the purposes of this part.

''SEC. 447. NONDISCRIMINATION.

''The projects and activities assisted under this part shall be available on the

same basis to all fathers and expectant fathers able to benefit from such projects and activities, including married and unmarried fathers and custodial and noncustodial fathers, with particular attention to low-income fathers, and to mothers and expectant mothers on the same basis as to fathers.

''SEC. 448. AUTHORIZATION OF APPROPRIATIONS; RESERVATION FOR CERTAIN PURPOSE.

''(a) AUTHORIZATION.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2003 through 2007 to carry out the provisions of this part.

''(b) RESERVATION.—Of the amount appropriated under this section for each fiscal year, not more than 15 percent shall be available for the costs of the multicity, multicounty, multistate demonstration projects under section 444, evaluations under section 445, and projects of national significance under section 446.'.

''(b) INAPPLICABILITY OF EFFECTIVE DATE PROVISIONS.—Section 116 shall not apply to the amendment made by subsection (a) of this section.''.

(2) CLERICAL AMENDMENT.—Section 2 of such Act is amended in the table of contents by inserting after the item relating to section 116 the following new item:

''Sec. 117. Fatherhood program.''.

SEC. 120. STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.

Section 408 of the Social Security Act (42 U.S.C. 608) is amended by adding at the end the following:

''(h) STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.—For purposes of section 121(b) of the Workforce Investment Act of 1998, a State program funded under part A of title IV of the Social Security Act shall be considered a program referred to in paragraph (1)(B) of such section, unless, after the date of the enactment of this subsection, the Governor of the State notifies the Secretaries of Health and Human Services and Labor in writing of the decision of the Governor not to make the State program a mandatory partner.''.

SEC. 121. SENSE OF THE CONGRESS.

It is the sense of the Congress that a State welfare-to-work program should include a mentoring program.

TITLE II—CHILD CARE

SEC. 201. SHORT TITLE.

This title may be cited as the ''Caring for Children Act of 2002''.

SEC. 202. GOALS.

(a) GOALS.—Section 658A(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended—

(1) in paragraph (3) by striking ''encourage'' and inserting ''assist'',

(2) by amending paragraph (4) to read as follows:

''(4) to assist State to provide child care to low-income parents;'',

(3) by redesignating paragraph (5) as paragraph (7), and

(4) by inserting after paragraph (4) the following:

''(5) to encourage States to improve the quality of child care available to families;

''(6) to promote school readiness by encouraging the exposure of young children in child care to nurturing environments and developmentally-appropriate activities, including activities to foster early cognitive and literacy development; and''.

(b) CONFORMING AMENDMENT.—Section 658E(c)(3)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)(B)) is amended by striking ''through (5)'' and inserting ''through (7)''.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking ''is'' and inserting ''are'', and

(2) by striking ''$1,000,000,000 for each of the fiscal years 1996 through 2002'' and inserting ''$2,300,000,000 for fiscal year 2003, $2,500,000,000 for fiscal year 2004, $2,700,000,000 for fiscal year 2005, $2,900,000,000 for fiscal year 2006, and $3,100,000,000 for fiscal year 2007''.

SEC. 204. APPLICATION AND PLAN.

Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858C(c)(2)) is amended—

(1) by amending subparagraph (D) to read as follows:

''(D) CONSUMER AND CHILD CARE PROVIDER EDUCATION INFORMATION.—Certify that the State will collect and disseminate, through resource and referral services and other means as determined by the State, to parents of eligible children, child care providers, and the general public, information regarding—

''(i) the promotion of informed child care choices, including information about the quality and availability of child care services;

''(ii) research and best practices on children's development, including early cognitive development;

''(iii) the availability of assistance to obtain child care services; and

''(iv) other programs for which families that receive child care services for which financial assistance is provided under this subchapter may be eligible, including the food stamp program, the WIC program under section 17 of the Child Nutrition Act of 1966, the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act, and the medicaid and CHIP programs under titles XIX and XXI of the Social Security Act.'', and

(2) by inserting after subparagraph (H) the following:

''(I) COORDINATION WITH OTHER EARLY CHILD CARE SERVICES AND EARLY CHILDHOOD EDUCATION PROGRAMS.—Demonstrate how the State is coordinating child care services provided under this subchapter with Head Start, Early Reading First, Even Start, Ready-To-Learn Television, State pre-kindergarten programs, and other early childhood education programs to expand accessibility to and continuity of care and early education without displacing services provided by the current early care and education delivery system.

''(J) PUBLIC-PRIVATE PARTNERSHIPS.—Demonstrate how the State encourages partnerships with private and other public entities to leverage existing service delivery systems of early childhood education and increase the supply and quality of child care services.

''(K) CHILD CARE SERVICE QUALITY.—

''(i) CERTIFICATION.—For each fiscal year after fiscal year 2003, certify that during the then preceding fiscal year the State was in compliance with section 658G and describe how funds were used to comply with such section during such preceding fiscal year.

''(ii) STRATEGY.—For each fiscal year after fiscal year 2003, contain an outline of the strategy the State will implement during such fiscal year for which the State plan is submitted, to address the quality of child care services in child care settings that provide services for which assistance is made available under this subchapter, and include in such strategy—

''(I) a statement specifying how the State will address the activities described in paragraphs (1), (2), and (3) of section 658G;

''(II) a description of quantifiable, objective measures for evaluating the quality of child care services separately with respect to the activities listed in each of such paragraphs that the State will use to evaluate its progress in improving the quality of such child care services;

''(III) a list of State-developed child care service quality targets for such fiscal year quantified on the basis of such measures; and

''(IV) for each fiscal year after fiscal year 2003, a report on the progress made to achieve such targets during the then preceding fiscal year.

''(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to require that the State apply measures for evaluating quality to specific types of child care providers.

''(L) ACCESS TO CARE FOR CERTAIN POPULATIONS.—Demonstrate how the State is addressing the child care needs of parents eligible for child care services for which financial assistance is provided under this subchapter who have children with special needs, work nontraditional hours, or require child care services for infants or toddlers.''.

SEC. 205. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

''SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE SERVICES.

''A State that receives funds to carry out this subchapter for a fiscal year, shall use not less than 6 percent of the amount of such funds for activities provided through resource and referral services or other means, that are designed to improve the quality of child care services for which financial assistance is made available under this subchapter. Such activities include—

''(1) programs that provide training, education, and other professional development activities to enhance the skills of the child care workforce, including training opportunities for caregivers in informal care settings;

''(2) activities within child care settings to enhance early learning for young children, to promote early literacy, and to foster school readiness;

''(3) initiatives to increase the retention and compensation of child care providers, including tiered reimbursement rates for providers that meet quality standards as defined by the State; or

''(4) other activities deemed by the State to improve the quality of child care services provided in such State.''.

SEC. 206. REPORT BY SECRETARY.

Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended to read as follows:

''SEC. 658L. REPORT BY SECRETARY.

''(a) REPORT REQUIRED.—Not later than October 1, 2004, and biennially thereafter, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the following:

''(1) A summary and analysis of the data and information provided to the Secretary in the State reports submitted under section 658K.

''(2) Aggregated statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs.

''(3) An assessment, and where appropriate, recommendations for the Congress concerning efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States.

''(b) COLLECTION OF INFORMATION.—The Secretary may utilize the national child care data system available through resource and referral organizations at the local, State, and national level to collect the information required by subsection (a)(2).

SEC. 207. DEFINITIONS.

Section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858N(4)(B)) is amended by striking ''85 percent of the State median income'' and inserting ''income levels as established by the State, prioritized by need,''.

SEC. 208. ENTITLEMENT FUNDING.

Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by adding at the end the following:

''(G) $2,917,000,000 for each of fiscal years 2003 through 2007.''.

TITLE III—TAXPAYER PROTECTIONS

SEC. 301. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 139 the following new section:

''SEC. 139A. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

''(a) IN GENERAL.—In the case of an individual, gross income shall not include interest paid under section 6611 on any overpayment of tax imposed by this subtitle.

''(b) EXCEPTION.—Subsection (a) shall not apply in the case of a failure to claim items resulting in the overpayment on the original return if the Secretary determines that the principal purpose of such failure is to take advantage of subsection (a).

''(c) SPECIAL RULE FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME.—For purposes of this title, interest not included in gross income under subsection (a) shall not be treated as interest which is exempt from tax for purposes of sections 32(i)(2)(B) and 6012(d) or any computation in which interest exempt from tax under this title is added to adjusted gross income.''.

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139 the following new item:

''Sec. 139A. Exclusion from gross income for interest on overpayments of income tax by individuals.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received after December 31, 2006.

SEC. 302. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) IN GENERAL.—Subchapter A of chapter 67 of the Internal Revenue Code of 1986 (relating to interest on underpayments) is amended by adding at the end the following new section:

''SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

''(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

''(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

''(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

''(d) PAYMENT OF INTEREST.—

''(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

''(2) DISPUTABLE TAX.—

''(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

''(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

''(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

''(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

''(i) has a reasonable basis for its treatment of such item, and

''(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

''(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

''(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

''(e) USE OF DEPOSITS.—

''(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

''(2) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.''.

(b) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 of such Code is amended by adding at the end the following new item:

''Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.''.

(c) EFFECTIVE DATE.—

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

(2) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 303. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(A) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(B) by inserting ''full or partial'' after ''facilitate''.

(2) Section 6159(c) of such Code (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(b) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

TITLE IV—CHILD SUPPORT

SEC. 401. FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)) is amended—

(1) in paragraph (1)(A), by inserting ''subject to paragraph (7)'' before the semicolon; and

(2) by adding at the end the following:

''(7) FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.—Notwithstanding paragraph (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected during a month on behalf of a family that is a recipient of assistance under the State program funded under part A, to the extent that—

''(A) the State distributes the amount to the family;

''(B) the total of the amounts so distributed to the family during the month—

''(i) exceeds the amount (if any) that, as of December 31, 2001, was required under State law to be distributed to a family under paragraph (1)(B); and

''(ii) does not exceed the greater of—

''(I) $100; or

''(II) $50 plus the amount described in clause (i); and

''(C) the amount is disregarded in determining the amount and type of assistance provided to the family under the State program funded under part A.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2004.

SEC. 402. STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.

(a) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)), as amended by section 401(a) of this Act, is amended—

(1) in paragraph (2)(B), in the matter preceding clause (i), by inserting '', except as provided in paragraph (8),'' after ''shall''; and

(2) by adding at the end the following:

''(8) STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.—In lieu of applying paragraph (2) to any family described in paragraph (2), a State may distribute to the family any amount collected during a month on behalf of the family.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2004.

SEC. 403. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 466(a)(10)(A)(i) (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking ''parent, or,'' and inserting ''parent or''; and

(2) by striking ''upon the request of the State agency under the State plan or of either parent,''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2004.

SEC. 404. MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILY THAT HAS NEVER RECEIVED TANF.

(a) IN GENERAL.—Section 454(6)(B) (42 U.S.C. 654(6)(B)) is amended—

(1) by inserting ''(i)'' after ''(B)'';

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(3) by adding ''and'' after the semicolon; and

(4) by adding after and below the end the following new clause:

''(ii) in the case of an individual who has never received assistance under a State program funded under part A and for whom the State has collected at least $500 of support, the State shall impose an annual fee of $25 for each case in which services are furnished, which shall be retained by the State from support collected on behalf of the individual (but not from the 1st $500 so collected), paid by the individual applying for the services, recovered from the absent parent, or paid by the State out of its own funds (the payment of which from State funds shall not be considered as an administrative cost of the State for the operation of the plan, and shall be considered income to the program);''.

(b) CONFORMING AMENDMENT.—Section 457(a)(3) (42 U.S.C. 657(a)(3)) is amended to read as follows:

''(3) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall distribute to the family the portion of the amount so collected that remains after withholding any fee pursuant to section 454(6)(B)(ii).''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 405. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed. The report shall include an estimate of the total amount of such undistributed child support and the average length of time it takes for such child support to be distributed. To the extent the Secretary deems appropriate, the Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 406. USE OF NEW HIRE INFORMATION TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.

(a) IN GENERAL.—Section 453(j) (42 U.S.C. 653(j)) is amended by adding at the end the following:

''(7) INFORMATION COMPARISONS AND DISCLOSURE TO ASSIST IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS.—

''(A) IN GENERAL.—If a State agency responsible for the administration of an unemployment compensation program under Federal or State law transmits to the Secretary the name and social security account number of an individual, the Secretary shall, if the information in the National Directory of New Hires indicates that the individual may be employed, disclose to the State agency the name, address, and employer identification number of any putative employer of the individual, subject to this paragraph.

''(B) CONDITION ON DISCLOSURE.—The Secretary shall make a disclosure under subparagraph (A) only to the extent that the Secretary determines that the disclosure would not interfere with the effective operation of the program under this part.

''(C) USE OF INFORMATION.—A State agency may use information provided under this paragraph only for purposes of administering a program referred to in subparagraph (A).''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2003.

SEC. 407. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

(a) IN GENERAL.—Section 452(k)(1) (42 U.S.C. 652(k)(1)) is amended by striking ''$5,000'' and inserting ''$2,500''.

(b) CONFORMING AMENDMENT.—Section 454(31) (42 U.S.C. 654(31)) is amended by striking ''$5,000'' and inserting ''$2,500''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2003.

SEC. 408. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

(a) IN GENERAL.—Section 464 (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking ''(as that term is defined for purposes of this paragraph under subsection (c))''; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''(1) Except as provided in paragraph (2), as used in'' and inserting ''In''; and

(ii) by inserting ''(whether or not a minor)'' after ''a child'' each place it appears; and

(B) by striking paragraphs (2) and (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2004.

SEC. 409. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

(a) IN GENERAL.—Section 459(h) (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)(V), by striking all that follows ''Armed Forces'' and inserting a semicolon; and

(2) by adding at the end the following:

''(3) LIMITATIONS WITH RESPECT TO COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES.—Notwithstanding any other provision of this section:

''(A) Compensation described in paragraph (1)(A)(ii)(V) shall not be subject to withholding pursuant to this section—

''(i) for payment of alimony; or

''(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

''(B) Not more than 50 percent of any payment of compensation described in paragraph (1)(A)(ii)(V) may be withheld pursuant to this section.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2004.

SEC. 410. IMPROVING FEDERAL DEBT COLLECTION PRACTICES.

Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

''(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply. Subsection (c)(3)(A) shall apply with respect to past due support being enforced by the State notwithstanding any other provision of law, including sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407 and 1383(d)(1)), section 413(b) of Public law 91–173 (30 U.S.C. 923(b)), and section 14 of the Act of August 29, 1935 (45 U.S.C. 231m).''.

SEC. 411. MAINTENANCE OF TECHNICAL ASSISTANCE FUNDING.

Section 452(j) (42 U.S.C. 652(j)) is amended by inserting ''or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater,'' before ''which shall be available''.

SEC. 412. MAINTENANCE OF FEDERAL PARENT LOCATOR SERVICE FUNDING.

Section 453(o) (42 U.S.C. 653(o)) is amended—

(1) in the 1st sentence, by inserting ''or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater,'' before ''which shall be available''; and

(2) in the 2nd sentence, by striking ''for each of fiscal years 1997 through 2001''.

TITLE V—CHILD WELFARE

SEC. 501. EXTENSION OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.

Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is amended by striking ''2002'' and inserting ''2007''.

SEC. 502. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS.

Section 1130(a)(2) (42 U.S.C. 1320a–9(a)(2)) is amended by striking ''not more than 10''.

SEC. 503. ELIMINATION OF LIMITATION ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT DEMONSTRATION PROJECTS ON SAME TOPIC.

Section 1130 (42 U.S.C. 1320a–9) is amended by adding at the end the following:

''(h) NO LIMIT ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT SAME OR SIMILAR DEMONSTRATION PROJECTS.—The Secretary shall not refuse to grant a waiver to a State under this section on the grounds that a purpose of the waiver or of the demonstration project for which the waiver is necessary would be the same as or similar to a purpose of another waiver or project that is or may be conducted under this section.''.

SEC. 504. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS THAT MAY BE GRANTED TO A SINGLE STATE FOR DEMONSTRATION PROJECTS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

''(i) NO LIMIT ON NUMBER OF WAIVERS GRANTED TO, OR DEMONSTRATION PROJECTS THAT MAY BE CONDUCTED BY, A SINGLE STATE.—The Secretary shall not impose any limit on the number of waivers that may be granted to a State, or the number of demonstration projects that a State may be authorized to conduct, under this section.''.

SEC. 505. STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS TO AND EXTENSIONS OF DEMONSTRATION PROJECTS REQUIRING WAIVERS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

''(j) STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS AND EXTENSIONS.—The Secretary shall develop a streamlined process for consideration of amendments and extensions proposed by States to demonstration projects conducted under this section.''.

SEC. 506. AVAILABILITY OF REPORTS.

Section 1130 (42 U.S.C. 1320a–9) is further amended by adding at the end the following:

''(k) AVAILABILITY OF REPORTS.—The Secretary shall make available to any State or other interested party any report provided to the Secretary under subsection (f)(2), and any evaluation or report made by the Secretary with respect to a demonstration project conducted under this section, with a focus on information that may promote best practices and program improvements.''.

SEC. 507. TECHNICAL CORRECTION.

Section 1130(b)(1) (42 U.S.C. 1320a–9(b)(1)) is amended by striking ''422(b)(9)'' and inserting ''422(b)(10)''.

TITLE VI—SUPPLEMENTAL SECURITY INCOME

SEC. 601. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 (42 U.S.C. 1383b) is amended by adding at the end the following:

''(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

''(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

''(i) at least 20 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2003;

''(ii) at least 40 percent of all such determinations that are made in fiscal year 2004; and

''(iii) at least 50 percent of all such determinations that are made in fiscal year 2005 or thereafter.

''(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.''.

TITLE VII—STATE AND LOCAL FLEXIBILITY

SEC. 701. PROGRAM COORDINATION DEMONSTRATION PROJECTS.

(a) PURPOSE.—The purpose of this section is to establish a program of demonstration projects in a State or portion of a State to coordinate multiple public assistance, workforce development, and other programs, for the purpose of supporting working individuals and families, helping families escape welfare dependency, promoting child well-being, or helping build stronger families, using innovative approaches to strengthen service systems and provide more coordinated and effective service delivery.

(b) DEFINITIONS.—In this section:

(1) ADMINISTERING SECRETARY.—The term ''administering Secretary'' means, with respect to a qualified program, the head of the Federal agency responsible for administering the program.

(2) QUALIFIED PROGRAM.—The term ''qualified program'' means—

(A) a program under part A of title IV of the Social Security Act;

(B) the program under title XX of such Act;

(C) activities funded under title I of the Workforce Investment Act of 1998, except subtitle C of such title;

(D) a demonstration project authorized under section 505 of the Family Support Act of 1988;

(E) activities funded under the Wagner-Peyser Act;

(F) activities funded under the Adult Education and Family Literacy Act;

(G) activities funded under the Child Care and Development Block Grant Act of 1990;

(H) activities funded under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), except that such term shall not include—

(i) any program for rental assistance under section 8 of such Act (42 U.S.C. 1437f); and

(ii) the program under section 7 of such Act (42 U.S.C. 1437e) for designating public housing for occupancy by certain populations;

(I) activities funded under title I, II, III, or IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); or

(J) the food stamp program as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)).

(c) APPLICATION REQUIREMENTS.—The head of a State entity or of a sub-State entity administering 2 or more qualified programs proposed to be included in a demonstration project under this section shall (or, if the project is proposed to include qualified programs administered by 2 or more such entities, the heads of the administering entities (each of whom shall be considered an applicant for purposes of this section) shall jointly) submit to the administering Secretary of each such program an application that contains the following:

(1) PROGRAMS INCLUDED.—A statement identifying each qualified program to be included in the project, and describing how the purposes of each such program will be achieved by the project.

(2) POPULATION SERVED.—A statement identifying the population to be served by the project and specifying the eligibility criteria to be used.

(3) DESCRIPTION AND JUSTIFICATION.—A detailed description of the project, including—

(A) a description of how the project is expected to improve or enhance achievement of the purposes of the programs to be included in the project, from the standpoint of quality, of cost-effectiveness, or of both; and

(B) a description of the performance objectives for the project, including any proposed modifications to the performance measures and reporting requirements used in the programs.

(4) WAIVERS REQUESTED.—A description of the statutory and regulatory requirements with respect to which a waiver is requested in order to carry out the project, and a justification of the need for each such waiver.

(5) COST NEUTRALITY.—Such information and assurances as necessary to establish to the satisfaction of the administering Secretary, in consultation with the Director of the Office of Management and Budget, that the proposed project is reasonably expected to meet the applicable cost neutrality requirements of subsection (d)(4).

(6) EVALUATION AND REPORTS.—An assurance that the applicant will conduct ongoing and final evaluations of the project, and make interim and final reports to the administering Secretary, at such times and in such manner as the administering Secretary may require.

(7) PUBLIC HOUSING AGENCY PLAN.—In the case of an application proposing a demonstration project that includes activities referred to in subsection (b)(2)(H) of this section—

(A) a certification that the applicable annual public housing agency plan of any agency affected by the project that is approved under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) by the Secretary includes the information specified in paragraphs (1) through (4) of this subsection; and

(B) any resident advisory board recommendations, and other information, relating to the project that, pursuant to section 5A(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(e)(2), is required to be included in the public housing agency plan of any public housing agency affected by the project.

(8) OTHER INFORMATION AND ASSURANCES.—Such other information and assurances as the administering Secretary may require.

(d) APPROVAL OF APPLICATIONS.—

(1) IN GENERAL.—The administering Secretary with respect to a qualified program that is identified in an application submitted pursuant to subsection (c) may approve the application and, except as provided in paragraph (2), waive any requirement applicable to the program, to the extent consistent with this section and necessary and appropriate for the conduct of the demonstration project proposed in the application, if the administering Secretary determines that the project—

(A) has a reasonable likelihood of achieving the objectives of the programs to be included in the project;

(B) may reasonably be expected to meet the applicable cost neutrality requirements of paragraph (4), as determined by the Director of the Office of Management and Budget; and

(C) includes the coordination of 2 or more qualified programs.

(2) PROVISIONS EXCLUDED FROM WAIVER AUTHORITY.—A waiver shall not be granted under paragraph (1)—

(A) with respect to any provision of law relating to—

(i) civil rights or prohibition of discrimination;

(ii) purposes or goals of any program;

(iii) maintenance of effort requirements;

(iv) health or safety;

(v) labor standards under the Fair Labor Standards Act of 1938; or

(vi) environmental protection;

(B) with respect to section 241(a) of the Adult Education and Family Literacy Act;

(C) in the case of a program under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), with respect to any requirement under section 5A of such Act (42 U.S.C. 1437c–1; relating to public housing agency plans and resident advisory boards);

(D) in the case of a program under the Workforce Investment Act, with respect to any requirement the waiver of which would violate section 189(i)(4)(A)(i) of such Act;

(E) in the case of the food stamp program (as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)), with respect to any requirement under—

(i) section 6 (if waiving a requirement under such section would have the effect of expanding eligibility for the program), 7(b) or 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

(ii) title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.);

(F) with respect to any requirement that a State pass through to a sub-State entity part or all of an amount paid to the State;

(G) if the waiver would waive any funding restriction or limitation provided in an appropriations Act, or would have the effect of transferring appropriated funds from 1 appropriations account to another; or

(H) except as otherwise provided by statute, if the waiver would waive any funding restriction applicable to a program authorized under an Act which is not an appropriations Act (but not including program requirements such as application procedures, performance standards, reporting requirements, or eligibility standards), or would have the effect of transferring funds from a program for which there is direct spending

(as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to another program.

(3) AGREEMENT OF EACH ADMINISTERING SECRETARY REQUIRED.—

(A) IN GENERAL.—An applicant may not conduct a demonstration project under this section unless each administering Secretary with respect to any program proposed to be included in the project has approved the application to conduct the project.

(B) AGREEMENT WITH RESPECT TO FUNDING AND IMPLEMENTATION.—Before approving an application to conduct a demonstration project under this section, an administering Secretary shall have in place an agreement with the applicant with respect to the payment of funds and responsibilities required of the administering Secretary with respect to the project.

(4) COST-NEUTRALITY REQUIREMENT.—

(A) GENERAL RULE.—Notwithstanding any other provision of law (except subparagraph (B)), the total of the amounts that may be paid by the Federal Government for a fiscal year with respect to the programs in the State in which an entity conducting a demonstration project under this section is located that are affected by the project shall not exceed the estimated total amount that the Federal Government would have paid for the fiscal year with respect to the programs if the project had not been conducted, as determined by the Director of the Office of Management and Budget.

(B) SPECIAL RULE.—If an applicant submits to the Director of the Office of Management and Budget a request to apply the rules of this subparagraph to the programs in the State in which the applicant is located that are affected by a demonstration project proposed in an application submitted by the applicant pursuant to this section, during such period of not more than 5 consecutive fiscal years in which the project is in effect, and the Director determines, on the basis of supporting information provided by the applicant, to grant the request, then, notwithstanding any other provision of law, the total of the amounts that may be paid by the Federal Government for the period with respect to the programs shall not exceed the estimated total amount that the Federal Government would have paid for the period with respect to the programs if the project had not been conducted.

(5) 90-DAY APPROVAL DEADLINE.—

(A) IN GENERAL.—If an administering Secretary receives an application to conduct a demonstration project under this section and does not disapprove the application within 90 days after the receipt, then—

(i) the administering Secretary is deemed to have approved the application for such period as is requested in the application, except to the extent inconsistent with subsection (e); and

(ii) any waiver requested in the application which applies to a qualified program that is identified in the application and is administered by the administering Secretary is deemed to be granted, except to the extent inconsistent with paragraph (2) or (4) of this subsection.

(B) DEADLINE EXTENDED IF ADDITIONAL INFORMATION IS SOUGHT.—The 90-day period referred to in subparagraph (A) shall not include any period that begins with the date the Secretary requests the applicant to provide additional information with respect to the application and ends with the date the additional information is provided.

(e) DURATION OF PROJECTS.—A demonstration project under this section may be approved for a term of not more than 5 years.

(f) REPORTS TO CONGRESS.—

(1) REPORT ON DISPOSITION OF APPLICATIONS.—Within 90 days after an administering Secretary receives an application submitted pursuant to this section, the administering Secretary shall submit to each Committee of the Congress which has jurisdiction over a qualified program identified in the application notice of the receipt, a description of the decision of the administering Secretary with respect to the application, and the reasons for approving or disapproving the application.

(2) REPORTS ON PROJECTS.—Each administering Secretary shall provide annually to the Congress a report concerning demonstration projects approved under this section, including—

(A) the projects approved for each applicant;

(B) the number of waivers granted under this section, and the specific statutory provisions waived;

(C) how well each project for which a waiver is granted is improving or enhancing program achievement from the standpoint of quality, cost-effectiveness, or both;

(D) how well each project for which a waiver is granted is meeting the performance objectives specified in subsection (c)(3)(B);

(E) how each project for which a waiver is granted is conforming with the cost-neutrality requirements of subsection (d)(4); and

(F) to the extent the administering Secretary deems appropriate, recommendations for modification of programs based on outcomes of the projects.

(g) AMENDMENT TO UNITED STATES HOUSING ACT OF 1937.—Section 5A(d) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(d)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph:

''(18) PROGRAM COORDINATION DEMONSTRATION PROJECTS.—In the case of an agency that administers an activity referred to in section 701(b)(2)(H) of the Personal Responsibility, Work, and Family Promotion Act of 2002 that, during such fiscal year, will be included in a demonstration project under section 701 of such Act, the information that is required to be included in the application for the project pursuant to paragraphs (1) through (4) of section 701(b) of such Act.''.

SEC. 702. STATE FOOD ASSISTANCE BLOCK GRANT DEMONSTRATION PROJECT.

The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

''SEC. 28. STATE FOOD ASSISTANCE BLOCK GRANT DEMONSTRATION PROJECT.

''(a) ESTABLISHMENT.—The Secretary shall establish a program to make grants to States in accordance with this section to provide—

''(1) food assistance to needy individuals and families residing in the State;

''(2) funds to operate an employment and training program under subsection (g) for needy individuals under the program; and

''(3) funds for administrative costs incurred in providing the assistance.

''(b) ELECTION.—

''(1) IN GENERAL.—A State may elect to participate in the program established under subsection (a).

''(2) ELECTION REVOCABLE.—A State that elects to participate in the program established under subsection (a) may subsequently reverse the election of the State only once thereafter. Following the reversal, the State shall only be eligible to participate in the food stamp program in accordance with the other sections of this Act and shall not receive a block grant under this section.

''(3) PROGRAM EXCLUSIVE.—A State that is participating in the program established under subsection (a) shall not be subject to, or receive any benefit under, this Act except as provided in this section.

''(c) LEAD AGENCY.—

''(1) DESIGNATION.—A State desiring to participate in the program established under subsection (a) shall designate, in an application submitted to the Secretary under subsection (d)(1), an appropriate State agency that complies with paragraph (2) to act as the lead agency for the State.

''(2) DUTIES.—The lead agency shall—

''(A) administer, either directly, through other State agencies, or through local agencies, the assistance received under this section by the State;

''(B) develop the State plan to be submitted to the Secretary under subsection (d)(1); and

''(C) coordinate the provision of food assistance under this section with other Federal, State, and local programs.

''(d) APPLICATION AND PLAN.—

''(1) APPLICATION.—To be eligible to receive assistance under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall by regulation require, including—

''(A) an assurance that the State will comply with the requirements of this section;

''(B) a State plan that meets the requirements of paragraph (2); and

''(C) an assurance that the State will comply with the requirements of the State plan under paragraph (2).

''(2) REQUIREMENTS OF PLAN.—

''(A) LEAD AGENCY.—The State plan shall identify the lead agency.

''(B) USE OF BLOCK GRANT FUNDS.—The State plan shall provide that the State shall use the amounts provided to the State for each fiscal year under this section—

''(i) to provide food assistance to needy individuals and families residing in the State, other than residents of institutions who are ineligible for food stamps under section 3(i);

''(ii) to administer an employment and training program under subsection (g) for needy individuals under the program and to provide reimbursements to needy individuals and families as would be allowed under section 16(h)(3); and

''(iii) to pay administrative costs incurred in providing the assistance.

''(C) ASSISTANCE FOR ENTIRE STATE.—The State plan shall provide that benefits under this section shall be available throughout the entire State.

''(D) NOTICE AND HEARINGS.—The State plan shall provide that an individual or family who applies for, or receives, assistance under this section shall be provided with notice of, and an opportunity for a hearing on, any action under this section that adversely affects the individual or family.

''(E) OTHER ASSISTANCE.—

''(i) COORDINATION.—The State plan may coordinate assistance received under this section with assistance provided under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

''(ii) PENALTIES.—If an individual or family is penalized for violating part A of title IV of the Act, the State plan may reduce the amount of assistance provided under this section or otherwise penalize the individual or family.

''(F) ELIGIBILITY LIMITATIONS.—The State plan shall describe the income and resource eligibility limitations that are established for the receipt of assistance under this section.

''(G) RECEIVING BENEFITS IN MORE THAN 1 JURISDICTION.—The State plan shall establish a system to verify and otherwise ensure that no individual or family shall receive benefits

under this section in more than 1 jurisdiction within the State.

''(H) PRIVACY.—The State plan shall provide for safeguarding and restricting the use and disclosure of information about any individual or family receiving assistance under this section.

''(I) OTHER INFORMATION.—The State plan shall contain such other information as may be required by the Secretary.

''(3) APPROVAL OF APPLICATION AND PLAN.—During fiscal years 2003 through 2007, the Secretary may approve the applications and State plans that satisfy the requirements of this section of not more than 5 States for a term of not more than 5 years.

''(e) CONSTRUCTION OF FACILITIES.—No funds made available under this section shall be expended for the purchase or improvement of land, or for the purchase, construction, or permanent improvement of any building or facility.

''(f) BENEFITS FOR ALIENS.—No individual shall be eligible to receive benefits under a State plan approved under subsection (d)(3) if the individual is not eligible to participate in the food stamp program under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.).

''(g) EMPLOYMENT AND TRAINING.—Each State shall implement an employment and training program for needy individuals under the program.

''(h) ENFORCEMENT.—

''(1) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall review and monitor State compliance with this section and the State plan approved under subsection (d)(3).

''(2) NONCOMPLIANCE.—

''(A) IN GENERAL.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that—

''(i) there has been a failure by the State to comply substantially with any provision or requirement set forth in the State plan approved under subsection (d)(3); or

''(ii) in the operation of any program or activity for which assistance is provided under this section, there is a failure by the State to comply substantially with any provision of this section, the Secretary shall notify the State of the finding and that no further payments will be made to the State under this section (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to the program or activity) until the Secretary is satisfied that there is no longer any failure to comply or that the noncompliance will be promptly corrected.

''(B) OTHER SANCTIONS.—In the case of a finding of noncompliance made pursuant to subparagraph (A), the Secretary may, in addition to, or in lieu of, imposing the sanctions described in subparagraph (A), impose other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this section and disqualification from the receipt of financial assistance under this section.

''(C) NOTICE.—The notice required under subparagraph (A) shall include a specific identification of any additional sanction being imposed under subparagraph (B).

''(3) ISSUANCE OF REGULATIONS .—The Secretary shall establish by regulation procedures for—

''(A) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this section; and

''(B) imposing sanctions under this section.

''(i) PAYMENTS.—

''(1) IN GENERAL.—For each fiscal year, the Secretary shall pay to a State that has an application approved by the Secretary under subsection (d)(3) an amount that is equal to the allotment of the State under subsection (l)(2) for the fiscal year.

''(2) METHOD OF PAYMENT.—The Secretary shall make payments to a State for a fiscal year under this section by issuing 1 or more letters of credit for the fiscal year, with necessary adjustments on account of overpayments or underpayments, as determined by the Secretary.

''(3) SPENDING OF FUNDS BY STATE.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), payments to a State from an allotment under subsection (l)(2) for a fiscal year may be expended by the State only in the fiscal year.

''(B) CARRYOVER.—The State may reserve up to 10 percent of an allotment under subsection (l)(2) for a fiscal year to provide assistance under this section in subsequent fiscal years, except that the reserved funds may not exceed 30 percent of the total allotment received under this section for a fiscal year.

''(4) PROVISION OF FOOD ASSISTANCE.—A State may provide food assistance under this section in any manner determined appropriate by the State to provide food assistance to needy individuals and families in the State, such as electronic benefits transfer limited to food purchases, coupons limited to food purchases, or direct provision of commodities.

''(5) DEFINITION OF FOOD ASSISTANCE.—In this section, the term 'food assistance' means assistance that may be used only to obtain food, as defined in section 3(g).

''(j) AUDITS.—

''(1) REQUIREMENT.—After the close of each fiscal year, a State shall arrange for an audit of the expenditures of the State during the program period from amounts received under this section.

''(2) INDEPENDENT AUDITOR.—An audit under this section shall be conducted by an entity that is independent of any agency administering activities that receive assistance under this section and be in accordance with generally accepted auditing principles.

''(3) PAYMENT ACCURACY.—Each annual audit under this section shall include an audit of payment accuracy under this section that shall be based on a statistically valid sample of the caseload in the State.

''(4) SUBMISSION.—Not later than 30 days after the completion of an audit under this section, the State shall submit a copy of the audit to the legislature of the State and to the Secretary.

''(5) REPAYMENT OF AMOUNTS.—Each State shall repay to the United States any amounts determined through an audit under this section to have not been expended in accordance with this section or to have not been expended in accordance with the State plan, or the Secretary may offset the amounts against any other amount paid to the State under this section.

''(k) NONDISCRIMINATION.—

''(1) IN GENERAL.—The Secretary shall not provide financial assistance for any program, project, or activity under this section if any person with responsibilities for the operation of the program, project, or activity discriminates with respect to the program, project, or activity because of race, religion, color, national origin, sex, or disability.

''(2) ENFORCEMENT.—The powers, remedies, and procedures set forth in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) may be used by the Secretary to enforce paragraph (1).

''(l) ALLOTMENTS.—

''(1) DEFINITION OF STATE.—In this section, the term 'State' means each of the 50 States, the District of Columbia, Guam, and the Virgin Islands of the United States.

''(2) STATE ALLOTMENT.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), from the amounts made available under section 18 of this Act for each fiscal year, the Secretary shall allot to each State participating in the program established under subsection (a) an amount that is equal to the sum of—

''(i) the greater of, as determined by the Secretary—

''(I) the total dollar value of all benefits issued under the food stamp program established under this Act by the State during fiscal year 2002; or

''(II) the average per fiscal year of the total dollar value of all benefits issued under the food stamp program by the State during each of fiscal years 2000 through 2002; and

''(ii) the greater of, as determined by the Secretary—

''(I) the total amount received by the State for administrative costs and the employment and training program under subsections (a) and (h), respectively, of section 16 of this Act for fiscal year 2002; or

''(II) the average per fiscal year of the total amount received by the State for administrative costs and the employment and training program under subsections (a) and (h), respectively, of section 16 of this Act for each of fiscal years 2000 through 2002.

''(B) INSUFFICIENT FUNDS.—If the Secretary finds that the total amount of allotments to which States would otherwise be entitled for a fiscal year under subparagraph (A) will exceed the amount of funds that will be made available to provide the allotments for the fiscal year, the Secretary shall reduce the allotments made to States under this subsection, on a pro rata basis, to the extent necessary to allot under this subsection a total amount that is equal to the funds that will be made available.''.

TITLE VIII—ABSTINENCE EDUCATION

SEC. 801. EXTENSION OF ABSTINENCE EDUCATION FUNDING UNDER MATERNAL AND CHILD HEALTH PROGRAM.

Section 510(d) (42 U.S.C. 710(d)) is amended by striking ''2002'' and inserting ''2007''.

TITLE IX—TRANSITIONAL MEDICAL ASSISTANCE

SEC. 901. ONE-YEAR REAUTHORIZATION OF TRANSITIONAL MEDICAL ASSISTANCE.

(a) IN GENERAL.—Section 1925(f) (42 U.S.C. 1396r–6(f)) is amended by striking ''2002'' and inserting ''2003''.

(b) CONFORMING AMENDMENT.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)) is amended by striking ''2002'' and inserting ''2003''.

SEC. 902. ADJUSTMENT TO PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATIVE PAYMENTS AND TO FUND A 1-YEAR EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE.

Section 1903 (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking ''section 1919(g)(3)(B)'' and inserting ''subsection (x) and section 1919(g)(3)(C)''; and

(2) by adding at the end the following:

''(x) ADJUSTMENTS TO PAYMENTS FOR ADMINISTRATIVE COSTS TO FUND 1-YEAR EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE.—

''(1) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—Effective for each calendar quarter in fiscal year 2003 and fiscal year 2004, the Secretary shall reduce the amount paid under subsection (a)(7) to each State by an amount equal to 50 percent for fiscal year 2003, and 75 percent for fiscal year 2004, of

one-quarter of the annualized amount determined for the medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).

''(2) ALLOCATION OF ADMINISTRATIVE COSTS.—None of the funds or expenditures described in section 16(k)(5)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(5)(B)) may be used to pay for costs—

''(A) eligible for reimbursement under subsection (a)(7) (or costs that would have been eligible for reimbursement but for this subsection); and

''(B) allocated for reimbursement to the program under this title under a plan submitted by a State to the Secretary to allocate administrative costs for public assistance programs;

except that, for purposes of subparagraph (A), the reference in clause (iii) of that section to 'subsection (a)' is deemed a reference to subsection (a)(7) and clause (iv)(II) of that section shall be applied as if 'medicaid program' were substituted for 'food stamp program'.''.

TITLE X—EFFECTIVE DATE

SEC. 1001. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, the amendments made by this Act shall take effect on October 1, 2002.

(b) EXCEPTION.—In the case of a State plan under part A or D of title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

The SPEAKER pro tempore. After 2 hours of debate on the bill, it shall be in order to consider an amendment printed in the House Report 107–466, if offered by the gentleman from Maryland (Mr. CARDIN) or a designee, which shall be considered read, and shall be debatable for 1 hour, equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 25 minutes; the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes; the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 15 minutes.

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

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

Mr. Speaker, there will be a number of claims made on the floor during the debate of this particular piece of legislation. The one thing I hope people keep in mind is that it is my fervent hope that the goals of the legislation are supported by all. It is always possible to argue emphasis, direction, focus, degree of emphasis.

When we debated this bill repeatedly in 1996, there were some rather dramatic claims made by its opponents about dire and Draconian circumstances that would form a dark cloud over America if the legislation passed. I happen to believe one of the bright points of the Clinton administration was his willingness after repeated offers to sign the 1996 legislation. Oftentimes claims are made without the ability to determine whether or not the, if you will, experiment was going to be successful or not. I think there is no question that the general shift in emphasis from welfare to work has been a success.

Has it been an unqualified success? No, but it clearly has been a success, and what we are embarking on now is an attempt to put legislation together that will focus on areas that need greater attention to maximize the opportunity to move people from poverty to productive work, from welfare to a respect for those basic, tantamount, underlying American concepts, and there is no area more important than focusing on the people who are on welfare and the needs they have to be able to assist themselves. Education, and, especially for women who have young children, having available child care are absolutely critical components that need to be focused on in this reauthorization of the program.

And I am pleased to say that in both the subcommittee and the full committee and now additionally on the floor, these areas of concern have been focused on.

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

The SPEAKER pro tempore. Without objection, the gentleman from Maryland (Mr. CARDIN) may control the time.

There was no objection.

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

Mr. Speaker, let me say that I am one of those who supported the welfare reform bill in 1996, and I think we made the right decision in 1996. I am proud of the progress that we have made for people who are on welfare to try to get them out of the need of cash assistance and get them to real jobs. That is why, Mr. Speaker, I am somewhat surprised as I was listening to the Republican leadership talk about the legislation before us.

I was somewhat surprised because I heard, on one hand, the Republican leadership talk with pride of what we have accomplished during the past 6 years, but then I look at the bill that they have recommended, the underlying bill before us, and I see that they scrap and dismantle the system that we have put in place in 1996. They ignore the lessons learned over the past 6 years.

Over the past 6 years we have learned that if we give the States flexibility and if we give the States the resources, they can get the job done. Instead, the bill before us is a Washington one-size-fits-all, Washington-knows-best mandate on the States.

Every welfare recipient is not the same. In some cases a welfare recipient should go to work immediately, a traditional job. In other cases an individual needs to have English proficiency. And in another case one may need to deal with the overcoming of disabilities. The States need the ability of flexibility to determine what is best.

This bill does not do it. Instead, listen to what our States are saying. The new requirements would require States to take resources away from job training programs and child care programs into workfare programs. The underlying Republican bill will require States to develop workfare programs denying people real jobs and the opportunity to move up in the workplace.

The New York Times said the House bill would almost certainly force States to make jobs in order to meet the new Federal requirements.

Most disturbingly, the Republican bill takes away the flexibility of the States to provide educational services to the people on welfare. They remove education as one of the core ways of meeting the work requirements.

Mr. Speaker, it is surprising to me that all of us in this body talk about education being our top priority. We want for our own children, we want for our own family maximum educational opportunities. We want it to be the top priority for everybody in this country except the people on welfare. For them education cannot be a high priority. That is a mistake.

Mr. Speaker, my Republican friends talk about the fact that we should not be placing unfunded mandates on our States. This is clearly an unfunded mandate. The Congressional Budget Office has estimated that complying with the new requirements in the Republican bill will cost the States anywhere between $15 to $18 billion.

□ 1100

Republicans have provided in their bill $1 billion more in child care and a promise of $1 billion in addition to that over the next 5 years. The Congressional Budget Office indicates that we need $8 to $11 billion alone in child care to meet these new requirements. It does not add up.

For the people of Maryland, the passage of this bill will be an unfunded mandate of $144 million. For the people of my chairman's State of California, it will be a $2.5 billion unfunded mandate.

Mr. Speaker, we can do better. Later in this debate, I will offer a substitute that will correct these shortcomings; and I hope that I will have support as we move forward to the next level of welfare reform. The underlying bill does not do it. We can do better.

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

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

I had not expected in the very first comments to find out that, in fact, misrepresentations are rampant on the

floor of the House. What the Congressional Budget Office said was, ''Because the TANF program affords States such broad flexibility, new requirements would not be considered,'' would not be considered, ''intergovernmental mandates as defined by the Unfunded Mandates Reform Act.''

The CBO said they are not unfunded mandates, and now to focus on an area that I think is absolutely critical to the success of this program, which is the expansion in this bill of child care support of between 2 and $4 billion additional to the underlying almost-$5 billion contained in the bill.

Mr. Speaker, I yield 10 minutes of my time to the gentlewoman from Washington (Ms. DUNN), a member of the Ways and Means Committee; and I ask unanimous consent that she control the 10 minutes of time.

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

There was no objection.

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

In 1996 we made historic changes to the welfare system. We transformed the welfare system from a permanent entitlement that tolerated an average of 13 years of government dependence to a temporary assistance program that gave people the opportunity to start working, gain the necessary skills to retain a job and to become self-sufficient.

This year we have a chance to build upon those successes while improving the program to further assist individuals and families move out of poverty.

I believe, Mr. Speaker, one realistic way to look at the reauthorization that we are debating today is that when we reform such a massive program as welfare, as we did in 1996, there are some people who may fall through the cracks. That, Mr. Speaker, is exactly what we are analyzing in our changes to the bill today, and we have been told by welfare recipients in those early days of 1995 and 1996 that providing adequate child care services would help them move from welfare on to work. In fact, that if they did not have to worry about their children being well taken care of, they could focus all their energies and their skills on what for some was to be a brand-new job.

In fact, child care spending has more than tripled under welfare reform, rising from $3 billion in 1995 to $9.4 billion in the year 2000. Equipped with more funding and greater flexibility to transfer money out of the block grant for child care, States have been able to provide more quality child care options so working mothers can concentrate on these new jobs.

However, Mr. Speaker, our job is not done. As we increase the working hours from 30 to 40 and as more single mothers and dads participate in jobs on weekends and evenings, we must ensure that they can access quality and affordable child care services.

In my State, we are finding that child care for infants, children with disabilities and during evening and weekend hours is expensive and scarce. That is why our bill provides an additional $2 billion over 5 years for child care despite its already historically high levels. Further, we add report language asking States to pay special attention to the needs to expand child care options for infants, children with disabilities and during evenings and weekends.

I hope my colleagues will support this important legislation.

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

Mr. CARDIN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. THURMAN), a distinguished member of our committee.

Mrs. THURMAN. Mr. Speaker, first of all, let me say that my understanding is what CBO said is that it would not be an unfunded mandate, only because my colleagues are asking the States or the States would have to make cuts in other programs. I can tell my colleagues, in Florida, they are already in so much trouble they have been cutting these programs for the last couple of weeks because they have no money; and I would say to the last speaker, she is talking about $289 million in Washington. In Florida, we are looking at $311 million in an unfunded mandate.

I think it is interesting that we are having this conversation. I, like the gentleman from Maryland (Mr. CARDIN) and others, also supported this bill in 1996; and, yes, I too am very proud that we have given hope and that we have given the opportunity for people to go back to work and have dignity. But I also want to remind my colleagues that welfare reform is about children. That is what welfare reform is, children, what happens to their safety net.

In the Republican bill that we are looking at today, we would increase child care funding by $1 billion over the next 5 years. Let me just say to my colleagues, just in my State alone, in Florida, it would require an additional $155.5 million over 5 years in child care funding.

The Republican bill doubles work hours for mothers with children under the age of six from 20 to 40. This means that young children will spend more time in child care. Yet the bill offers insufficient child care funding. How do we ensure that they receive adequate care? More importantly, when will these working mothers be able to spend quality time with their children?

H.R. 4737 fails to answer those questions. If that is not a reason enough to vote against H.R. 4737, listen to what the St. Petersburg Times said: ''Even the Nation's Republican governors are chafing under the prospect, for fear the new mandates will prove difficult to meet and counterproductive to the goal of pulling recipients out of poverty, not merely putting them to work. After 5 years, Congress should be solidifying welfare reform's successes, not exacerbating its weaknesses.''

The Democratic substitute solidifies those successes.

Ms. DUNN. Mr. Speaker, I yield myself 30 seconds.

I will remind the gentlewoman from Florida that the number that we are increasing child care by is not $1 billion over 5 years, it is $2 billion over 5 years, and that the States are provided with very liberal waiver authority to handle anything that might be a problem to them in their States.

Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Mrs. BIGGERT), a lawyer herself, a leader in the State senate before she came to us.

Mrs. BIGGERT. Mr. Speaker, I thank the gentlewoman from Washington (Ms. DUNN) for yielding me the time.

Mr. Speaker, it is with great pleasure that I join the Republican women of the House in strong support of H.R. 4737. This bill keeps our commitment to America's kids and to America's great promise of welfare reform; and with the addition of at least $2 billion, one in mandatory spending and one in discretionary spending, at least, and extra funding for child care and development block grants, a very good bill has become even better.

Why is that? Well, more funding means more kids covered. More kids covered means more parents working, and that is our ultimate objective, to give every American the opportunity to work and to gain dignity and self-respect that comes with providing for their own family.

The past 6 years of welfare reform have shown us what works and what does not. When I meet with former welfare recipients throughout my congressional district, each and every one tells me that their success simply would not have been possible without child care assistance.

I thank all my colleagues who have worked so hard to include this extra $2 billion-plus in the bill for American kids.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Washington (Mr. MCDERMOTT), a distinguished member of the Committee on Ways and Means and on the Subcommittee on Human Resources.

Mr. MCDERMOTT. Mr. Speaker, this whole issue of how much money, I do not know how the American people follow it, but the fact is that the bill makes mandatory $1 billion for child care. Any additional money is subject to appropriation. That second billion dollars is not guaranteed, and we have a terrible budget mess. Those of us sitting on the Budget Committee know that, and the fact is that even that $2 billion is not going to cover the $11 billion in child care that is needed to hold the line.

In the State of Washington, my distinguished colleague from the State of Washington, when she votes for this, is putting a $280 million unfunded mandate on our State, in a State where

they are already $1 billion in the hole. The gentlewoman from Illinois, she stands up here and blithely puts $322 million on the Illinois State legislature; they must fund this because they have to have a program for people for more than 30 hours.

That means make-work programs. Never mind what happens to kids and whether they get taken care of or not. We are going to be back to CETA jobs. I do not think there is anybody left in here except a few of us who remember CETA jobs in the 1960s. My colleagues are going to be putting States and counties and cities to making work programs, and my colleagues can stand up here and say that they have all of this in here and all this flexibility. If this was such a flexible bill, I would like to understand why it is they took away vocational training. What possible reason could they take vocational training out as one of the work activities? Do my colleagues not think people ought to train to get a better job or do they want them all to work as maids in hotels or something at a $7-an-hour job with no child care and no health care benefits? That is what my colleagues call lifting them out of poverty.

Ms. DUNN. Mr. Speaker, I yield myself 30 seconds.

I will remind the gentleman from Washington State that we have extended the ability to transfer funds from one portion of the TANF dollars that are granted to the States into child care or any other area. In 1996, there was a 30 percent exchange. Now it is a 50 percent exchange. One of the cores of this bill is the flexibility for States to use money in a way that will make their programs the most effective.

Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON), who is formerly a cabinet Secretary for families and children.

Mrs. WILSON of New Mexico. Mr. Speaker, I thank my colleague from the State of Washington for yielding me the time. I thank her for her leadership in bringing focus to the problem of child care and the challenge of child care so that we can build on the success that we have already achieved with welfare reform.

There are 2.3 million fewer children who are in poverty today because their moms have gotten good jobs. There are almost 2 million children who are not hungry today because they have been raised out of poverty and their parents can afford food. That is because of welfare reform.

Funding for child care from the Federal Government has tripled over the last 5 years, and that is at the same time that welfare caseloads have been cut in half, so that there is more money per child, and States have been allowed to move that money from those on welfare to the low-income working poor so that they can afford high quality child care.

We are not satisfied with the success we have already seen. We want to build on this success and add more money into child care and focus on a couple of things.

The real key I believe is quality, quality child care. So that we have trained providers, we are paying close to or at or above market rates. We have a stable nurturing workforce and stimulating settings for kids so that those who are growing up in poverty, those whose parents are working off welfare have a fair start at the starting gate of life.

This $2 billion I hope States will use to increase what they pay for child care because so many of our States are underpaying what it really costs, and kids whose parents are working their way off welfare often do not have access to the best child care settings.

This bill will also allow States to move more of this money from those on welfare where they have reduced the rolls to those who never were on welfare but are the low-income working poor.

Child care keeps America working. Child care is everybody's business, and most of our businesses understand that. I commend the gentlewoman from Washington and my colleagues in bringing an emphasis, and increased funding to child care in this country.

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

Let me just point out to the gentlewoman from New Mexico that voting for this bill will cost the citizens of her State an extra $100 million.

Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. DOGGETT), a member of the Committee on Ways and Means and a member of the Subcommittee on Human Resources.

Mr. DOGGETT. Mr. Speaker, parents at every economic level sometimes must balance the demands of being a good parent with being a good employee. This is especially challenging when it is a minimum-wage job with no health insurance and a single parent.

This partisan bill focuses solely on the work aspect, forgetting the value of parenting, not only for our children, who lose irreplaceable opportunities, but for communities, who suffer and bear the burden of neglected children having children of their own and committing adult crimes.

When asked how much of an investment in our children is required to satisfy the new requirements of this new law, the Bush administration responds basically, ''don't know and don't care.''

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But the Republican Congressional Budget Office was forced to estimate this cost of meeting our children's child care needs. It says, at a minimum, $8 billion is required, while the House Republican leadership provides only $1 billion.

Additionally, this bill provides nothing, zero, zip—to meet rising child care costs, to transform the frequently poor quality of child care from what is too often unskilled, minimum wage workers baby-sitting our children into what should be early educational opportunities so that the children can hope for a better future than that of their parents.

With 40,000 Texas children already waiting for child care assistance, and so many of our neighbors confronting a true child care crisis in our State, the members of the Human Services Committee of the Texas House of Representatives, chaired by Representative Elliott Naishtat, have rejected the unreasonable provisions of this bill. Our excellent Texas Center for Public Policy Priorities has explained the extensive harm that this bill will wreak.

This legislation claims to honor fatherhood, motherhood and matrimony, but actually it threatens our neighborhoods by failing to give the state the means to provide the support that families need to feed, to clothe, and to raise our next generation of Americans.

We cannot afford the true cost of neglecting these children. This bill may be good electioneering but it does too little for our country's future. Unless we reject this grossly deficient approach, we will reap tomorrow the bitter harvest that the bill's deliberate neglect of these needy children sows today.

Ms. DUNN. Mr. Speaker, I yield 2 minutes to the gentlewoman from West Virginia (Mrs. CAPITO), a leader in her State legislature who has been very effective in increasing the child care support in this bill by $2 billion.

Mrs. CAPITO. Mr. Speaker, I thank my colleagues for joining in the discussion on the much-needed increase in child care funding that is provided through H.R. 4737.

When a mom is going to work for the first time, and she has children, she is thinking to herself, I want to concentrate on my job, I want to do the best thing I can do, but a part of her mind is thinking about her children because she is a good mom and she is trying to do the best for them. The best way to ensure her success in the work force and her success with her family is good solid child care.

As a representative of an economically distressed State, I know that thousands of parents in my district depend on subsidized child care. In my home State of West Virginia, 85 percent of the children in child care are in subsidized child care. I am from a rural State. It is tremendously expensive for parents to transport their children and to provide child care in rural States.

Today, there are over 13,000 parents and children who benefit from this in West Virginia, and this increase will ensure that more parents will have the opportunity to benefit. Parents are in desperate need to find quality, safe, and affordable child care for their children. H.R. 4737 will continue high levels of support for child care while adding, at a minimum, $2 billion in additional funds for child care over 5 years.

Let us ensure the success of the parents and the children and their futures. I urge all my colleagues to stand up and support this increased funding for child care. Parents and children alike need it.

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume to point out to the gentlewoman from West Virginia that by voting for this bill her State will actually have $78 million less in resources to deal with the problems of child care.

Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the Committee on Ways and Means and one of the individuals who helped us craft the substitute.

Mr. KLECZKA. Mr. Speaker, welfare programs come in various sizes and shapes. There are good welfare programs and bad welfare programs. A few weeks ago the Congress passed a farm bill, a farm bill that was signed by the President this last weekend. That bill increased farm spending $180 billion, an increase of almost 80 percent, giving growers in this country, large corporate farmers, up to $360,000 a year of taxpayer money. Under a loophole in the bill, they can get as high as $700,000 per year.

Mr. Speaker, welfare to corporate farmers and agribusiness is good welfare. However, welfare to poor people is not good welfare. That is bad welfare.

Mr. Speaker, I voted for the welfare bill back in 1996, and when I did so I indicated to the Members that my major reservations were that we did not do enough to promote education, and clearly the child care funding was inadequate. Now, with 6 years experience, we find out that that I was right. And, the Republican bill does nothing to address these two most serious concerns.

Yes, we have dramatically reduced the welfare rolls over the last number of years, but we have not reduced the poverty rate. The Cardin substitute truly does address the poverty rate.

Right now we say, get a job, and then after you are done working and taking care of your kids, you can also go to school and that will be counted as work. But we have put the cart before the horse. Let us make sure that individuals get adequate training, be it a GED, English as a second language, or a vocational associate degree before mandating the job. We are not going to lift people out of poverty, forcing them to go right to work to get the most menial jobs that we have in this country.

So if my colleagues are really intent on lifting the poverty rate and helping these individuals, vote for the Cardin substitute, which does address education and provides for adequate child care.

Ms. DUNN. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Washington has 2 minutes remaining.

Ms. DUNN. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. GRANGER), who is the former Mayor of Fort Worth and who has worked with many folks who have been forced to go on welfare. She brings great knowledge to our effort today.

Ms. GRANGER. Mr. Speaker, I am talking today more as a single parent myself, who worked very hard to support my children from the time they were tiny, and I know that quality child care is absolutely necessary, first of all to meet the needs of the children, but to meet the financial needs of the family.

A job well done adds dignity to the individual but it adds stability to the family. I know we are setting the bar high for welfare recipients. They can make that bar if we provide quality child care, and we are doing that at more than double what we did, a minimum of $2 billion.

But after my children were grown and my business was successful, I served as mayor of my city, so I understand local control, and the flexibility that we are allowing under this bill is extremely important so that States can move the funds where they are needed most. It will allow the States to make their individual decisions.

We have made great progress in welfare, moving people off the rolls, but what is important is the hope we see in the faces of those children and those parents.

I strongly support this legislation. I think it is very important, this minimum of $2 billion, to add a sense of hope to the lives of those people.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS), a distinguished member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Speaker, I rise against the majority party's proposal. I read someplace, ''What does it profit a great Nation to gain a whole world and lose her soul?''

This Republican proposal does not reflect the soul of America. It is out of step and it is out of tune. This proposal turns its back on the basic needs of our poor, our mothers, and our dependent children.

No one, but no one, wants to be on welfare. People want to work. They want to pay their own way. They want training so they can secure a permanent living wage job. Yet this bill throws in the towel. It eliminates education and job training from the list of work opportunities. It does nothing to promote job stability or reduce poverty in our country.

We can spend hundreds, thousands, billions of dollars on missiles, bombs, and even tax breaks for the wealthy individuals, but when it comes to providing a helping hand to our poor and our needy, Republicans want to pass the buck.

When it comes to welfare of our citizens, we must cross every T and dot every I. Do we have the courage to put people who have been left out and left behind back on their feet? Do we have the courage to speak up and speak out for what is morally right? Where is our sense of what is fair? Where is our sense of what is right?

My colleagues, please join me to vote against this reckless bill. We can do better. We must do better.

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

I simply want to wrap up, with the time we have left, to say that I think it is very important for us to remember what it is we are trying to do in this welfare legislation.

In 1996, we talked to welfare moms and dads. We said, what can we do to help you bridge the gap between welfare and work? And they said give us the ability to know that our children are well taken care of. Let us put the full focus of our energy and our expertise into going into a job that is going to provide us greater self-respect, greater dignity, and provide for our children that one role model in their life that might have a job.

We were successful there to the point that, as we moved money into TANF, we left, as of last September, $7.5 billion in TANF funds in States throughout the Nation that they could move to child care.

Child care was the answer then and it continues to be the answer now. This is why we are advocating an additional $2 billion to the $4.8 billion we spend each year in dollars for child care.

I think it is our responsibility, Mr. Speaker, to help people who want to hold jobs know their children are taken care of as they move into the workforce. I recommend the support of this bill.

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

Mr. CARDIN. Mr. Speaker, I yield myself such time as I may consume to point out to my colleagues that less than 20 percent of the children who are federally eligible for child care assistance are now being served under the Republican bill. That number will even get smaller.

Mr. Speaker, I am now pleased to yield 1½ minutes to the gentleman from Vermont (Mr. SANDERS), one of the leaders for working people in this country.

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

Mr. Speaker, when we talk about welfare reform, I would hope that we would include in that discussion many of the largest corporations in this country who rip off tens of billions of dollars from taxpayers every year in subsidies, loan guaranties and tax breaks, while then moving their factories and bank accounts to China, Mexico or Bermuda.

But that is not what we are talking about today. Today, we are talking about low-income women and children. We are talking about a severe crisis in child care that leaves millions of American families unable to afford quality child care or, in some cases,

any child care they can afford. We are talking about child care workers who are grossly underpaid, who are undertrained, and who experience a huge turnover rate to the detriment of American babies. Today, we are talking about a child care situation that is a disgrace and a shame to this Nation, and I want anyone over there to deny that reality.

And how have our Republican friends responded to that situation? In real, inflation-accounted-for dollars, the President has actually cut funding for child care, while the House Republicans have offered a proposal that is totally inadequate. They have provided hundreds of billions of dollars in tax breaks for the richest people in this country, but pennies for babies and for the kids who are the future of America.

I urge a strong no vote on the Republican proposal.

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

And, of course, the gentleman from Vermont's urging of a ''no'' vote is not unexpected. He voted against the bill in 1996. As a matter of fact, the gentleman from Washington (Mr. MCDERMOTT) voted against the bill. The gentleman from Georgia (Mr. LEWIS) voted against the bill. There were dire statements made then about what was going to happen to those individuals on welfare.

But I do want to say that there are some Members of the other party who get it, or at least have been willing to admit that they get it. For example, on March 21, 1995, the gentleman from Missouri (Mr. GEPHARDT) said, ''A Republican welfare bill will throw millions of children out on the street without doing anything to move people from welfare to work.'' This was a generally held assumption, based upon the number of Members on that side of the aisle who voted no.

To his credit, on May 9 of this year, the gentleman from Missouri said ''Welfare reform has been a good effort. A lot of people have gone back to work. And so it is the right thing to do, to ask them to go back to work and to make them go back to work.''

So in terms of the fundamental thrust of the bill, we are pleased that people are beginning to back away from the cataclysmic statements that had been made.

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What we now hear is Members who have voted against the bill complaining about the Republican effort because it is going to put approximately $4 billion additional monies into child care when it should be $11 billion. It seems to me that the movement in the direction that we are going under the current circumstances is significant and deserves support. But sometimes some Members on the other side of the aisle cannot bring themselves to admit that they were wrong.

The fact of the matter is they were wrong. We are right, and we are continuing to increase in those areas that need increases. I suppose somebody on the other side of the aisle could ask for $100 billion in child care. The fact of the matter is they cannot deny the fact that this bill increases by almost $4 billion the amount that was in the bill. That is undeniable. Those are the facts. The program works, and we propose to make it work better.

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

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

Mr. Speaker, let me point out to the gentleman from California that I am glad to see that he agrees with the fundamental thrust which his bill would not try to fundamentally change a program which I believe has been successful.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN), who is not only a member of the Committee on Ways and Means, but is also one of the key architects of many of the provisions in the Democratic substitute.

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

Mr. LEVIN. Mr. Speaker, let me speak as a Member who worked a couple of years on welfare reform in the mid-1990s, who worked on the legislation to make sure that it had adequate health care and child care, and who voted for the legislation. The majority has apparently decided it wants a political issue rather than a bipartisan product. It did not seriously work with any of us no matter how we voted in 1996. With none of us.

Mr. Speaker, the majority comes here and talks about the past instead of looking at the present and thinking about the future. Shame.

As a result of the majority's lack of any bipartisan effort, they have a very flawed product. Child care, there is a billion guaranteed, that is all; and Members come here saying something else. Oh, and then they say let the States transfer, even though they know from the figures that more and more States are using their TANF funds, and they are not going to have the monies to transfer, and their budgets are in dire straits.

On health care, the bill does not do a darn thing to improve it. In terms of helping people move from welfare to productive work and independence, they clamp down on vocational education. We have a President who says education is the key; and then we come to a welfare reform bill, and the majority clamps down and takes back what is in present law. Again, I say shame.

All right, so then the majority says, and it looks like it is a clever political approach, let us emphasize those people who are on welfare and make sure they are working. So they set up an inflexible proposition, and then the States say, oh no, that is taking away our flexibility. So then the majority says, all right, 24 hours of work and 16 hours, people can do essentially anything they want with the 16 hours. That is how they build flexibility into their inflexible system. So anything counts, and they vitiate their own rhetoric.

Look, in a word, welfare reform is much too important to simply maneuver for political advantage this year or simply talk about 5 years ago. It is too important for a lot of pious platitudes.

The substitute is a serious effort to address the needs of this new face of welfare reform. We will present it proudly; and we will say to the majority, shame on them for not lifting one finger to sit down with us to try to work out a bipartisan product. Welfare reform deserves much better than the majority has given it.

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

Mr. Speaker, I suppose as a rhetorical device it is useful to come down and point fingers and claim shame. Actually, the bill has been an enormous success. It has reduced the rolls by half; and yet President Bush has said keep the funding at a steady level, i.e., fewer people same amount of money. In this bill, we are putting more money back in.

I guess when we take away from them what they believe is their divine right, to be for people in poverty, and for women with children, and we actually show compassion and we actually put money where our mouth is and we actually put a program out that really works instead of all of the rhetoric that have been used for years about wanting to help these people, and I think helping people is moving them from welfare to work, not saying how desperate they are, making speeches on the floor, and voting against programs that actually work.

We have a program that actually works. We are putting more money in relative to the people available, and we are putting even more money in with this bill.

Mr. Speaker, I yield the balance of my time to the gentleman from California (Mr. HERGER) and ask unanimous consent that the gentleman control the balance of the time.

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

There was no objection.

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

Mr. Speaker, I rise in support of the Personal Responsibility, Work and Family Promotion Act, which takes the next step in welfare reform. During the welfare debate in 1996, critics predicted 1 million children would be forced into poverty and recipients would be worse off. The opposite occurred. Since 1996, nearly 3 million children left poverty. Overall, 9 million parents and children have left welfare dependence and moved on to a better life.

Today we will again hear from the naysayers. They will say needy families cannot work, they must collect

welfare for more than 5 years, that it is cruel to expect them to support themselves and their children like other American families. We have heard it all before.

The bill before us today builds on the successful 1996 reforms. It recognizes that work is the only true path from poverty to self-sufficiency. It expects more work and allows more education and training to count as work. To support more work, we added $2 billion over 5 years for more child care. We also provided States more flexibility in how they can spend cash welfare funds on child care, including for low-income families that have never been on welfare.

The bill does more to promote healthy marriage which will reduce poverty and improve child well-being. Too many children today are raised by single parents, most often by single mothers struggling mightily to get by. Compared with children raised by married parents, their children are at a disadvantage, including in terms of avoiding poverty and welfare as adults. Promoting stronger families will help break the cycle of long-term welfare dependence, and deserves our support.

This legislation allows for new State flexibility, including under the State flex provisions allowing social service programs to be better aligned to better serve needy families. Yet those who now extol flexibility when it comes to not expecting more work of welfare recipients argue that governors cannot be trusted with this expanded authority. Truly amazing.

Mr. Speaker, in these and many other ways, this legislation takes the next step in helping millions of families move from welfare to work. I urge all Members to support it.

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

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

Mr. Speaker, the gentleman talked about State flexibility; but if the majority is really interested in State flexibility, why do they take away the ability of States to provide educational services for people on welfare?

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

Ms. WATERS. Mr. Speaker, here we go again. Welfare reform is a serious issue, and we should not play politics with it. This is a bad bill, and Members on the other side of the aisle know that.

This President has put forth a bill that will penalize those who are trying so desperately to change their lives. What do they mean by making a welfare mother with children under 6 work for 40 hours while they are trying to get into training programs and change their lives? We need to assess each individual and decide what they need. If they need to be in school for 2 years because they dropped out early, if they need counseling, if they need to have an opportunity to have a substance abuse program to change their lives, we should be doing that.

Instead, what we are doing is taking away vocational education, doing nothing to make sure that the health care needs are taken care.

No, there is not enough money in this budget for child care. Parents cannot go to work and be trained without child care. Yet there is a lot of money in the bill, $300 million, to talk about promoting marriage. Give me a break. Let us give welfare recipients a chance to become independent.

Mr. HERGER. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CAMP).

Mr. CAMP. Mr. Speaker, the 1996 welfare law, which many of us here helped write, really brought us unparalleled success by almost any measure. If we look at the fact that more parents are working, child poverty has declined sharply, dependence has declined dramatically, there is a 60 percent decrease in the case loads of welfare recipients. This bill today builds on that success and improves this legislation.

Let me just talk a little bit about State flexibility because we have received a letter, both the chairmen and ranking members of the Committee on Ways and Means and the Committee on Education and the Workforce from the American Public Human Services Association, which is a bipartisan group of welfare directors around the United States complimenting us on the flexibility in this bill for things like improving and continuing the whole idea of a TANF block grant contingency fund; removing the restrictions on unobligated TANF funds; excluding child care and transportation from the definition of assistance; creating State rainy day funds for unobligated funds under this bill; continuing the transfer of 30 percent to the child care development block grant; restoring full transfer to the social services block grant; and maintaining the TANF block grant free from set-asides. These are somewhat technical provisions, but the State welfare directors from around the country have come together and complimented this committee for putting in these provisions which will bring much more flexibility to this bill. They say, ''These provisions will dramatically increase State and local flexibility in the administration of the TANF program.''

Mr. Speaker, this is a good bill. This will continue to build on the successes we have had. I urge support for it.

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

Mr. Speaker, I point out to the gentleman from Michigan that the popular 10–10–10 program in Michigan would not satisfy the requirements of this bill. It would be an unfunded mandate of $377 million to a State.

Mr. Speaker, I yield 30 seconds to the gentleman from Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, the gentleman from California (Chairman THOMAS) has said we are asking for way too much money. I saw in today's paper that the head of the Congressional Budget Office, Mr. Crippen, has decided not to go on for 4 years. I know why, because they want to get rid of him because it was his memo on February 2, 2002, that says this bill is going to cost between 8 and $11 billion in unfunded liability.

We did not make that number up. That came from the Congressional Budget Office. The director is selected by the majority, and they put him in. Here he is. Now he gives them information they do not want. The chairman is ignoring 280,000 kids in California who are not served.

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Mr. CARDIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Texas (Mr. HINOJOSA).

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

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of the Democratic substitute and in opposition to the underlying bill. Education and training are the cornerstones upon which we on this floor have built our future. This bill should be stressing basic literacy, English as a second language, GED completion and on-the-job training rather than cynically labeling them welfare scholarships.

In my congressional district, I have seen how education can bring economic prosperity to one of the poorest regions in the country. Our unemployment rates have dropped from over 20 percent to almost 10 percent. Only a few days ago, the President signed the agriculture bill to restore access to food stamps for legal permanent residents and overcame the mean-spirited denial of food for poor families that had been in effect for 5 years.

The Democratic substitute provides significant reforms as well as the resources needed to implement them. I urge my colleagues to vote for the Democratic substitute and against the Republican bill.

Mr. Speaker, I rise in strong support of the Democratic substitute and in opposition to the underlying bill. First, I want to commend my colleagues GEORGE MILLER, PATSY MINK and BEN CARDIN for their hard work and leadership in drafting this substitute. We all agree that we need to encourage work, but people need access to real jobs that will lead them out of poverty. The ''make work'' approach of workfare in this Republican bill, has only led people into working poor status, and has not improved their economic situation.

Education and training are the cornerstones upon which we on this Floor have built our future. This bill should be stressing basic literacy, English-as-Second-Language, GED completion, and on-the-job training rather than cynically labeling them ''welfare scholarships.'' In my congressional district, I have seen how education can bring economic prosperity to one of the poorest regions in the country. Our unemployment rates have dropped from over 20 percent to almost 10 percent.

Only a few days ago, the President signed the Agriculture bill to restore access to food stamps for legal permanent residents and overcame the mean-spirited denial of food for poor families that had been in effect for 5 years. Yet today we stand here ready to again weaken this program purely for ideological purposes.

The Republican ''super waiver'' provision would undermine critical programs like the Workforce Investment Program and the Childcare Development block grant. Yet without adequate childcare, transportation and flexible work-hours, what mother can concentrate on work when their child is home alone or in substandard childcare?

The Republican proposal is empty rhetoric because it is critically underfunded. It puts ideological sound bites over real welfare reform. Even the Nation's Governors have expressed their reservations about the poor policy and unfunded mandates in this bill. The Democratic substitute provides significant reforms as well as the resources needed to implement them. I urge my colleagues to vote for the Democratic substitute and against the Republican bill.

Mr. CARDIN. Mr. Speaker, I am very pleased to yield 1 minute to the gentlewoman from California (Ms. WOOLSEY), one of the real leaders on welfare reform, the architect of the Democratic substitute.

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

Ms. WOOLSEY. Mr. Speaker, 6 years ago I voted against the welfare reform bill because I had been a welfare mother 35 years ago. I knew what we needed to do to bring families out of poverty. I was right. Unfortunately, we have not brought families out of poverty. Yes, indeed, we have gotten many, many families to go to work. That is the good side of what has gone on. But we had a very good economy. When the economy is dropping, families are losing their jobs. But the worst thing about taking women and their families from welfare to work that we have experienced is they have gone from welfare to poverty, and we are keeping those families in poverty.

The reason I got off welfare is because I was educated. I had a good education, I had good job skills, and I could take advantage of that. We have to provide just that for our families on welfare. Then we will have a successful welfare reform program.

I voted against the bill in 1996 because I feared that moving from welfare to work would leave mothers stuck in poverty—especially during an economic downturn.

Well, 6 years we succeeded in doing just that!! Women are working and women and their families are living in poverty. We have to learn from what didn't work.

Now, we have a new bill . . . one that actually goes backwards on education . . . which, of course, is the way to prepare for a good job, one that pays a ''living wage.''

And, then the Republicans demand mothers with small children, under 6, go to work without the child care they need . . . especially child care for infants and parents working evenings and weekends.

H.R. 4737 improves nothing . . . it will do one thing and one thing only—keep mothers and their children in poverty.

Mr. HERGER. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. MCCRERY), a very active member of our subcommittee.

Mr. MCCRERY. Mr. Speaker, first of all, I want to respond briefly to the remarks by the gentleman from Washington about the unfunded mandates in this bill. This is a report from the same Congressional Budget Office dated May 13, 2002. CBO says the TANF grant program, which is the subject of this bill, affords States broad flexibility to determine eligibility for benefits and to structure the programs offered as part of a State's family assistance program. Consequently, any new requirements to the program as proposed by H.R. 4090 would not be intergovernmental mandates as defined in the Unfunded Mandate Reform Act to the States.

With respect to the question of money, this chart clearly illustrates that we are giving the States more money for welfare on a per-family basis. In 1996, the year prior to welfare reform going into effect, States had about $7,000 per family for welfare. Next year under the first year in this bill, States will have almost $16,000 per family for welfare. Tell me how we are shortchanging the States. They are getting over twice as much money, and that is not counting the $4 billion extra we are giving them in child care. Give me a break.

Mr. CARDIN. Mr. Speaker, I am pleased to yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the Democratic substitute. Earlier this Congress passed legislation that heavily subsidized big farms and military contracts. But when it comes to helping poor women and children, the cupboard is bare. How can my colleagues on the other side of the aisle call themselves pro-family when they do not adequately fund training and education to lift welfare recipients out of poverty? How can they call themselves pro-family when they do not provide adequate funding for quality, affordable, available child care so that working moms have a place for their children to go? We need our families to thrive, not just survive.

A welfare recipient wrote me earlier this month and she said, ''When you cut off money for education and training, you cut me off, too. You cut my children and myself into a never ending cycle of poverty.''

The Democratic substitute provides support to lift families out of welfare.

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

Mr. Speaker, I have listened to my colleagues talk on the other side of the aisle about this bill. Let me at least try to set the record straight. Our chairman the gentleman from California (Mr. THOMAS) said the fundamental thrust of welfare is where we need to continue. Yet the underlying bill changes that. I do not understand it. We trusted the States in 1996. Now we do not trust the States. Now we have to be prescriptive. We have to tell them how to do it.

The gentleman from Louisiana (Mr. MCCRERY) said, well, they are going to have plenty of money to do it. The truth is the States are spending $2 billion more a year than they are currently getting from the Federal Government for their TANF programs. The reason, quite frankly, and the gentleman from Louisiana (Mr. MCCRERY) did not tell the whole factual truth, there are a lot more people receiving TANF services than those in cash assistance, and we should be proud of that. We want people off of cash assistance. We think the programs that lift people out of poverty is where we should go. They do not have the resources.

The gentleman from California (Mr. HERGER) talks about flexibility in resources. The States have far less flexibility on providing educational services for the people on welfare under the Republican bill than current law. They do not move ahead. They take away the ability to have vocational education for 1 year towards the work requirements in the Republican bill. Gone. Is that giving States additional flexibility? No.

That is why the Congressional Budget Office, our scorekeepers, tell us that implementing this bill will cost our States an extra $18 billion, $11 billion in direct cost. That is the unfunded mandate, whatever we want to call it. It is going to cost our States more money to implement the requirements. We are being prescriptive. We are not using the formula that worked 6 years ago that I voted for, flexibility in resources to States so they can work with the people in their State to not only get them off cash assistance but to lift them out of poverty. We can do better and we are going to have a chance to do it when we offer the Democratic substitute.

I urge my colleagues, both Democrats and Republicans, look at the substitute. Support it. It is what we need in order to live up to our commitment to the people of our Nation.

Mr. HERGER. Mr. Speaker, I yield the balance of my time to the gentleman from Florida (Mr. SHAW), the architect and chairman back in 1996 of the Subcommittee on Human Resources.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Florida is recognized for 2 minutes.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding me this time. My congratulations to the gentleman from California (Mr. HERGER) for taking what I think is an historic piece of legislation and improving it.

In listening to the debate on the floor today and late into last night, there was an effort, I think, to rewrite history that was going on here on the

floor of the House of Representatives. I heard time and time again speakers from this side of the aisle getting up and talking about how President Clinton had input into the bill and finally he signed it after vetoing it three times. That is simply not true. We reached out time and time again to the White House and we were met with silence. They had no interest in working with Republicans on welfare reform. It was not until right before the election that the President decided that it was about time that he looked at this issue that was very much on the conscience of the American voters. On August 22, 1996, President Clinton did finally sign a welfare reform bill.

This historic legislation has pulled 3 million children out of poverty when we were hearing time and time again from the other side of the aisle that they were going to be sleeping on the grates. Yes, half of the Democrats did support us. That is a good thing, because that sent the message out that America expected more of the poor, the economic disadvantaged. But what is separating us on this issue is that we believe in the human spirit so strongly that we feel that if we raise that level of expectation that they will rise up to meet it, and history tells us that we were right.

We were absolutely right, because what we did was take people out of a life of dependence and made them role models for their kids, and they did do better. Now we expect the States to get more of their people on the work rolls. We have lowered the amount of people on welfare across this country by over 50 percent, but we are not through. We are going to do better. Together we will do better.

Vote ''yes'' on this bill and ''no'' on the substitute.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

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

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 4737.

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

There was no objection.

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

Mr. Speaker, the 1996 welfare reform law that we are reauthorizing today has been an unprecedented success, one of the most important pieces of social policy since the civil rights legislation of 1965.

Today with the Personal Responsibility, Work, and Family Promotion Act, we are set to build on that success. The bill marks the beginning of a second phase of reform that will help even more Americans find productive jobs. My friends on the other side of the aisle may say, ''The system is working. Why fix it? Why argue with success?''

Here is why. Welfare caseloads have fallen dramatically since 1996, but as this chart right here shows, 58 percent of TANF recipients still are not working for their benefits, according to the Department of Health and Human Services. And we all know that work is essential to help people get the skills that they need to move up the economic ladder.

The bottom line is that approximately 2 million families remain on welfare rolls today and we need to do something about it. Earlier this month, the Committee on Education and the Workforce approved a bill introduced by my friend, colleague and subcommittee chairman the gentleman from California (Mr. MCKEON), the Working Toward Independence Act, which is now part of this overall Republican bill. It strengthens work requirements to ensure that we move these welfare recipients on the path to self-reliance. As Connecticut Governor John Rowland has said, ''The most compassionate way to break the cycle of poverty, dependency and hopelessness is through work.''

The bill requires welfare recipients to participate in work activities for 40 hours a week. But within these new requirements, there is significant flexibility for States and recipients themselves. Welfare families will have 16 hours a week to pursue education and job training. They can also attend school full-time for up to 4 months during a 2-year period. The measure also increases the percentage of welfare families in each State that must be engaged in work activities; currently, 50 percent, moving to 70 percent by 2007.

Some have questioned whether States can meet these new requirements, suggesting that we are setting the bar too high. But I agree with President Bush who said last week, ''If it brings dignity into someone's life, it's not too high of a goal.''

And, remember, the bill gives States 5 years to comply with the new work requirements. The bill also includes significant funding increases for child care, boosting discretionary spending for the child care and development block grant by $1 billion over 5 years.

In addition to this new money, it is important to remember that States have half of the caseloads they had in 1996, which means they have got twice as much money available to spend on work programs or on child care.

□ 1200

H.R. 4737 also incorporates key elements of President Bush's Good Start, Grow Smart Plan to improve early childhood education, and encourages States to address the cognitive needs of young children so they are developmentally prepared to enter school.

Finally, the bill includes a promising new plan to empower States and localities to develop innovative solutions to help welfare recipients achieve independence. It will give States and local agencies the opportunity to integrate certain welfare and workforce development programs and try to improve their efficiency.

Mr. Speaker, in closing, I would like to echo the sentiments of President Bush when he said, ''No level of despair should be acceptable in our society.'' With this bill today, we are going to help some of the most vulnerable members of our society achieve self-sufficiency, and I urge my colleagues to support the bill.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself 2 minutes.

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

Mr. GEORGE MILLER of California. Mr. Speaker, what this debate has come down to is a question of whether or not those individuals who seek to get off of welfare, whether or not those individuals who seek to stay off of welfare, who have been successful in escaping the welfare system, whether or not they will have the means to do so. What this debate comes down to is whether or not a single individual or a family makes a decision about going to work, about participating in the American economic system, whether or not they will have the child care and the training available so they can take the best advantage of what this system has to offer them.

Over the last 5 years we have learned a great deal about welfare reform. There are two things we have learned that are absolutely crucial: First, that good job training and extensive job training in the beginning is better for the employee as they go out on that new job, it is better for their chance of advancing to a second and better job, and it is also better for the employer because it reduces the amount of turnover that the employer must suffer with the employment of individuals. That is very important.

The second thing is that the biggest barrier of people going to work is the care of their children. We ask people on welfare, we mandate that they must go to work, and yet we tell middle class women we want them to stay home and we give them a tax credit to stay home and take care of their child. So the person who is on welfare is asking the question, will my child be safe? Will my child have a chance at child development while I am working? This is what every mother, every father, every brother, every sister thinks about their siblings and their children.

The Republican bill simply does not provide the sufficient resources to the States to provide quality child care for those children and the needs that are now presented today to this Nation, not after you up the work requirement, but today.

Hundreds of thousands of children are on a waiting list for child care, and the Republicans want to continue to tell us that all the care that is necessary is available. Child care lists are frozen. This debate is about whether or not we will enable these individuals to go to work with the security of mind that their child is in a quality placement and their child is receiving child development while they try to engage in the American economic system.

Mr. Speaker, the debate about welfare should be a debate about how to move people—mostly women with young children—from dependency on government assistance to full-time, permanent employment that lifts, and keeps, the family out of poverty.

That is our goal for welfare reform.

Six years ago, Democrats and Republicans agreed that the welfare system of the prior half century was a failure. The new system emphasized moving people from dependence to jobs while providing them with education, training, child care and the other supports that most Americans recognize are essential to achieving the goal.

There have been some successes: welfare rolls are down—dramatically in some states. But let us remember that cutting the rolls alone was not the goal. The evidence gathered in study after study documents that while we have moved many off welfare, we have not achieved the goals of promoting long-term economic independence, jobs that lift and keep families out of poverty, or improved living standards for millions of children.

Since 1996, the welfare rolls have been cut by over 50 percent nationally. But millions of those who have left welfare remain desperately poor, dependent on food stamps, WIC and other public assistance, raising children in deep poverty with all of its harmful impacts, and without the education, training or child care that is necessary to move them to real independence.

In one review of 900 former welfare families, researchers concluded that most still live below the poverty line and have been forced to cut back on food to save money. Another major review of seven Midwestern states also concluded that many of the former recipients remained in poverty while Indiana and Wisconsin's rolls grew by 13 percent last year. In Michigan, 71 percent of those who combined welfare and work, and nearly 50 percent of those former recipients who worked full time, remained poor with many unable to buy food, pay utilities or rent or losing their phone service. Those findings demonstrate clearly that more must be done to move people off welfare and into employment.

We should finish the job begun in 1996, by directing the needed services to those who must leave dependency while still holding them accountable for achieving independence from government aid. Instead, the bill before us today—which we are denied the opportunity to improve—imposes costly new mandates on states without the federal support to pay even a fraction of the additional burden. It also imposes rigid welfare programs that are fundamentally different than the programs the Republicans have been heralding as great successes. We need to make welfare reform work, not punish the governors and the recipients alike because it hasn't moved fast enough yet.

The Republican bill takes a very different approach: massive new work requirements without adequate training, as well as other unfunded mandates and punishing requirements for state administrators and for welfare recipients alike—with little financial assistance for either. And this Republican bill, unlike the Democratic substitute, fails to protect working men and women by fully applying our nation's civil rights, wage, and health and safety laws to welfare recipients who are working. Nor does the Republican bill protect those who currently have jobs from being displaced by subsidized welfare recipients. That is just wrong.

This Republican bill tells the taxpayers of California: you better raise taxes by $2.5 billion, or cut your already deeply reduced spending, because you've got to pay billions to comply with this new bill, or face more punishment. And don't expect any additional help for the 280,000 families already waiting for child care, because the Republicans aren't going to give you more assistance.

But it isn't California. The Republican bill tells Michigan to raise taxes or cut spending by $377 million, a state that has already cut more than half a billion in spending. The Republican bill tells Pennsylvania: your bill is $433 million; Ohio, it's $444 million; New Jersey, $233 million; Connecticut, $133 million; Texas, $688 million; Florida, $311 million; New York, $1.2 billion. State after state, billions upon billions in new mandates piled on by this Republican bill that fails to fund them.

There is no evidence that the harsh and rigid revisions dictated by the Republican bill will increase the success of welfare reform; but they will severely restrict the flexibility the states have been able to use to meet the needs of their residents, as 39 out of 44 states agreed earlier this year.

Some will try to paint those who raise concerns about education, training, workforce protections and child care as ''soft on welfare reform.'' The American people know better than that. We are all for moving people from welfare to work, from dependence to independence, from poverty to self-support. The American people also know we need to get people the flexible tools they need to give them a fair chance to succeed. This bill is grossly unfair, it imposes billions in new costs to the states, and we are not being given the opportunity to improve it, and that is why we will oppose its passage and support the Democratic substitute.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. MCKEON), the chairman of the Subcommittee on 21st Century Competitiveness.

Mr. MCKEON. Mr. Speaker, I rise in strong support of H.R. 4737, the Personal Responsibility, Work and Family Protection Act. I want to thank the leadership and in particular the gentleman from Ohio (Chairman BOEHNER) and other members of the House Committee on Education and the Workforce who have devoted countless hours to putting together a package that every Member of this body should support.

Six years ago, the Nation's welfare rolls bulged with more than 5.1 million individuals and families. Today, the rolls have decreased tremendously. Between 1996 and this very day, over 3 million people have left welfare for work. Over 3 million former welfare recipients know the satisfaction of earning a day's pay for a day's work.

As the debate goes forward on this bill, it is important to remember that the true benefactors of welfare reform are young Americans. Because of welfare reform, young Americans are able to see their parents get up each morning and go to work. Without this very basic ethic, those young people are at a great disadvantage, and it becomes difficult for them to escape the cycle of poverty in which their families have lived for generations. H.R. 4737 helps these families and builds on the success of the 1996 welfare reform.

The work requirements were the centerpiece to welfare reform. It is only through work that individuals can get out of poverty and lead productive lives. The bill before us increases the work requirements to 40 hours of work per week. That is the bare minimum that most Americans work every week. That is only 10 hours more than the current requirements.

For 24 hours, TANF recipients are required to be involved in direct work. For 16 hours, they may take part in educational or job training programs that will lead to self-sufficiency and a better life. The structure of the 16 hours is defined by the State.

Understanding that child care is most important to helping families leave welfare, H.R. 4737 increases the already extremely high levels of funding for the Child Care Development Block Grant. The high level of funding is increased even as the number of families being served has dropped by over 3 million.

The bill also provides State flexibility while maintaining State accountability by permitting States or local entities to integrate a broad range of public assistance and workforce development programs.

At the same time, it is important that local areas created under the Workforce Investment Act be heavily involved in the process. Therefore, I am pleased that the bill provides provisions ensuring that local administering entities join in the flexibility application submitted to the Secretaries. This will, in effect, give the locals veto authority over provisions that they believe will not improve the quality or effectiveness of the programs involved.

The results of welfare reform are clear. The work requirement has led 3 million families to live independent of government handouts. While it is important to talk about the significant reduction in welfare caseloads, the goal is not simply to move families off of welfare; the goal is to help families become self-sufficient, to end generations and generations of welfare dependency. As such, I strongly urge my colleagues to support the bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I would like to inform the last speaker that the unfunded mandate in this bill would cost the State of California $2.5 billion.

Mr. Speaker, I ask my colleagues on the other side of the aisle why would I, as a Member of Congress, tell working mothers to leave their small children behind and go to work without providing them safe child care?

In Minnesota alone today there are nearly 5,000 families on the waiting list for child care. That is the entire population of the City of St. Paul Park. The Republican bill provides only a slight increase in child care, not even enough to keep up with inflation. It would remove only 300 of the 5,000 children from Minnesota's waiting list.

But then, wait. We are now doubling work requirements for mothers with children under the age of 6. This will add thousands more families to our waiting list, costing Minnesota more than $100 million.

It is completely irresponsible to think that Minnesota and other States facing deficits will be able to provide child care. We owe it to our children, we owe it to their parents that they have safe, reliable places for their children to be while they are working.

I served in the Minnesota Statehouse, where I worked on a bipartisan effort after Congress passed the law 6 years ago. We had success. Minnesota is cited as one of the most successful programs and it is rated top in the Nation for making families self-sufficient.

Today, I am being asked to vote on a bill that seeks to undo the success in Minnesota. The new Federal mandates limit the flexibility and fail to provide needed funding for these new requirements.

We cannot have it both ways. You cannot have it both ways. You cannot say you are trying to move people out of poverty and then not give them the means to accomplish that.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Jersey (Mrs. ROUKEMA), who will be retiring, a long time Member of the Committee on Education and the Workforce.

(Mrs. ROUKEMA asked and was given permission to revise and extend her remarks, and include extraneous material.)

Mrs. ROUKEMA. Mr. Speaker, I thank the chairman for yielding me time, and I certainly commend the gentleman from Ohio (Chairman BOEHNER) and the gentleman from California (Chairman MCKEON) for their hard work and diligent leadership here.

Mr. Speaker, the gentleman has indicated that I have had a long history here in the Congress, certainly on this committee. I go back to 1996 and the welfare reform, and I have got to take the credit for being one of the first, a Northeast moderate Republican, one of the first to be advancing welfare reform, and I think that bill has proven its own success.

But I would like to say that in addressing the need for welfare reform, at that time and again today, I stress what we need is what I call ''tough love,'' and the tough love that is needed is in this bill; namely, that the welfare recipients must become more self-sufficient while at the same time this legislation is sensitive to the genuine family needs and the needs for children to be properly cared for and educated, and I believe that this bill does that.

In fact, my amendment, only one of the portions of the bill, but my amendment, the self-sufficiency plan, gives the authority to the States and the welfare recipients to work together to create these self-sufficiency plans and to address any barriers that are there that are preventing the families and the children from getting the road map that they need to this self-sufficiency, and I am proud that that language is in this bill.

The bottom line is that this bill may not be perfect, it may not be, but it is a significant reform building on the successes of 1996, and passage of this bill today is a vital step to completing the task that we started in 1996 and to restore public assistance to its original purpose, providing a temporary safety net for those in need, and genuine tough love for all the little children. And they are protected in this bill.

I rise in support of this bill. First and foremost, I would like to commend the Education and Workforce Committee Chairman BOEHNER and Subcommittee Chairman MCKEON for their leadership, hard work, and diligence on this important issue. Of course, I commend the President for making welfare reform a priority for our nation.

INTRODUCTION

When we started down this road to welfare reform years ago, the American people were convinced that the welfare system was out of control. They worried that we were wasting billions upon billions in hard-earned taxpayer dollars to support a system that promoted unhealthy, unproductive, dysfunctional families and sentenced children to a lifetime of economic, social, and emotional deprivation. In a system like that, the children were the victims.

In addressing the need for reform we must demonstrate what I characterize as a ''tough love'' approach. Namely, ''tough love'' so that welfare recipients can become more self-sufficient while at the same time being sensitive to genuine family needs and that the children are properly cared for and educated.

The 1996 Welfare Reform Act was based on the notion of individual responsibility. The reforms restored public assistance to its original purpose: a temporary safety net for those in need—not a permanent way of life for generations of families. The 1996 Welfare Reform Act was good policy, however we all agree that we have much more to do. We must ensure that welfare recipients are self-sufficient when they leave the system.

The bill before us today represents the next phase of welfare reform. It continues to focus on individual responsibility through work. It provides the necessary mechanisms to help welfare recipients independently support their families when they leave the system. The bill also recognizes that states need flexibility in creating the most effective welfare programs. Finally, I am pleased with the increased funding for child care programs, which allows parents to go to work while their children are provided with the care they need.

SELF-SUFFICIENCY PLANS

Too often, families with significant barriers to full employment are not given appropriate opportunities and adequate services to remove those barriers and allow them to become successful and independent. I am pleased that the bill before us today includes language from an amendment I offered during the Education Committee markup to ensure that states and welfare recipients work together to define what barriers stand in the way of permanent employment and subsequently create ''self-sufficiency plans'' to address these barriers. These plans will provide welfare recipients the ''road map'' they need to become independent of government assistance when they leave the welfare rolls while maintaining the proper focus on the purpose of welfare—individual responsibility.

CONCLUSION

The bottom line is that this bill builds on our past successes to ensure that those we move off of welfare have sustainable job opportunities and the ability to secure a promising future for their families. While this legislation is not perfect it is significant reform. Passage of this bill today is a vital step toward completing the task we started in 1996 to restore public assistance to its original purpose: providing a temporary safety net for those in need, genuine ''tough love'' for all the little children.

EDUCATION AND TRAINING

I believe the bill before us today takes important steps to helping welfare recipients achieve self-sufficiency. However, the bill falls short in one critical way: it fails to ensure that welfare recipients have the skills they need to remain employed in the private sector.

It is of paramount importance that we allow for the education and training of those moving into the workforce. Education and training will enable welfare individuals to hold sustainable quality jobs, rather than menial, low-paying positions that will not provide independence from government assistance when they leave the welfare system.

Research supports the effectiveness of ensuring that welfare recipients have the skills they need to retain a quality occupation. In one study by the U.S. Department of Health and Human Services and the U.S. Department of Education, individuals leaving welfare who were most successful in sustaining employment were twice as likely to have a technical or 2-year degree.

We must recognize that there are basic skills necessary for the occupations that we are hoping welfare recipients will enter into. In fact, the Educational Testing Service reports that nearly 70 percent of the jobs created through 2006 will require workers with education skills that are higher than the levels of most current welfare recipients. As I am sure all of my colleagues have heard, numerous employers in technical fields and healthcare are experiencing workforce shortages and being forced to bring in immigrants to fill their jobs.

Honestly, this makes no sense to me because we have a number of welfare recipients in this country that could fill these positions if they had the appropriate training. As I see it,

proper training of welfare workers could have a tremendous impact on welfare recipients AND employers.

Current law allows for 12 months of vocational training for 30 percent of the state's welfare population. While this was an important first step, it did not allow for the education and training of all welfare recipients. It also did not take into account the range of programs offered by community colleges that lead to quality occupations.

The bill before us today wisely removes the 30 percent limit in current law so that all welfare recipients can participate in activities that will help them improve their job training skills. However, the bill falls short because it does not allow for the full participation in these activities for more than 4 months (one semester) in a 2-year period. What this means is that a person can receive up to 8 months (two semesters) of education while they are on welfare but this training can not be consecutive. I do not believe that this is the best approach for helping welfare recipients achieve independence.

We should allow for one consecutive school year of education and training to count as an allowable work activity. This would only be a minor change to the bill but it would achieve the results we are hoping for.

After 1 year of training, welfare recipients will be able to attain a skill or trade and then move on to a good job. According to the American Association of Community Colleges, students can earn certificates at a community college in 1 year if they attend College full time. So by allowing a school year of education, welfare recipients would have the potential to receive an occupational certificate, which would set them on their way toward self-sufficiency.

I firmly believe that welfare families need ''tough love''. They need a system to provide assistance when there is absolutely no other alternative. But we need to ensure that government assistance is no longer a way of life. And the best way to achieve true independence for families, we need to make sure they have the skills to retain a job that pays enough to support their family. Moving families back and forth between work and education without a true plan does not help them make their own way in the world.

We must help welfare participants secure high wages, benefits, and steady work by investing in their futures. And we must be realistic. Allowing welfare recipients to enroll in education programs for a limited time is a necessary step in the struggle to transition from poverty to self-sufficiency.

STATE FLEXIBILITY

One of the hallmarks of the 1996 law is the flexibility it gives states and localities. The bill before us today offers states even more flexibility, authorizing them to integrate a variety of federal welfare and workforce investment programs and make them more efficient. While providing flexibility to allow the states to be innovative in their welfare programs, the bill also includes significant protections to ensure that states and localities continue to comply with federal civil rights, labor, and environmental laws, and that no program will lose any funding.

As Chair of the Financial Services Subcommittee on Housing, I want to take a moment to comment on the state flex proposal and how it relates to the housing and homeless programs. Under this bill, states and/or local governments are given the ability to seek new and innovative solutions to old problems of service delivery. Through the hearing in my Subcommittee, we have heard time and time again about the need for coordinated services. Housing and homeless problems cannot be solved merely with brick and mortar. Chances are, if you are in need of housing, you also are in need of a multitude of other services—whether they be medical, food, transportation, childcare or counseling. Programs that fall under the jurisdiction of other agencies like HHS.

The legislation we are considering today will allow entities, such as the public housing authority, and the local and state governments to blend programs various programs to address the problems of services delivery. An example of this waiver could be a child-care center and a local public housing agency jointly petitioning the Federal Review Board to waive the regulations and requirements of their applicable programs to achieve a certain purpose. H.R. 4735 will give community groups and local and state entities the opportunity to cut through some of the red tape that many housing organizations complain about when attempting to blend programs from different agencies.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Hawaii (Mrs. MINK), the subcommittee ranking member and a wonderful worker on this issue.

(Mrs. MINK of Hawaii asked and was given permission to revise and extend her remarks, and include extraneous material.)

Mrs. MINK of Hawaii. Mr. Speaker, I thank the gentleman from California for yielding me time.

Mr. Speaker, there is so much that needs to be said about this issue, but I would like to inform the last speaker that the unfunded mandate in this bill would cost the State of New Jersey about $233 million. That is the financial aspect of it. The human aspect is what I want to address.

The people that get up and say what a wonderful thing has happened under the 1996 bill because half of the families have been removed from welfare, we cannot deny those statistics, they remain there. But what has happened to those families? No one can tell us whether indeed they are still working, whether they are out of poverty. Most of the figures we have seen is that those that still work, work for minimum wage. I dare say that people working for minimum wage are not out of poverty. In fact, we have 38 million people considered in poverty.

So, with the requirements today of 30-hours mandated work activity and all of these rave reports about the success of the program acknowledging that the States have done most of this good work, why in the world would the Republicans now want to come and make the work requirement tougher? Why increase the 30 hours to 40 hours? It pays no account to the 2 million families that are on welfare today who are struggling.

Most of those families come to the welfare office with enormous stresses, substance abuse, domestic violence, mental illness in someone in their family, extreme disability of a child, physical illness, perhaps illness of their own, alcoholism. I think that what they have put on are blinders to reality.

Mr. Speaker, I urge this House to be real, to take into account the real essence of these families. They need help. They do not need a requirement to do 40 hours of work. It is a struggle for them to just stay alive and to maintain their families.

I urge this House to consider the people on welfare as real people, as our neighbors and as our friends.

Mr. Speaker, I include for the RECORD a list of groups opposed to H.R. 4737.

GROUPS OPPOSED TO H.R. 4737—AS OF 5/15/02

Alaska Federation of Natives
American Association of University Women
American Civil Liberties Union
American Federation of Government Employees
American Federation of Labor—Congress of Industrial Organizations (AFL–CIO)
American Federation of State, County, and Municipal Employees
American Federation of Teachers
Americans for Democratic Action
American Jewish Committee
Asian Pacific American Labor Alliance
Asian Pacific American Legal Center
Association of University Centers on Disabilities
Center for Community Change
Center for Women Policy Studies
Coalition on Human Needs
Coalition of Labor Union Women
Communication Workers of America
Delta Sigma Theta Sorority, Inc.
Friends Committee on National Legislation (Quaker)
Hmong National Development, Inc.
International Brotherhood of Electrical Workers
International Brotherhood of Teamsters
Jewish Council for Public Affairs
Jewish Labor Committee
Labor Council for Latin American Advancement
Laborers International Union of North America
Latino Coalition for Families
Lawyers' Committee for Civil Rights Under Law
Leadership Conference on Civil Rights
Mexican American Legal Defense and Education Fund
National Alliance of Postal and Federal Employees
National Asian Pacific American Legal Consortium
National Association for the Advancement of Colored People
National Association for Equal Opportunity in Higher Education
National Association of Counties
National Association of Human Rights Workers
National Association of Social Workers
National Campaign for Jobs and Income Support
National Coalition for Women and Girls in Education
National Council of Churches of Christ in the USA
National Council of Jewish Women
National Council of LaRaja
National Education Association
National Employment Lawyers Association
National Federation of Filipino American Associations

National Gay and Lesbian Task Force
National Low Income Housing Coalition
National Partnership for Women & Families
National Urban League
National Women's Law Center
National Workrights Institute
NETWORK: A National Catholic Social Justice Lobby
Organization of Chinese Americans
Presbyterian Church (U.S.A.), Washington office
Service Employees International Union
Southeast Asia Resource Action Center
Unitarian Universalist Association of Congregations
United Auto Workers
United Food and Commercial Workers
United States Student Association
United Steelworkers of America
Washington Ethical Action Office
Welfare Law Center
Welfare-to-Work Project, The Legal Aid Society—Employment Law Center
Women Employed
Women's International League for Peace and Freedom, U.S. Section
Workmen's Circle, Washington DC Area

I urge my colleagues to vote against H.R. 4737.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Delaware (Mr. CASTLE), the chairman of the Subcommittee on Education Reform.

Mr. CASTLE. Mr. Speaker, I thank the chairman very much for this opportunity to speak to this bill.

Actually, this legislation did not begin in 1996; it began in Washington in 1988 with a piece of legislation called the Family Support Act of 1988. In reality, for those who were in State legislatures or in the executive branch of the States, as some of us were, it started earlier than that. It started in 1985, when the States really began to look at welfare reform, with governors like Bill Clinton, for example, and Tommy Thompson, who came along and got involved in this.

Decisions were made there. They were not made in Washington, D.C. It was set up in such a way that people would have the opportunity to be able to be educated and go to work, and eventually Washington went along with it in 1988, and obviously we really encompassed it in 1996.

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The arguments were the same then as they are now. It is sort of like the Star Wars business that was talked about last night. It is a rerun, to a degree; and the same people were saying it will work and others were saying it will not work. Yet, each and every time, this program has worked. It is the best social program in terms of improving people's lives that we have ever had, probably in the history of the Congress of the United States, or even this country. Because indeed, if we go out and talk to that 50 percent of the people who in recent years have gone off of welfare and we get their story as to their opportunity to become self-sufficient and to become independent, to be able to live their own lives and stand up for their families, we are going to find out how supportive they are of welfare reform.

In this particular legislation there is a lot of concern about where we are going and what we are doing. There are concerns about the 70 percent requirement, can we meet that. I believe that we can. We have always met them before. Can the 40-hour work week with 26 hours of work and 14 hours of other activities be met? I believe that we can do that as well.

One of the areas is child care. I introduced an amendment in the committee, and we were able to get it done, to add $200 million. Later it was worked out that we would have $2 billion more for child care. About 62 percent of all children in this country who are not in school yet are in child care. How do we take care of that? If one looks at this chart, we get some idea of where we are going and why we are adding $2 billion to the $4.8 billion of the direct child care here. We are going to find that when we look at all of the discretionary funds, the transfers from the TANF block grant, a lot of which goes to child care now, what the States do, and then add in Head Start at the bottom, we get to a point of $18.272 billion that goes into child care in the United States today. That is a large number, and it will be a large increase over what was there before; and my judgment is it is something we are going to be able to live with.

So I totally support this legislation. I believe it will work. I believe perhaps some things need to be addressed, and I think they will be in the Senate and perhaps in conference; and one of those is the transitional medical assistance, a program that provides health coverage for welfare recipients. I would like to see that authorized for 5 years, because if you go off of welfare you are going to need that Medicaid assistance. We did not quite complete that task, but we can resolve that at a later time. I believe that the State flexibility provisions, frankly, were better before the changes were made recently; and I think there should be State flexibility if we can possibly have it.

Mr. Speaker, I hope that as all of this is looked at in terms of jurisdictional aspects of what Congress is doing versus what they are doing in the States, we can give them the flexibility to carry out what they have to do. I am somewhat concerned about some of the programs that we have with respect to dealing with unplanned pregnancies and achieving independence for working men and women. Abstinence education I think is a very important part of this effort. Yet the language in H.R. 4737 provides a simple solution to a very complex problem and I think probably needs some reworking.

Mr. Speaker, these are relatively minor concerns. Overall, this is legislation which, in my view, each of us, and I would appeal to those who, perhaps because of procedural concerns are opposing it, but that each of us would come forward in support. My colleagues will be proud of the fact that they supported it and proudest yet when they go out and meet individuals who have gotten off the rolls of welfare.

I support this bill. This is the beginning of the efforts to empower the next generation of welfare-leavers, and I hope this entire Congress can get behind it and make sure we continue this opportunity for those who live in our districts around the country.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

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

Mr. OWENS. Mr. Speaker, I would like to begin by informing the gentleman from Delaware that the unfunded mandate in this bill would cost the State of Delaware about $33 million. I think it is important to note these unfunded mandates and the higher costs. Maybe the Governors in the States would like to have the farm subsidy bill given to the States so that they could have more flexibility there and return the administration of the TANF program strictly to the Federal Government.

We had our previous speaker from New Jersey, the gentlewoman from New Jersey, who talked about tough love. When she first spoke, I thought she was talking about tough luck is what we are offering to welfare recipients. In the case of the farm subsidy bill, it is tough luck too if we get up to $390,000 in taxpayer safety net benefits if one is a farmer, and if that $390,000 a year is not enough, then tough luck after that. Consider the contrast.

Also, consider the fraud that permeates this legislation and the whole process of discussion. If we really care about children, if we care about getting people out of poverty, then built into the legislation there ought to be some kind of punishment or incentives related to reducing the child care waiting list. There ought to be an incentive for reducing the child care waiting list. The waiting list in New York is so large, they will not even tell us what it is; and yet New York City has one of the best day care systems in the world, one of the largest day care systems, but still the waiting list is so long. The waiting list in Georgia is 46,800; in Mississippi, 10,422; Ohio will not even tell us what theirs is. North Carolina, 25,363. If we had some way to reward them for reducing the waiting list, then children would be better taken care of. There is no real way to see that that happens in the most basic way, and that is in the area of day care.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

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

Mr. Speaker, the Children's Defense Fund, which so many of us remember as the original individuals who doctored the slogan ''leave no child behind'' before it was so unceremoniously expropriated by our President for an education bill that he then went on and left all the children behind because he did not fund it, here we have a welfare bill where they ask recipients to go to work, but they do not give them the tools to really go to work that gets them out of poverty. I think that is why it is necessary to vote against this bill that the majority party is putting forward and look more seriously at the alternative being put in by the substitute by the Democrats.

Essentially, we need to expand the educational opportunities for individuals that are trying to move from welfare to work to make sure that they have the tools to get a job that pays enough to lift their children out of poverty. Vocational training, postsecondary education, work study, internships, job training, English as a second language, GED courses, basic adult literacy, these are all tools necessary for people to be able to do work that, in fact, will pay.

In my State of Massachusetts, we have a business community that understands this. In fact, a joint report issued by the Massachusetts Taxpayer Foundation and the United Way of Massachusetts Bay concluded that at no time in history have they had a greater need for people with a basic education, at least 2 years beyond high school, in order to fulfill their needs for employees to be productive and to have an economy that really moves forward. Their recommendation, as employers generally perceived as to be more conservative than others, was that we need a system that allows people to have those educational tools so that they can hire them now. It is not enough to put them on a temporary education program stretched out over 5 years so that some day down the road they might get a certificate. Our industries in business need them to get it sooner to put them to the level where they can be productive and effective for those companies now.

So we have both the business community and others who are interested in the welfare and well-being of these individuals, indicating that we have to give them the kind of education that really matters, have that educational opportunity be 24 months, lift people from poverty, and truly leave no child behind. Just do not talk about it; do it.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS), a member of the committee.

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

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

Taxpayers who object to paying for able-bodied people to stay on welfare should object to this bill, because what it is going to lead to in the long run is more people who are able-bodied being back on public assistance.

The flaw in this bill is that it makes mothers choose between pursuing their higher education and taking care of their children. Those mothers will choose, and should choose, to take care of their children. They will work longer hours, but they will not pursue a higher education because the child care that would let them pursue that higher education and take care of their children is not guaranteed in this bill.

This bill will breed a new generation of permanent low-income, public assistance recipients. We should move beyond welfare to work, from poverty to independence. Let us reject this bill.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the distinguished gentleman for yielding me this time. I commend him on his hard work, and I rise in support of H.R. 4737.

Mr. Speaker, I have to make an observation. The well-intended birth of aid to families with dependent children and welfare in the 1960s was a temporary assistance to help Americans in need. It became a generational entitlement that trapped generations of Americans in subsistence.

In 1996, Members on both sides of the aisle voted for a bill that some called at that time a bill that would increase the welfare rolls, children in hunger and in poverty. And today, 5 million American families that were on welfare are off and their self-esteem is high. They are now the taxpayers that the gentleman from New Jersey (Mr. ANDREWS) referred to, who would have answered his question with a resounding no. They would have said yes, we do believe the rest of ours who are entrapped in poverty should be uplifted like we have been as well.

I find it unfortunate that Members of this House would condemn a success and try and make the fact that it is not incrementally as good as they would like it to be the reason why we ought to go back to generational entrapment.

One last thing. We gave waivers to States and Governors like Tommy Thompson and Engler and others, and they created programs that work. There have been some questions about waivers, but let me tell my colleagues this. The creativity at the local level in Georgia and in California and in Hawaii and Ohio has made the lives of poor Americans richer and has made welfare-to-work a reality. To that end I would like to engage the gentleman from California (Mr. MCKEON) in a colloquy to make sure the clarifications are clear on the authority at the local level.

Mr. Speaker, this bill stipulates that the entity that administers a qualified program must join in any application proposing to conduct a demonstration program involving such a program. As the gentleman knows, local business-led workforce investment boards administer the adult dislocated worker and youth employment training programs authorized by the Workforce Investment Act.

Is it the gentleman's intent that such boards would need to be a party to any application that is submitted to include WIA programs within a demonstration project?

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

Mr. ISAKSON. I yield to the gentleman from California.

Mr. MCKEON. Mr. Speaker, the gentleman is correct. In order to coordinate those activities funded under the Workforce Investment Act that are administered by local boards with one or more other programs listed in this bill, local boards and the entity that administers the other programs would need to submit a joint application to the appropriate Federal departments. As a result, local boards effectively can veto demonstration projects that the board believes do not enhance workforce development and improved service delivery simply by choosing not to join in the request. A State cannot seek to waive provisions within the Workforce Investment Act that impact the local delivery system without approval of the local boards.

I will submit for the RECORD a letter from the National Association of Workforce Boards supporting the protection language included in the bill.

NATIONAL ASSOCIATION OF WORKFORCE BOARDS,
Washington, DC, May 9, 2002.

Hon. HOWARD ''BUCK'' MCKEON,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE MCKEON: We are writing on behalf of the Board of Directors of the National Association of Workforce Boards (NAWB) to express our support for your efforts to establish increased linkages between the Workforce Investment and TANF systems. We appreciate your leadership on this and other issues that will ensure the continuation of a business-led system for workforce development. NAWB's Board supports the inclusion of waivers for WIA and other related programs in the TANF reauthorization bill, provided these waivers meet a set of critical principles.

First, the system of waivers needs to clearly and carefully balance the interests of local communities, where services are provided and accountability can best be brought to bear, with state and federal interests. In short, we strongly support your insistence that any waivers must be subject to a joint agreement between the state and the local workforce board where the waiver would apply. By requiring both state local board approval of a proposed waiver you can ensure that both sides will negotiate in good faith, with the local workforce board representing the interests of businesses, education and service providers.

Second, we believe that a sound system of waivers must protect the local strategic planning and governance structure that was set up through painstaking negotiations during passage of the Workforce Investment Act. That is to say that any system of waivers should reference or incorporate the provisions in Section 189(i)(4)(i). In particular we

are concerned that the waiver structure protect the authority vested in local boards, as well as the local allocation of funding for the workforce investment system.

Finally, the waiver system needs to be as broad as politically possible. Congress needs to ensure that the waivers include all major federal legislation affecting education, workforce and social service programs as it promotes a workforce system that is focused on the needs of both employers and jobseekers.

We believe that the so called ''super waivers'' can succeed if they work to create a level playing field between state and local interests as communities grapple with how best to balance their economic development, education and life-long learning strategies. If, on the other hand, waivers are merely a way to shuffle which bureaucracy operates which portion of the workforce development ''system'' they will lead to disillusionment among our business community about the ability of public programs to respond to the new economy. Because our members serve on local workforce boards, they know first hand how difficult it can be to drive quality and flexibility in the public system. At the same time, they realize that a system of voluntary waivers offers a reasonable option to the gridlock that has too often prevented program integration.

In addition to the inclusion of WIA in the waiver authority of the TANF reauthorization legislation, we encourage you to retain the positive provision of the addition of TANF as a mandatory partner in the WIA system that was added to H.R. 4092 during Education and Workforce Committee consideration. We would like to take this opportunity to support this provision, and urge you to retain it as TANF reform legislation is considered by the full House in the coming weeks.

Again, we appreciate your continued efforts on behalf of the workforce investment system, and particularly in support of local workforce investment boards. We would appreciate the opportunity to review any proposed language to see that it meets the needs of local business-led boards and would be happy to meet with you or otherwise comment as you move forward on this issue.

Sincerely,

KAY GEORGE HOCH,
Chairman.
ROBERT KNIGHT,
President.

Mr. ISAKSON. Mr. Speaker, I thank the gentleman for the clarification, and I thank the chairman for his diligent work. I, for one, will vote in favor of this bill to empower the American people.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH), a member of the committee.

Mr. KUCINICH. Mr. Speaker, I just wanted my good friend from Georgia to know that the unfunded mandate in this bill would cost the State of Georgia about $266 million, and Georgia has 16,000 children on the child care waiting list.

The question before us is, Do we stand for the dignity of the poor, or do we believe in tough treatment for the poor? Does Congress want to help poor and low-income families, or does Congress want to push them further into poverty?

Today we are considering the majority's bill, which would push people further into poverty. This bill proposes to reduce poverty while reducing welfare rolls. After 5 years, welfare cash assistance caseloads have decreased by nearly 50 percent; but overall, poverty has declined by less than 2 percent. Do we stand for a welfare system that gives people a chance to pursue education and training without additional makework mandates? Work is at the center of the debate, but the majority bill will not help people obtain and keep jobs with decent wages.

The bill imposes new requirements and decreases State flexibility. The majority's bill is not what the States support; 41 of 47 States indicate that the administration's proposal, the blueprint for this bill, would cause them to make fundamental changes. The NGA survey found that most States would not be able to meet the new requirements, so we do not stand with the States.

Mr. Speaker, this bill encourages work-fare programs that fail to increase earnings and fail to increase employment.

□ 1230

Recipients want real jobs not workfare. So it is clear that the bill does not stand with low income families. So it does not seem that the majority bill has been crafted with any key group of people in mind that implement the law or are affected by it. The bill shows it is crafted by those who are posturing to look tougher on the poor.

If States are forced to implement the majority bill that will be workfare programs. Workfare is so overwhelmingly bad. It overshadows nearly everything else in the bill. Workfare meets the need for a 25 percent increase in child care, at the very least. This bill before us does not even increase child care to meet the current need, let alone a one-quarter increase. Workfare undermines efforts to place people in good jobs. It undermines efforts to increase education and job skills. Vote against this bill.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, something is seriously wrong here. Last week this House authorized a defense bill that will cost $400 billion, a record increase of $48 billion, this despite the fact that the Inspector General of the Department of Defense has testified publicly that the Department cannot pass an audit and cannot track $1.2 trillion in transactions.

The increase in the defense budget alone is three times greater than the cost of the welfare program, the major program supposedly aimed at lifting poor women and children out of poverty, aimed at fostering responsibility. We are demanding that poor women get a job, any job, even as we lose track of more than a trillion dollars? Bail out the airlines, give huge subsidies to farmers, offer a $254 million tax rebate to Enron? I am for accountability, but for everyone. But the Republican welfare bill is just mean. It makes it harder for most people in need to achieve self-sufficiency, something they want even more than we want from them.

I say vote for the Democratic substitute. Vote no on the Republican bill.

Mr. BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Oklahoma (Mr. SULLIVAN), our newest member.

Mr. SULLIVAN. Mr. Speaker, I stand before you to strongly encourage my colleagues to support this bill.

Six years ago the Members of this body united to pass a bill that revolutionized the lives of welfare recipients. In the 6 years since the passing of that legislation America has witnessed a huge decline in welfare dependence. We must build upon those successes and create new ways for people to become independent and move from welfare to jobs.

This bill is about three things: Compassion, work and marriage. Compassion means encouraging work, which leads to dignity, self-respect and self-sufficiency. Compassion also means focusing on marriage as a key part of the battle against poverty. Compassion in the context of welfare reform means that in the past 6 years over 3 million children have been lifted out of the depth of poverty. Now that is compassion. It also means independence. By focusing on work we not only help reduce caseloads but build people up to be productive members of our society.

This bill directs funding from programs that encourage healthy stable marriages. These programs include premarital education and counseling as well as research so we find more and more ways to make shaky marriages solid again for the sake of both the parents and the children. It also promotes responsible fatherhood, helping men in particular be responsible, respectable models for children.

The House must finish its work it started 6 years ago. We must ensure that success of welfare reform by passing this bill. We must have an opportunity to help people work and give them self-dignity in the process. I believe this legislation will bring genuine improvement in the lives of Americans who are dependent on welfare. I urge my colleagues to support this measure.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. FORD), a member of the committee.

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

Mr. Speaker, what we are trying to do here is a good thing, and we are all trying to build on the progress we in the Congress and certainly President Clinton made in reforming welfare.

I think one of the things we believe the substitute will do is an improvement on what the gentleman from Ohio (Mr. BOEHNER) and some of my friends on the other side are attempting to do, is to allow for people to go to work and

at the same time pursue some kind of job training. Many of us know we will vote on some kind of fast track or anticipate voting on it soon, and one of the things we are trying to do is ensure there is a reasonable component to help people get additional training for those who may experience dislocations. The same is true here, and that is why we think the substitute is better.

Two, this is an enormous unfunded mandate, as many of us know, and our effort on this side is to try to alleviate some of that pressure on the States. I have been informed the State of Oklahoma, this would cost them $78 million. My home State of Tennessee, this will cost us an additional $100 million in funding when my State is facing a $400 million budget shortfall. This is not the way to go.

One of the things in which we hope on this side is that people can find ways to create that long-term sufficiency. It is my hope that, although I do not have enough time to say it, that indeed my friends will support this substitute and urge my friend the gentleman from Ohio (Mr. BOEHNER) to go back and negotiate a bill that makes senses for all people, not just his party in their reelection efforts.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. BOEHNER) has 2½ minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 4 minutes remaining.

Mr. BOEHNER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. SAM JOHNSON), the chairman of the Subcommittee on Employer-Employee Relations of the Committee on Education and the Workforce.

(Mr. SAM JOHNSON of Texas asked and was given permission to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, since 1996 nearly 9 million people have gone from collecting welfare checks to paychecks thanks to Republicans. One shining example of the success of welfare is a constituent of mine I will call Janice. Janice is a single mother of a 5-year-old. Last spring she lost her job in the soft economy. Thanks to welfare reform and the good people at the Texas Workfare Center in McKinney, Janice found a job and child care, becoming self-sufficient with full benefits and retirement after just 6 months.

Mr. Speaker, she illustrates what many of us have known all along, the 1996 Republican welfare reforms have worked. Child poverty has fallen sharply. Nearly 3 million children are no longer welfare kids, and that is because more parents are working. Employment by mothers most likely to go on welfare has risen by 40 percent. Welfare caseloads have fallen by 9 million. Nine million people. Is that not great news? Nearly 50 percent of Texas welfare recipients have left welfare because of the successful model created by Congress and enacted by then-Governor George Bush.

Critics ask if it is not broken, why fix it. Well, even the best race cars go for tune-ups, and that is what we are doing with this bill. This bill requires States to put 70 percent of their welfare caseloads to work 40 hours a week, 16 of which can be used for education and training. This bill encourages, not discourages work. It reflects the President's plan to encourage healthy, stable marriages.

Today we begin the next step in welfare reform based on the President's priorities. This legislation will help even more low income parents know the dignity that comes with a paycheck instead of a welfare check. By passing this bill we can help even more low income Americans improve their lives for themselves and their children, and that is what welfare reform is all about.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY), a leader on this issue in our committee and in the House and the Nation.

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

Ms. WOOLSEY. Mr. Speaker, I would like to inform the last speaker that the unfunded mandate in this bill would cost the State of Texas about $688 million and Texas has 37,000 children on their child care waiting list.

This Republican bill does not reform welfare. It deforms welfare. H.R. 4737 pushes more low income parents into low paying workfare jobs while making it impossible for them to get the education they need to actually prepare themselves for jobs that pay a liveable wage, jobs that they can support their families on.

H.R. 4737 doubles the number of hours that mothers and children under the age of 6 will have to work each week and, even worse, this bill does not adequately fund child care for the children of all the new working parents that are going to have to go into the working world.

Mr. Speaker, I was a welfare mother 35 years ago. My children were 1, 3 and 5 years old. It was bad enough that their father abandoned us, but the worst thing about the whole situation was trying to get adequate child care. We had 13 different child care situations the first 12 months that I went to work. That was the hell year of our lives, and I am going to tell you, it is a miracle that my children are so wonderful. But it was not until our child care situation settled down, and my mother came to our town to take care of them that my job grew. Within a year of having stable child care, I became an executive at the company that I was working for.

I am telling you, child care is the essential ingredient, along with education, for getting moms off welfare and out of poverty.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Mrs. Davis).

(Mrs. DAVIS of California asked and was given permission to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, I rise in support today of this important Democratic substitute.

Mr. Speaker, as both a former social worker and a former legislator in the California State Assembly, I understand firsthand the importance and the significance of State flexibility in program implementation. In particular, I would like to emphasize the importance of increasing access to educational and training opportunities for welfare recipients.

We have heard a lot today about the need for State flexibility, and I can tell you from my personal experience serving in the State legislature that when the 1996 welfare reform law went into effect, that allowing State and localities the room to tailor programs in their regions and communities is absolutely vital to the overall success of the program.

Under the TANF structure that was implemented in 1996, California was permitted creativity in program design and implementation to best meet the needs of our welfare recipients. The State legislature took advantage of this flexibility by creating a structure that rewarded work, included more opportunities for education and allowed counties to adapt the program to local economic needs and realities.

Please, a one-size-fits-all agenda does not fit for all of Californians or all Michiganites or Pennsylvanians. We need more flexibility.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BONIOR), the former Whip of the Democratic party.

Mr. BONIOR. Mr. Speaker, I read a story of a woman in Pontiac, Michigan with a 7-year-old son and through the Michigan Family Independent Agency she was able to enroll in a 6-month information training program in information technology at her local community college. After completing her training, she got a full-time job for a local construction company at $11 an hour. Now she is able to provide for her son and for her family.

She would not have been able to do this under this bill. Michigan has a program. It is called 10–10–10, 10 hours of work, 10 hours of class time, 10 hours of study per week. It is a good program. This bill basically says no to that program. It eliminates it.

This bill is a step backwards because it promotes workfare, make-work jobs that do not teach skills, and that have no workplace protections. It is a step backwards because it does not provide adequate funds to help families with child care costs. It is a step backwards because it forces States to abandon successful programs like 10–10–10 in Michigan, and it is a step backwards

because it turns this assistance program back into a handout and not a leg up.

I urge my colleagues to vote against this bill.

The SPEAKER pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 1 minute remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we close this part of the debate, I simply want to say that it is rather interesting that the party who took over the Congress on the theory of a Contract on America, of no unfunded mandates is about to foist onto the States of this Nation billions of dollars of additional costs.

Their answer is flexibility. Yes, those States can choose to cut job training. Those States can choose to cut educational benefits. Those States can choose to cut child care. They can choose to cut the quality of the child care. They can choose to cut the TANF grant to these families. That is not flexibility. That is a failure to meet the task at hand.

□ 1245

While we increase the requirement of people that need to go to work, and I think we should, the fact of the matter is we do not provide the States the means to support those individuals while they go to work and get off of welfare.

This is an unfunded mandate, it is that simple, because this bill, the Republican bill before us, fails to meet the demands that are going to be placed upon the States to provide the child care services.

The notion that somehow everybody who left welfare is now out of poverty and that children are out of poverty, the average person leaving welfare left and earned $12,000 a year. $12,000 a year, Mr. Speaker. That does not sound like we lifted them out of poverty.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of our time.

The success of the 1996 welfare reform law is beyond dispute. Even the New York Times has called it, ''An obvious success.''

The debate today has been how to build on that success. We believe that further flexibility to the States will, in fact, be helpful to them to package programs to meet the needs of each of those individual families.

The discussion we have heard from the other side about an unfunded mandate is almost laughable. Today, we have less than half the welfare caseload we had in 1996. Yet the amount of money being spent by the Federal Government for welfare block granting to the States is the same amount of money; and in the bill that we are proposing building on that success, this bill calls for $2 billion of additional aid to go into child care.

We know that child care is, in fact, a key component to help make this system work and moving people from welfare to work.

In a recent speech in my home State of Ohio, President Bush captured what this issue is all about: dignity. It is about helping welfare recipients achieve independence, to become self-reliant, and to be able to provide for their own families.

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

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 15 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

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

I rise today in strong support of the Personal Responsibility, Work and Family Promotion Act of 2002.

Mr. Speaker, this bill extends funding for abstinence-only education and reauthorizes transitional medical assistance, two items of particular interest to the Committee on Energy and Commerce.

The 1996 welfare act included a permanent appropriation of $50 million over 5 years for abstinence-only education under title V of the Social Security Act. With tight State budgets and a requirement that States have to match every $4 Federal with $3 of their own, it is noteworthy that nearly all the States of our Nation have participated in this block grant program.

The participation rates suggest high State interest in using abstinence-only education as one way to address teen pregnancy and even more importantly, in some cases, sexually transmitted diseases.

Last month, my friend and colleague, the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health, held a hearing on abstinence-only education; and at that hearing we learned some pretty interesting things.

We learned that problems stemming from increased sexual activity among teens has not abated. Even though teen birthrates have declined over the past decade, we still have among the highest teen birthrates of any industrialized nation in the world. Sexually transmitted diseases have grown dramatically. Every day in America 10,000 young people contract a sexually transmitted disease; 2,400 become pregnant; and 55 contract HIV.

In the 1960s really only two sexually transmitted diseases were of real concern. Now, our young people, senior population as well, face a population of sexually transmitted diseases that now total 25; and these diseases primarily infecting the young people happen to be viral diseases such as human papillomavirus, HPV virus, herpes and chlamydia. These viral diseases are incurable. So while our generation was concerned with basically two venereal diseases, young kids today face 25, some of which are totally incurable, only managed.

Chlamydia, for example, is a major cause of infertility in young women. It is asymptomatic in about 85 percent of the affected women but can still cause significant problems without the presence of noticeable symptoms. For example, in the population of young people entering the armed services, U.S. Army recruits, for example, we discovered that 9 percent of the female population entering the U.S. Army, 9 percent of these young women were affected with chlamydia and did not even know about it, and this is a sexually transmitted disease that leads very often to infertility in these young women, who were shocked to discover that they had this disease, apparently having been taught all along that if they protected themselves in so-called safe sex that they would be safe, only to discover to their great dismay that they were now infected with an incurable disease that could possibly ruin their chance of ever having a child.

Here is another number that shocked us. Over 50 percent of the sexually-active young women in this country between the ages of 18 and 22, over 50 percent of sexually-active young women in this category are infected with HPV. HPV, the human papillomavirus, is a precursor of cervical cancer. Fifty percent of our young women are affected by it, and here is the awful truth: there is no evidence that condoms reduce the sexual transmission of this infection. And so all the work we do in this country of teaching safe sex and of being careful if a child does become sexually active has never conveyed the notion to these young women that if they took that course they could be subjecting themselves to a disease that is a precursor to cervical cancer, and they did not even know, perhaps, that condoms are not a protection against this disease.

These statistics are terrifying. They show that the safer-sex model does not solve the problem; and despite more than 20 years of a variety of educational programs designed to promote condom and contraceptive use, young ladies are catching these incurable viral diseases that can ruin their lives and kill them, render them infertile and, in effect, take away their chance to ever be a mother.

I urge my colleagues to vote in favor of this bill, which includes a 5-year extension of the abstinence-only education. This bill maintains the status quo. It extends the funding level of $50 million each year for the years 2003 to 2007.

New research is beginning to suggest that abstinence-only education can effectively address the sexually transmitted disease prevalence among young people and the proportion of babies occurring to unmarried mothers, the children that end up being the children of poverty in America all too often.

We must continue this effort begun in 1996 and support abstinence-only

education programs that empower students to choose abstinence for themselves for receiving all the relevant facts and information because abstinence in so many ways is a better choice for them.

In 1996, the welfare reform law also included a critical work support for former welfare recipients, something called ''transitional medical assistance.'' Former welfare recipients typically enter the low-wage jobs that are available in this country, and those generally do not offer private health insurance coverage. They offer coverage but only at very expensive premiums. Traditional medical assistance extends up to 1 year of Medicaid coverage to those individuals and their families.

There is strong bipartisan support for this assistance. We provided it in 1996. We extended it in 2000 and 2001, and this bill would extend it again this year for another year. If we do not extend it, it is set to expire on September 30, 2002. This 1-year authorization, however, has a 5-year cost of $355 million. And here is the awful truth: because this money was not included in the budget resolution, we have had to find a way to pay for it.

As my colleagues know, under our pay-go rule, if something is not funded specifically in the budget resolution, we have to find some other way of paying for it. Well, we have had to find that money, and so this bill includes an offset. We recognize the Medicaid budget difficulties that many States are experiencing, and we also understand that important functions are funded with Medicaid administrative costs; and for that reason, the offset included in this bill is merely a partial adjustment that lasts only 2 years to pay for this 1-year extension of this critical program of health coverage, particularly for women in welfare entering the workforce.

Before 1996, a common cost of administering the food stamp program, Medicare and welfare were often charged to the AFDC program, the predecessor of our TANF program. These common costs have been included in the calculation of the States' TANF fund. So in effect, we are double-paying for administrative costs of the States in these programs. The offset we are talking about reduces this double payment, this Federal reimbursement for administrative costs, to reflect the portion of these costs that are indeed already included in the TANF block grant the States receive.

We fully corrected this double reimbursement for food stamps in 1998, but we did not correct it for the Medicaid program. In effect, the States are still getting double the administrative cost reimbursements for the Medicaid program with Federal dollars, and we take some of that back. We take half of it back 1 year, three-quarters of it back the next year for this 2-year take-back in order to pay for this extraordinarily important 1-year extension of health care benefits to welfare folks entering the workforce. So this partial adjustment lasts only for 2 years.

Let me also say that we are all busy seeing if we can find a better offset; and if we can, in the process of negotiating this bill with the Senate, we will certainly look for one, but in the meantime this is the offset that is available. It is a partial one, only lasts 2 years; and it makes this incredibly important program available.

Let me remind my colleagues, there has been a lot of requests for us to do a larger than 1-year extension. If a 1-year extension costs 355 and we did not have the money for it except through this offset, imagine trying to extend it for longer than that at this time. Do we intend to extend it again next year? I can tell my colleagues all on the floor that this program works. By extending medical health coverage under Medicaid to folks leaving welfare and going into work, we have encouraged more and more people out of welfare and into the dignity and self-worth of a paying job and the independence that comes with it; and we will work to extend this program as long as it is necessary to make sure that we continue the progress we have seen in this vital effort in America.

So we have to recognize the careful balance we have achieved with this offset and that 1-year reauthorization; and again, I want to commit we will revisit the issue next year, and, as we have in the past, continue our efforts to extend this program as long as we know it is working and as long as we know it is valuable.

I urge my colleagues to join me in full support of this legislation.

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

The SPEAKER pro tempore. Without objection, the gentleman from Ohio (Mr. BROWN) will control the time for the gentleman from Michigan (Mr. DINGELL).

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

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

Ms. KAPTUR. Mr. Speaker, I rise in opposition to H.R. 4737, the Republican punishment bill that makes people work 40 hours without a minimum-wage guarantee.

Mr. Speaker, a half century ago, the old miner's song captured the plight of the working underclass—''16 tons and what do you get, another day older and deeper in debt.''

Today, author Barbara Eisenreich in her contemporary book, Nickel and Dimed—on Not Getting by in America, reports ⅓ of our workforce toils for $8 an hour or less. Indeed, the fastest growing segment of our job market is part time jobs with no benefits.

Today, I rise in opposition to H.R. 4737, the Republican's punishment bill for needy, working families. It's their latest gimmick to keep our workforce's pay scales down.

Essentially this bill assures that individuals transitioning off welfare will be locked into the lowest paying jobs, 40 hours a week, because not only are Republicans not creating high paying jobs—in fact since George Bush became President we have lost 2 million more good jobs across our Nation—but this bill denies necessary education and training to help workers gain some skills to negotiate troubled employment waters.

Incredibly in this high tech age, this Republican bill restricts work-related training to no more than 3 consecutive months over a 24-month period. Punish them, indeed.

To vividly make my point: in the past 2 decades the poverty rate among working families has shot up 50 percent. The Bush plan doesn't reverse it but makes it worse. Essentially people in our country are working for less because our good jobs—in textiles, steel, automotive parts, electronics, and high tech—are being exported to China, Mexico and Latin America. We are seeing a race to the bottom of the wage scale. Now we have a whole new class of workers who are being relegated to fill these low wage slots, with no hope for a living wage. 16 tons and what have you got. Over 8 million children in the United States live in poor families that work. Half of all parents in working poor families lack health insurance.

Rather than produce a bill that links education and training to create some hope of a ladder of economic opportunity to true self sufficiency, this bill subjugates them to a shadow economy where even minimum wages are not guaranteed. Under the Republican bill, 39 states could not fulfill the bill's work requirement without violating the current minimum wage rate for a 2-person family.

Vote for the Democratic substitute as a life preserver in most difficult economic waters.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 2 minutes.

The President and House Republicans' message on welfare reform has been loud and clear. States need greater flexibility, but when it comes to abstinence education, they are unwilling to afford that same flexibility. If States want the Federal match, they must do the Federal Government's bidding and use an abstinence-only curriculum. In other words, Mr. Speaker, schools cannot use these dollars to teach kids about AIDS, about STDs, or about birth control.

The substitute bill we are offering today does not affect the ability of States to use these grants for abstinence-only education if they choose to, if that is the direction they want to take. Our bill gives State and local systems the flexibility, a word that Republicans use on this floor regularly, the flexibility to provide additional information to students that can help protect them against STDs and teen pregnancy.

I would urge my colleagues to remember that more than 80 percent of parents support comprehensive sex education. Why is the Federal Government not listening?

Regarding the transitional Medicaid program, we support the extension of transitional medical assistance which

helps working families keep health insurance as they transition from welfare to work. We should make this commonsense program permanent, consistent with the welfare bill.

□ 1300

In the spirit of bipartisanship, we agreed to a 1-year extension in committee to ensure that this provision even made it into the TANF bill.

I commend the chairman, the gentleman from Louisiana (Mr. TAUZIN), who supported this measure despite the fact that House Republican leadership in the House Committee on the Budget included no money for Medicaid, and I appreciate the chairman's comments today that he would continue year after year to authorize this. However, Republican leadership has decided to pay for transitional medical assistance by cutting other parts of Medicaid.

The bill cuts payments to State Medicaid programs. Those dollars are critical. They fund activities like nursing home outreach and oversight and antifraud activities. States cannot afford to lose them. Republican leadership found more than $1.5 trillion in the treasury to give tax cuts to the richest people in this country, but they cannot come up with $355 million to help welfare families reenter and stay in the workplace. Where, Mr. Speaker, are our priorities?

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON).

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

Mr. UPTON. Mr. Speaker, I rise in strong support of this legislation. As a member of both the House Committee on Energy and Commerce and the Committee on Education and the Workforce, two of the three House committees with jurisdiction over welfare reform, I have worked very closely with my colleagues and chairmen to further strengthen this legislation so that so many more families can know the benefits of personal responsibility, work, and stronger family units.

I would like to focus on two components of this legislation today. The first one is the Transitional Medical Assistance. One of the most important items in the welfare reform bill that we passed in the Congress back in 1996 was removing the incentive that folks had which otherwise kept them on welfare rather than trying to seek and gain employment. Transitional Medical Assistance provided that bridge and the safety net to encourage people to look for work rather than stay on welfare.

When we passed reform in 1996, we emphasized work and personal responsibility. Important in this legislation is an abstinence program. Sexually transmitted diseases have reached epidemic proportions in our country. In the 1960s, 1 in 47 sexually active teens were infected with a sexually transmitted disease. Today, it is 1 in 4. Please pass this legislation.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS), a registered nurse and a very active advocate for health care.

Mrs. CAPPS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in opposition to this bill and in support of the substitute.

In the last 6 years, welfare reform has produced some real successes, and now we have the opportunity to build upon these achievements. Unfortunately, the underlying bill does not do this, but the substitute does.

For example, we now know that for single mothers with young children to go to work, we must ensure that quality and affordable child care is available. And we should also ensure that legal immigrants are afforded the same safety net as other working families. The substitute includes these important provisions but the bill does not.

Mr. Speaker, the part of the bill I wish to address is the funding for abstinence-only education. I directed a teen parent and pregnancy program as part of our local high school district in Santa Barbara, California, and for several years worked daily with teenagers struggling with these very issues. These teen parents were the first to urge abstinence to their peers, to their younger brothers and sisters, even though they did not use that word. But their message was all about knowledge, comprehensive sex education. They did not use that term either, but they did know the power it gives when information is not based on fear or incomplete and half-truths.

Young people are quick to pick up on these half-truths and shoddy arguments, and then the trust is gone. This bill sets aside $50 million for unproven abstinence-only programs that do not even ensure that the information they contain is truthful or medically accurate. And, unfortunately, some of these abstinence-only programs use terror tactics to try to keep teens from having sex, they exaggerate the failure rates of condoms, and some federally funded programs denigrate women, suggesting that they are not as smart or as capable as men.

The substitute would allow States the flexibility to support proven abstinence-based programs that are medically accurate. These comprehensive programs will help to reduce teen pregnancy and will give our young people real tools for success. So I urge my colleagues to learn from our teenage parents and support the substitute.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield ½ minute to the gentleman from Rockwall, Texas (Mr. HALL), our great friend.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I am pleased that this legislation contains a provision that extends funding for abstinence-only education. It is a provision that I originally cosponsored.

This funding, a reauthorization of the 1996 program, I think deserves to be continued. Teen pregnancy is a problem that affects the entire country, not just the young women who are forced to make the difficult decisions at an early age.

The number of teen pregnancies and sexually transmitted diseases continues to increase despite the number of family planning style sex education programs that have been offered. It is time to give another approach a chance to succeed.

Abstinence-only education is a viable, traditional program that only first received funding in 1996. There are more than 20 sources of funding for sex education programs. Abstinence-only has only two. Let us give this program a chance to prove its effectiveness.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise today in the strongest opposition to this irresponsible Republican welfare reform legislation which will devastate poor families, especially women and children.

We talk about family values a lot in this place, so when we have a chance to practice what we preach, we go in just the opposite direction. This bill limits access to education, does not adequately increase child care for millions of needy families, and does not make poverty reduction a real goal of welfare reform.

H.R. 4737 would double the amount of time required for a parent on welfare with children under the age of 6 to work from 20 hours to 40 hours a week, and yet we do not sufficiently increase child care funding to care for these children. What will happen to our children? We will have more latchkey kids at younger and younger ages because their parents are working without the child care they need.

We know that these children are more at risk for future difficulties; crime, drugs and teen pregnancy. This goes totally counter to family values preached by so many. Making welfare recipients spend even more time away from home and their children makes it totally anti-family. It just does not make any sense.

Real family values entails allowing parents on welfare to go to school to get better jobs and to take care of their families. Unfortunately, or fortunately, I have some experience in this area. I can tell my colleagues from personal experience that education does make a difference for those women on welfare.

We must also educate young men and women to prevent unwanted pregnancies, not to mention HIV and AIDS, and yet the GOP welfare bill continues the dangerous abstinence-only until marriage program, which will prohibit any mention of contraception, even in the context of preventing HIV and AIDS.

For all these reasons and many, many more we must defeat H.R. 4737. We cannot continue to put our children at risk. This will be the beginning of the end for any hope for a successful future. Vote ''no'' on H.R. 4737.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from Missouri (Ms. MCCARTHY), a member of the Committee on Energy and Commerce.

(Ms. MCCARTHY of Missouri asked and was given permission to revise and extend her remarks.)

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise in opposition to H.R. 4737, the bill before us today, and in support of the Democratic alternative.

In a time when the States are already facing serious budget cuts, this bill exacerbates their budget woes. Missouri, my State, would have to come up with over $316 million to implement the mandates in this bill, but it is already facing a $536 million budget deficit. The bill before us inadequately funds many of the programs and block grant monies States need in order to carry out welfare reform and improve upon it.

I supported the original welfare reform bill 5 years ago. I worked hard on the issue of ending unfunded Federal mandates in this House and was proud when we adopted it into law, and I am very chagrined and worried about what we are attempting to accomplish in this bill today.

The Democratic substitute provides both inflationary increases in our block grants and increases child care funding by $11 billion over 5 years.

We must, if we are going to expect our welfare recipients to stay in the work force, provide these services.

The progress we have made as a result of the 1996 Welfare Reform Act, which I supported, will be undermined by this measure. It imposes up to $11 billion in unfunded mandates on the States over the next 5 years. Missouri has been recognized nationally for its creative community-based partnerships with youth mentoring, before and after school programs, parenting classes and child development classes, all of which foster independence from public assistance and improve family well-being. Missouri also makes excellent use of case-by-case individual assessments, which assists in making the transition to work by offering job training, post secondary education, and job placement services. H.R. 4737 takes away Missouri's flexibility in providing these programs by eliminating educational and occupational opportunities that contribute to the outreach the State now provides.

The Democratic substitute provides both an inflationary increase in the TANF block grant, and additional $6 billion over 5 years, and increases child care funding by $11 billion over 5 years. H.R. 4737 adds no new money for childcare. My constituent Marcia, a mother of three, came to Missouri's Department of Family Services shortly after she and her family moved to Missouri to escape an abusive husband. The Democratic substitute gives Marcia the comfort in knowing that while she is working to improve her family's quality of life and getting support for her abusive situation her children will be cared for. Without adequate childcare, welfare recipients who find themselves in situations like Marcia's will not be able to meet the increased work requirements mandated on them by H.R. 4737.

If my colleagues on both sides of the aisle truly want self sufficiency I urge them to adopt the Democratic substitute.

Mr. Speaker, stricter work requirements with fewer resources is a losing equation for the welfare mothers of Kansas City and for the children of our Nation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health of the Committee on Energy and Commerce.

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

Mr. BILIRAKIS. Mr. Speaker, I will limit myself here. The abstinence-only education funds were first included as part of the 1996 welfare reform law, and something that I do not think has been said to date is that 49 of the 50 States have elected to participate in this program.

During our hearing, we heard of a program taking place in Miami-Dade County, Florida, where the lady told us that they have only a 1.1 percent teen pregnancy rate. A 1.1 percent teen pregnancy rate. By continuing this funding for another 5 years, we can encourage the development of more successful programs. It is really, really critically important, as has already been pointed out.

I would like to accent that abstinence-only programs do not, do not prohibit educators from discussing the facts about the effectiveness of contraceptives, the spread of sexually transmitted diseases, or any other topic that might be raised. The only requirement is that the use of contraceptives cannot be advocated. Only abstinence can.

This is not a ''just say no'' type of a program. It is a program that is designed for the overall individual. It goes into character and all those dignity types of areas.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Houston, Texas (Ms. JACKSON-LEE).

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me this time.

Let me say that this legislation that we now have before us, H.R. 4737, renders to those who have fallen upon bad luck bad deeds. This bill should not be passed, and let me just share with my colleagues why.

First of all, this gives to many of the States unfunded mandates. In my State alone, Texas, $688 million will be needed to implement this legislation, and it is not funded. An additional $344 million for child care will be needed, and it is not funded. Right now in the State of Texas we have some 37,000 who are on the waiting list for child care.

With respect to the issue of abstinence, no one opposes it, but we like to have the truth. Teenagers want to know the whole truth and nothing but the truth. This bill is limiting, and my colleagues know that this is wrong.

In addition, we realize if young mothers are to transition from work to employment that provides a career, they need child care. We realize that in this bill there is no real child care.

In my County of Harris, where it is an enormously diverse community with legal immigrants, this is a burden upon our hospital system to discriminate against legal immigrants, taxpaying, hardworking individuals. The bill that we have before us discriminates against legal immigrants.

And let me also mention that this is a midnight hour bill. This is a bill that was brought to the floor without anyone understanding what is in it. That is why I support the substitute offered by the Democrats.

I presented amendments that would help to train teenage parents and give them parenting skills and to provide them with training on financial services or how to deal with finances. That was not ruled in order. I asked to have an inflation factor in increasing the amount of money to our welfare recipients if the economy went bad. Not allowed. I asked to increase child care dollars. Not allowed. I asked to determine whether this bill diminishes child abuse or helps people get off welfare. Not allowed.

This is a bad bill. We need to support the Democratic substitute. It is a shame we would rush to do this when the legislation does not expire until September 2002. I wonder why.

Mr. Speaker, I rise to oppose the adoption of the Republican welfare bill. The bill restructures welfare to focus on caseload reductions rather than poverty reduction. The Republicans offer a bill that does not allow the Democrats to provide one amendment. Democrats care about our less advantaged Americans. The bill would increase mandatory child care funding by only $1 billion over the next 5 years. That's barely enough to keep pace with inflation, and nowhere near enough to implement the bill's new participation requirements. This funding at present does not provide child care coverage to the 15 million children who are now eligible for day care assistance but who are not currently covered because States lack sufficient resources. On Tuesday I attempted to offer an amendment to the legislation that would increase funding to childcare by 20 percent between fiscal years 2003 to 2007. The amendment was not accepted. The Congressional Budget Office estimates that the increased mandatory work hours imposed on States by the legislation will cost States an additional $3.8 billion in child care costs according to the Congressional Research Service.

Many employed recipients surveyed, suffered when they were penalized for earning money which caused them to lose childcare benefits.

The University of Oregon conducted a 2-year study of welfare restructuring post the

1996 Personal Responsibility and Work Opportunity Reconciliation Act. The finding regarding childcare was more Federal funds are needed and expand eligibility for subsidized childcare.

The legislation restricts State discretion to provide education and training to welfare recipients. H.R. 4700 goes so far as to remove vocational education from the current-law list of work-related activities that count toward the core work requirement.

On Tuesday I offered an amendment to offer parenting and financial planning training to teenage parents. The amendment was not accepted. As the chair of the Children's Caucus I am concerned that the Republican bill hurts children, by hurting their parents. We must provide additional funding for childcare. We must provide funds for parenting skills training and financial management training. Last, we must provide funding for the legislation that takes inflation into account. I offered an amendment to provide for this but the Republicans did not accept it.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Pennsylvania (Mr. PITTS), a distinguished member of our committee.

Mr. PITTS. Mr. Speaker, the same group of liberals is crying foul the same way they did 6 years ago. There is only one thing that has done more to keep people in poverty than the old welfare system did: Mr. Speaker, I am talking about teen pregnancy.

Statistically speaking, when low-income teenage girls get pregnant, they are dooming themselves to a lifetime of poverty and they are dooming their kids to a lifetime of poverty. Now, some of them escape it and succeed despite the odds, but most do not. And, Mr. Speaker, there is only one way kids can avoid getting pregnant before they are ready, and that is to abstain from sex until they are married.

Some of our liberal friends say it is unrealistic to expect kids to abstain from sex. Some even say that it is dangerous to teach abstinence. That tells me they do not believe in America's kids. They expect them to fail, and when we expect a kid to fail, that kid probably will fail.

Let us be honest, the only real way to prevent our kids from getting STDs is to teach them to abstain until marriage. Now, I know a lot of kids who are saving themselves for marriage. I know them. They are proud of it.

The Commonwealth of Pennsylvania has a good program, and I urge support of the bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

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

I want to raise two issues. I want to raise first the issue of rural development, since my colleague gave me an extra minute. Those of us who live in rural America are always reminding our colleagues that there are differences in terms of our infrastructure and our resources and our institutions, but yet we have the same aspirations as anyone else.

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Now we have a welfare bill that indeed requires work. And by the way, work is good for anyone and most of us love to work because we enjoy doing something that gives us satisfaction. In addition, it allows us to bring income into our families.

In rural areas, there are very few jobs. If mothers are forced to leave, we should have day care. In rural areas, there are few qualified day care centers.

Also, if jobs are not available immediately nearby, we need transportation. Unless we speak to those issues that allow for rural areas to make up for that differential, this welfare bill is not adequate.

Let me speak about another issue on which I have been working, and that is teenage pregnancy. Indeed I do not claim any expertise in that area, but it is an issue that I have been engaged in. For 10 years I have been talking about the fact if we want to give our young people an opportunity, we must give them productive, positive alternatives so they do not get involved in destructive activities. Abstinence does work, but it is not the only method.

If Members are interested in teenagers, we will give them information that is based on science and also inspire them to believe in themselves and give them a reason to abstain. We should not say that they must have abstinence. If we are truly committed to our young people rather than ideology, we would do all of these things to make sure that they have a future.

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

Mr. Speaker, the purpose of this legislation is not just to get people off of welfare, but to reduce poverty in this country and to get people to work.

Mr. Speaker, getting a job also means keeping a job. When we fall short, as this legislation does, as our hearings indicated, as our discussions indicated, as our debate indicates, when we fall short on helping Americans keep jobs, we have missed the point of this legislation. We have fallen far short on education.

The Democratic plan allows education to be counted towards the work requirement. We have fallen far short on child care funding. The Democratic plan provides several billion dollars for child care. We have fallen far short on restoring benefits for legal immigrants. All of those issues will help people not just get jobs, but keep jobs.

At the same time, the other side of the aisle talks about flexibility and giving States flexibility; yet from abstinence education to a whole host of other issues, the Republican bill falls far short on giving States the real flexibility they need to get people not just off the welfare rolls, but to make sure people have good jobs, meaningful work, good training, child care, health care, all of the things that are needed.

Mr. Speaker, especially on health care issues, this Congress has not taken the right approach. We should extend the State medical assistance program more than just 1 year. It should be at least 5 years, as this reauthorization does; or it should be permanent if we really do care about making sure that people can get off welfare and get to work and have meaningful jobs.

In the end, as Republicans have, on this legislation, on prescription drugs, on issue after issue after issue, Republicans have made a choice. They have chosen tax cuts for the wealthiest people in the country rather than providing services to help people keep those jobs, get educated, have the kind of health care benefits they need. They have chosen tax cuts for the richest Americans, to the tune of hundreds of billions of dollars overwhelmingly for the richest 1, 2 and 3 percent of the people in the country instead of a decent prescription drug benefit.

They have chosen tax cuts for the wealthiest people instead of funding adequately the education bill that this Congress passed.

Mr. Speaker, when we think about flexibility, when we think about alleviating poverty and about providing jobs so people can keep those jobs, think about the plan the Democrats have moved towards with flexibility, with support for education, with support for child care funding, and especially with support for medical care.

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

Mr. TAUZIN. Mr. Speaker, I yield the balance of my time to the gentleman from Nebraska (Mr. TERRY) to close.

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

Mr. TERRY. Mr. Speaker, what we are talking about today at this point is our children; and it is about teaching our children, our boys and girls, it is not men and women, but boys and girls, about abstinence.

For many years this Congress only put dollars aside to teach safe sex, teaching our teenagers the proper way of putting on a condom. Fortunately, 6 years ago this Congress took control and said we will give the option to States and entities to have abstinence-only programs, and we will begin to fund those. It is not a mandate; it is an option for these organizations. It gives them the opportunity.

Since we have implemented this policy, teenage pregnancy has dropped, teenage sexually transmitted diseases have dropped. That is fantastic, yet anecdotal, evidence. Frankly, we have all talked to teenagers in our districts, and we have heard that they want a positive message and they want our support in abstaining from sex until married. President Bush said, ''When our children face a choice between self-restraint and self-destruction, government should not be neutral. Government should not sell children short by assuming they are incapable of acting

responsibly. We must promote good choices.''

Ms. HARMAN. Mr. Speaker, preventing teen pregnancy is a key part of moving people from welfare to work and reducing poverty. Over half of all mothers on welfare had their first child as a teenager, and two-thirds of the families begun by teen mothers are poor.

For all these reasons, preventing teen pregnancy is an issue we all should be able to agree on in Congress. It should not be a Republican issue, not a Democratic issue. But the critical need to reduce the number of teen pregnancies too often gets lost in an ideological debate over abortion, creating federal policies that don't fit the reality of teen pregnancy prevention across the country.

Three weeks ago, the House Commerce Committee engaged in a disappointing debate over the abstinence-only education. The Committee rejected on ideological lines proposals to provide states flexibility in the way they use welfare funds for teen pregnancy, require abstinence-only programs to give out medically accurate information, and require that funds go to programs that have proven effective.

The amendment I offered in Committee would have modified existing law so that states have the option of funding programs according to the existing federal definition of abstinence-only, or another approach to abstinence education that they deem appropriate.

This amendment was not an anti-abstinence amendment—it specifically stated that programs should promote abstinence. But it would have allowed states the option to choose the type of abstinence education they believe will help students, and most importantly, reduce the incidence of teen pregnancy.

Between 1992 and 1994, under a Republican governor, California instituted an abstinence-only education program across the entire state—only to discover through evaluations that this program was not effective. As a result, California turns down the welfare money for abstinence-only education—a loss of approximately $30 million from 1998–2002.

The purpose and spirit of the 1996 welfare reform law I voted for allowed states to craft work promotion and poverty reduction programs that worked best for them. This has worked remarkably well—states should have some flexibility on teen pregnancy prevention programs.

President Bush, in his FY 2003 Budget, argues for the elimination of federal programs that he says have not undergone rigorous evaluation. But this focus proven programs is missing from the Republican approach to welfare reform.

Abstinence is an extremely important message to send students, particularly younger teens. But current research shows that there are no ''magic bullets'' for preventing teen pregnancy—not sex education alone, not abstinence alone. Indeed, the programs with the strongest evidence for success may work better for some populations and communities than others.

Rather than having ideology drive our teen pregnancy policy, we should focus on local solutions and solid research. This will allow us to make progress on a goal we all agree on—preventing unwanted pregnancy and abortion.

Mr. POMBO. Mr. Speaker, as you may well know, in 1996, Congress was faced with a failing welfare program that did little to assist individuals in the transition from dependence on a government welfare check—to independence to earn a paycheck. For far too many, under the old Welfare program that American dream was out of reach.

In response, the Republican Congress rose to the challenge and produced public policy with remarkable results that created hope and opportunity. In the past 6 years, the reformed Welfare program reduced poverty, child hunger, and dependency on government welfare checks for survival.

Today we have a chance to build upon this success through improving our current welfare program through the passage of the Personal Responsibility, Work, and Family Protection Act.

The challenge of making the transition from welfare to stable jobs is very difficult. Congress must make the commitment to ensure all Americans have a chance of reaching the American Dream. The actions Congress takes today will have a lasting impact as future generations will continue to break the cycle of welfare and enjoy brighter futures.

Mr. CONDIT. Mr. Speaker, I rise today in opposition of H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002. Unfortunately, the bill before us today does not live up to its title and will actually undermine the successful reforms enacted in 1996.

For several reasons this proposal does not merit Congress's approval. First of all, the bill would impose an almost $2.5 billion unfunded mandate on the state of California. Without providing the funds necessary to implement the new work requirement provisions in H.R. 4737, this attempt to reform welfare will fail. And these unfunded mandates could not come at a worse time for states struggling to balance their budgets.

This proposal also fails to address the most rudimentary obstacles in attempting to move individuals from welfare to work. We will pay the price for the lack of emphasis on worker training and basic reading and writing skills. It is short sighted to believe welfare recipients will successfully make the transition to self-sufficiency without the necessary literacy skills.

Removing vocational education from the current list of work-related activities that satisfy the core work requirement in current law is an exceptionally bad idea and shortsighted idea. There is also inadequate funding for childcare. We can't expect to break the cycle of poverty, if we are not willing to commit the needed resources.

For all of these reasons, I urge my colleagues to join me opposing H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002.

Mr. CRANE. Mr. Speaker, I rise in strong support of the legislation before us today, H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002. I would like to commend Chairmen HERGER, THOMAS and BOEHNER for their work in promulgating this important legislation.

Mr. Speaker, this bill builds upon and improves the historic welfare reforms enacted in 1996. The hallmark of the 1996 legislation was that it changed welfare from an entitlement program to a block grant to the individual states. The significance of this was twofold: states were given a lot of flexibility to spend money where they needed to, but no longer would people receive a welfare check in perpetuity if they refused to work. The success of this is irrefutable: since 1996, welfare rolls have decreased by over 50 percent, and millions of people who were once collecting welfare checks are now collecting pay checks. Historic indeed, Mr. Speaker.

Today we consider legislation that increases work requirements over the next 5 years, and simultaneously rewards states that have been particularly effective in moving people from welfare to work. it also protects children by increasing child care funding by $2 billion and by increasing State flexibility in providing child care for low-income working families. Finally, it encourages healthy marriages and two-parent married families by directing up to $300 million annually for programs such as pre-marital education and counseling. Mr. Speaker, surely that is something we can all support.

I am somewhat concerned about a few provisions in this legislation. While this bill does improve upon some work requirements passed in 1996, in some cases it does not go far enough. For instance, for purposes of TANF, it increases the number of hours a welfare beneficiary must be involved in work or job training programs, but it allows the states to define ''work'' in almost any way they see fit for some of these additional hours. Thus, a father could coach his son's baseball team and get credit for ''work training.'' Mr. Speaker, I am all for allowing states flexibility in administering welfare programs—flexibility is, after all, the lynchpin of the terrifically effective reforms we enacted in 1996—but in my view we should set some sort of minimal standards and then let the states implement them as they see fit.

In general, the reauthorization bill builds upon the successes of the 1996 legislation, and I believe it will continue to help break the cycle of poverty and dependence that millions of Americans had become stuck in during the period when welfare was an entitlement. It is a very good piece of legislation, and I strongly support it. I urge my colleagues to do the same.

Mr. EVANS. Mr. Speaker, this welfare re-authorization legisation does nothing to prepare welfare recipients to leave welfare and enter the workforce and it is an profound fiscal burden on our state governments.

I believe that since we reformed welfare six years ago, we have been successful in transitioning millions of people off of assistance. But, this remaining group of beneficiaries will be much harder to prepare to enter the workforce. That is why I do not support this ''one size fits all'' program whose only goal is to drop beneficiaries.

Welfare reform should give beneficiaries the tools they need to enter the workforce. Missing in this Republican legislation is a program that allows welfare recipients to receive a GED and if necessary, learn or improve their English. It also lacks a real increase in child care assistance and the necessary flexibility for innovative state programs to reach out to those on welfare who are least prepared to get a job. Mr. Speaker, it is inevitable this Republican welfare bill will only lead to more families falling between the cracks.

Further, this legislation lacks alternatives to abstinence-only education. We should not put money into these programs before we have real debate on their actual effectiveness. This money could be more wisely spent on education and child care benefits.

This legislation will also cost our state governments $11 billion by imposing costly new mandates and it will force Illinois to direct a much larger share of resources to welfare. My state of Illinois currently has a $1.35 billion budget shortfall. The Governor has threatened to cut student aid, empty prisons, and close mental health centers in order to make up for the shortfall. Illinois simply cannot afford this.

Mr. Speaker, I am proud to support the Democratic alternative because it is a serious attempt to move welfare recipients into jobs and does it humanely without shifting the burden to the states. It provides a real increase in child care benefits and allows beneficiaries to earn a GED and learn or improve their English language skills if needed. The Democratic alternative also allows states the flexibility needed to provide innovative programs to get people into the workforce.

We cannot throw millions of people into the streets when our economy is limping into a recovery and not even give them the incentives and tools they need to enter the workforce. I urge my colleagues to vote no on this legislation and vote yes for the Democratic substitute.

Mr. LAFALCE. Mr. Speaker, I rise in opposition to the procedure under which this welfare bill was put together and brought to the House floor.

Specifically, I object to the fact that without any hearings or markups in the Financial Services Committee, the bill's superwaiver provision would authorize States, with approval of the HUD Secretary, to sweep away all of the rules and regulations that govern our Federal public housing and homeless programs. This is an outrageous usurpation of our committee's authority.

Just 4 years ago Congress enacted a comprehensive bill to reform our public housing laws. Provisions dealing with rent burdens, enhanced local flexibility, resident participation, and other key public housing issues were carefully developed over several years. Notably, the bill was enacted after the 1996 welfare reform bill was passed, and included many provisions designed to complement welfare reform, including eliminating work disincentives.

Now, with a single sweep of the pen, all these provisions could be ignored under the ''superwaiver.'' This could jeopardize carefully crafted protections for the over 1 million low-income families in public housing. Under the superwaiver, rent payments could skyrocket, families with small children could be evicted for technical violations of new rules, resident appeal procedures and lease protections could be wiped away. And, protections for use of housing funds for our Nation's most vulnerable, the homeless, could be eviscerated.

Worse, because this bill has never even seen the light of day within our committee, we cannot even be sure the extent to which existing public housing and homeless laws could be undermined.

Representative FRANK and I offered an amendment to delete the applicability of the superwaiver to housing programs. Of course, the Rules Committee blocked debate on this and other amendments.

This is a terrible way to do business. We ought to send the different sections of this bill back to the relevant committees for consideration the old fashioned way—hold hearings, then mark up the bill in subcommittee and committee.

Mr. HASTINGS of Florida. Mr. Speaker, this is sweeping legislation affecting more than 5 million families and we owe it to them to engage in thoughtful debate about the best ways to help them achieve permanent self sufficiency.

There has been lively and thoughtful discussion on the best ways to do this—more than 43 amendments were submitted to the Rules Committee for consideration. I would have welcomed the opportunity to debate these options on the House floor. However, this closed rule, allowing a substitute but no other amendments, denies us the opportunity. Frankly, this is offensive to me and should be to the whole House as well.

My concerns abut the shortfalls in this legislation are numerous. This bill imposes a huge unfunded mandate on the States and reduces the States' flexibility in determining the optimum mix of activities to help recipients become more self-sufficient. In addition, it doubles the number of required work hours for mothers with young children but provides minimal new child care funding to support this increased work requirement. Two particular items in this legislation are of serious concern to me.

First, this bill fails to provide individuals and families the opportunities and help they require to rise out of poverty and gain self sufficiency. To attain a job with promotion potential and earnings above the poverty level requires experience, education, and job skills. I wish that success could be achieved as easily as the supporters of this bill lead us to believe. But while an entry level or minimum wage job is certainly a laudable start, the only way to get out of poverty and achieve permanent self sufficiency is through education and training. If you train someone for a dead end job, you will lead them to a dead end.

With its emphasis on ''make-work'' jobs that fail to offer any training or promotion opportunities, couple with its failure to acknowledge the importance of education, this bill fails to offer any substantive solutions to help our Nation's poor out of poverty.

Mr. Speaker, the second issue I have with this bill is that it discriminates against legal immigrants by denying them Federal assistance.

Both the National Governors Association and the National Conference of States Legislatures have recommended that States be given the option to use TANF funds to serve legal immigrants immediately. However, under the Republican bill, legal immigrants must be living in this country for 5 years before they are eligible for Federal aid. Even more distressing is the fact that many of those affected by this discrimination are children who were born in this country and are, in fact, U.S. citizens.

In 1996, the most current year for which records are available, 28,565 refugees were granted permanent residence in the United States.

The responsibility for housing, feeding, and caring for those who require assistance falls to the States—and the top four States carrying this responsibility are California, New York, Texas, and Florida.

I believe that States should be granted the option of using TANF dollars for legal immigrants.

I regret that this closed rule has denied us the opportunity to debate these and a host of other issues on the floor.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in opposition to the base bill, and in strong support of the Democratic substitute.

In good conscience, I cannot support H.R. 4737. The Republican base bill, which does not allow for amendments, would increase poverty and its sequelae, instead of reducing it as it purports to do. This bill imposes massive new mandates and additional costs on states at a time when they are struggling and cannot absorb not one penny more of new costs. In light of the fact that 39 States and the territories are struggling to meet work requirements in an atmosphere of recession and lack of available jobs, this bill would create the scenario where precious resources are spent on fines and the safety net becomes full of holes.

This country's offshore areas, would be particularly negatively impacted, because of even less resources, and poor economic conditions with fewer jobs within geographical limitations.

Even worse, Mr. Speaker, this bill tightens the vise on those trying to transition from welfare to work. It eliminates education from the list that count as work related activity and does not provide adequate resources for childcare. On the other hand it doubles the amount of hours that recipients are required to work, creating more hardship for mothers with children under school age.

Mr. Speaker, there is a lot of conservative ideology represented here. Where is the compassion?

The Democratic substitute would give States and territories more flexibility by giving them the option to require 40 hours if childcare and educational resources are available, but would only require 30 hours of work if not. The Democratic substitute would also remove the ban that prohibits states from serving legal immigrants. The Democratic substitute would also give the territories the tools they need to successfully transition people from welfare to work.

Mr. Speaker, H.R. 4737 is a set back, not forward. If the reactionary political climate of an election year precludes us getting a good bill, lets simply extend the current authorization for one more year, and lets sit down again next year and do it right.

Let's this of the people who are most affected by our actions, Let's give our states and territories flexibility and let's give our people hope.

Mr. ALLEN. Mr. Speaker, I rise in opposition to this misguided bill.

If this is welfare reform, our States don't need it. They will have to raise taxes or cut services to compensate for the 5-year, $11 billion State government cost of this one-size-fits-all, heavy-handed Federal policy. Maine will need $56 million to meet the new work requirements.

If this is welfare reform, our families can't take it. The bill requires mothers with children under 6 to double their required work week from 20 hours to 40 hours per week.

For these mothers, this bill means less time with their children, and not enough money to cover expanded child care costs. It probably means at least two jobs for many mothers, because low-wage jobs are usually part time.

For States like Maine, this bill reduces flexibility. For example, Maine's successful ''Parents as Scholars'' program, which provides access to post-secondary education, has increased the wages and benefits of participants

when compared to other strategies. But Maine would probably be forced to divert those dollars to other mandated work activities in order to meet the requirements of this bill.

To all those wealthy individuals who came to Congress last year with their hands out, the Republican party said, ''Here are your tax cuts.''

To all those families who need a hand up to move from welfare to work, this Republican bill says get off welfare, but do it by yourself, with inadequate child care, longer work hours, and less vocational education.

I urge my colleagues to reject this bill and vote in favor of the Democratic substitute. The Democratic substitute would give States the option of raising the work requirement to 40 hours where adequate childcare and educational resources are available, allow States to credit education toward the work requirement, and increase childcare funding by $11 billion over 5 years.

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to urge my colleagues to vote against H.R. 4737, the Republican TANF reauthorization bill. Anyone who looks at this bill can see that the Republican plan does not provide real assistance to needy families. Instead, this bill aims to place further restrictions and requirements on those most in need and those who already face tremendous barriers to work and self-sufficiency.

If the Republican leadership truly cared about providing assistance to needy families, it would have considered the needs of those families—the women, children, and parents who are directly affected by this program. Their bill would have focused on what TANF should really be about—helping families out of poverty so they will have an acceptable standard of living. Instead, this bill only succeeds in defining those families as statistics that should be controlled and told what to do.

First and foremost, the amount of funding this Republican proposal gives to TANF, the primary program in this country to help poor women and children, is pitiful. Last week the House passed a $400 billion Department of Defense authorization bill that included a $48 billion increase. Not only is this the biggest increase in Defense spending since the cold war, but it was also provided despite the fact that the Department cannot pass an audit and cannot account for $1.2 trillion in spending. Yet, this increase is three times greater than the amount the Republicans propose for the TANF block grant. This Congress has bailed out the airlines and given a $254 million rebate to Enron. It is a disgrace that we cannot give more to those in this country that need it most. It is a disgrace that this bill does not provide a single additional dollar in TANF funds. In my State of Illinois, it would cost at least an additional $322 million in order to implement the increased work requirements and meet the child care needs that this bill would require.

Second, this bill neglects to help women get assistance to overcome barriers, such as substance abuse, limited English proficiency, and domestic and sexual abuse. Instead, it requires that recipients work longer hours. Besides causing great hardship on single moms and children, this increase from a 30-hour requirement to one that demands women work 40 hours a week will likely force States to create workfare programs—programs that have been proven not to work and which threaten workers' rights to earn at least minimum wage and have other protections afforded all other workers in this country.

Third, this bill does not provide adequate training for jobs that would open the door for people to earn a living wage so they can support their families. Instead, H.R. 4737 takes away recipients' ability to fully engage in vocational education, often a necessary step in getting a job that pays and provides the opportunity for advancement. This bill also does not provide support to women who care for young children or children with disabilities, and instead it doubles the amount of hours women with children under 6 years old are required to work. Furthermore, H.R. 4737 continues to deny legal immigrants access to benefits, instead of allowing these families who pay taxes and work hard to receive assistance when they hit tough times.

Besides placing further restrictions on TANF recipients, H.R. 4737 also places further restrictions on States. Instead of helping States to be innovative in addressing the particular needs of their low-income population, this bill applies a one-size-fits-all philosophy and dramatically diminishes States rights.

And, if all that was not bad enough, this Republican bill includes a ''superwaiver'' provision that extends to programs far beyond TANF and could bring greater hardship to low-income people helped by these programs. For example, this provision would have adverse affects on Federal public housing and homelessness programs because the rules and regulations governing them could be swept away at the whim of the Federal agencies. In these cases, the real impact would be felt by families who would then be threatened with losing their housing assistance and being forced onto the streets. Such far-reaching changes are unacceptable, particularly given that the various committees with jurisdiction over programs affected by this ''superwaiver'' did not have the opportunity to consider them nor to assess their negative impact.

But none of this should come at any surprise. This Republican bill is in line with all the other legislation this leadership and the Bush administration have offered in this Congress, legislation that has aimed to deprive those most in need while giving to those who have plenty.

Fortunately, we have an alternative in a Democratic substitute that actually gives families the tools they need to become self-sufficient. This substitute allows women more opportunity to access vocational or post-secondary education, or go to ESL or GED classes if needed; it restores benefits to legal immigrants; it provides worker protections to all TANF recipients; it provides resources to states to foster employment advancement and promotion among recipients; it makes Puerto Rico and the territories eligible for assistance; it gives States the incentive to actually work toward decreasing poverty. In addition, the Democratic substitute increases child care funding by $11 billion dollars and accounts for inflation in TANF block grant funding.

I urge every one of my colleagues to reject the Republican bill, H.R. 4737, and instead, to think about all the individual lives we are affecting. H.R. 4737 does not provide assistance to needy families, it places arbitrary and restrictive mandates on needy families. If we truly want to help people leave poverty and become self-sufficient we must vote for the Democratic substitute and against H.R. 4737.

Mr. ENGLISH. Mr. Speaker, when I came to Congress, the welfare system was in crisis—a record number of families were on welfare, dependency on the system was enormous and caseloads were rising. But in 1996, in the face of fierce ideological resistance, we reformed the welfare program, establishing work standards and setting time limits while giving states the flexibility to implement them in a way that suited their local situation. We did this after a 30-year period when the Democratically controlled House had spent $5 trillion of taxpayer money on the welfare program, which resulted in skyrocketing poverty rates and welfare cases.

It was compassionate conservatism—and it was marvelously successful. The results speak for themselves: Caseloads have fallen by 60 percent to their lowest levels since 1965 and 9 million recipients have gone from welfare to work—from dependency to independence. In Pennsylvania alone, more than 319,000 people were graduated from the caseloads, working their way out of the welfare system. This change is not only extraordinary, but unprecedented.

It was clear that the welfare system was the biggest, most costly domestic policy failure of our time. And today, we have been hearing complaints from many who consistently opposed welfare reform until just before the bill signing ceremony. But we have learned from experience that you can strengthen work requirements; require states to closely monitor caseloads. And what we have learned is that we can help people prosper and become self-reliant, independent and proud.

We have the opportunity to build on our success without creating a personal entitlement program which deadens individual responsibility, creating incentives for dependency. The Personal Responsibility, Work, and Family Protection Act takes dramatic steps to maintain and strengthen the current program. Despite the enormous declines in caseloads, this bill gives states the same record federal welfare and child care funding, which means more money per family.

H.R. 4737 maintains the flexibility that has allowed states to tailor the program to meet the specific needs of its residents, rewarding states for engaging recipients and reducing caseloads. More importantly, it also provides an additional $2 billion for child care, ensuring that parents who are working hard to improve the lives of their families are not being slammed back to the ground by staggering child care costs.

But my colleagues on the other side of the aisle are not interested in building on the welfare reform of 1996, but rather that they want to dismantle it. They want to allow welfare recipients to work two days per week and stay on welfare forever.

Let me share with you some facts about the Democratic substitute—it allows welfare recipients to work two days per week and stay on welfare forever. It also provides partial credit towards work rates for adults who work as few as 10 hours per week while collecting full welfare benefits. In fact, according to the Department of Health had Human Services, the Democrat's a new ''employed leaver credit'' would effectively eliminate the work requirements in 2003—reducing from 50 percent to 2 percent the share of the welfare caseload expected to work.

The Democratic proposal increases welfare dependence and poverty while seriously undermining the time limits designed to promote self-sufficiency. But Mr. Speaker, if that is not enough let's look at the cost. For about $70 billion over 10 years, the American taxpayers would see welfare return to a program where able-bodied people do not work for their benefits and bear little personal responsibility. The Democratic substitute is expensive and would increase deficits.

Unlike the Republican bill, the Democratic substitute includes NO offsets for its new spending, so it simply adds to deficits in the future. These are the same Democrats who consistently opposed welfare reform until just before the bill signing ceremony in 1996. The Democrats also want to place additional, burdensome mandates on the states, essentially tying the hands of states who know how best to meet the needs of their residents.

We cannot take a step backward—as the Democrats advocate—returning to a welfare program where able-bodied people do not work for their benefits and bear little personal responsibility. No public policy rationale exists for the additional spending they propose to mandate. This is not to say that at some point in the future more money will be needed for this program but the case for that has not been made today. I urge my colleagues to vote no on the substitute, ensuring that the reforms we enact maintain and strengthen the current program, not return us to an entitlement program with a staggering price tag and even greater social costs.

Six years ago, we changed the way people look at welfare, making it a program that helped people find work, renew their self-sufficiency and gave them financial freedom and personal dignity. We must act responsibly and continue these reforms. Vote yes on H.R. 4737.

Mr. SERRANO. Mr. Speaker, if self-sufficiency can be defined as raising a family just on or below the poverty level, with little or no chance of increasing earning potential because the breadwinner is not equipped with competitive education or job training, then I agree with my colleagues that 1996 welfare reform has been a success. If self-sufficiency means earning a median hourly wage of $6.61 or $13,788 annually, as the Urban Institute reported former welfare recipients earned in 2000, in jobs that 60% of time do not provide health care benefits, according to NOW, then I agree with my colleagues that welfare reform has been a resounding success. However, I am reluctant to believe that my colleagues would consider any of those circumstances to be anything near self-sufficiency and therefor I implore you to rethink this idea that welfare reform has been genuinely successful.

The goal of welfare reform should be to create a system that promotes self-sufficiency, not just lower numbers on the rolls and higher numbers in low-wage, unstable jobs. H.R. 4737 provides a short term solution to a long term problem. We should not be battling welfare dependency as much as we should be battling poverty. H.R. 4737 will only encourage pushing recipients off the rolls and into the league of the working poor, under-educated and constantly struggling to make ends meet. So that one negative circumstance, one setback, such as illness or domestic violence, could see them plummeting back into poverty. Living one paycheck away from homelessness is not self-sufficiency by anyone's standards. We need reform that will arm welfare recipients with the artillery they need to permanently improve their economic situations.

This necessary artillery is education and training for marketable jobs. Improving education never stops paying off for an individual or for society as a whole; 82.2% of high school graduates with parents who attained a bachelor's degree or higher go on to college. This is compared to only 36.6% with parents who attained less than a high school diploma, according to the American Association of University Women. It should be clear that education is hereditary and the more education parents have, the more likely their children are to go on to college. Why in the world would we advocate legislation that impedes access to education for these individuals? H.R. 4737, which imposes a 40-hour work week on single mothers, significantly hinders their chances of furthering their education. It is plainly counterproductive to finding a long-term solution to poverty.

Mr. Speaker, H.R. 4737, says clearly to America's struggling families, ''We don't really care about helping you. We don't care that the jobs we are pushing you into will do little to help you provide a better life for your children. What we are most concerned with is no longer having to support you.'' We are dealing with human beings here, and more importantly, with children, and H.R. 4737 is legislation about numbers. Please vote no on H.R. 4737.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise today as the Representative of California's 37th Congressional District and representing some of the country's most impoverished areas! I would like to draw the attention of Congress to one of the key issues relating to the reauthorization of TANF.

My concern is with the mandates imposed by H.R. 4737. By forcing states to absorb costs that will total up to $11 billion over the next 5 years, we are in effect crippling their ability to help people transition to work. The Republicans' emphasis on creating ''make work'' workfare programs will defeat the purpose of trying to move individuals and families off of welfare. Workfare programs have been problematic for states to implement for years and have in fact been scaled back.

Without guaranteeing minimum wage protections, let alone creating jobs imparting meaningful work experience, we are dooming our states and the people they serve to fail. We can do better. By limiting states' ability to be flexible, and by forcing them to reinstate work requirements that have already been rejected, we're preventing welfare recipients from attaining financial independence.

If we are serious about wanting to move people from welfare to work, we must enact legislation that preserves state flexibility, creates real work, and elevates families from poverty to full-time work. We cannot help anyone become self-sufficient by giving a ''super-waiver'' authority to the executive branch that would sanction the waiver of any and every federal requirement pertaining to food stamps and housing. The proposed changes to TANF could cause this state of affairs to change.

The reason for this relates to the level of funding, which does not take into account how inflation will negatively impact the $1 billion now proposed by the Republicans to provide for child care. This proposal will require families to work longer hours. In order for California to fulfill its work participation requirements, parents would have to participate in work-related activities for 40 hours each week.

If we double the number of hours mothers with children younger than 6 must work from 20 to 40, we simply must allot a more realistic level of funding for child care.

California now has 280,000 children waiting to be placed into child care programs, and H.R. 4700 would require $1.23 billion in additional child care funding over the next 5 years. With California facing a deficit, due to Enron's rogue statics with our energy, H.R. 4737 will not allow us to help individuals successfully transition to full-time work.

By enacting the Democratic Substitute, we will require states to increase to 70 percent the number of individuals who must work out of the overall population receiving benefits. Further, states will be able to raise the work requirement to 40 hours provided they have sufficient child care and educational resources, as current law permits. Under the Substitute, $11 billion in additional child care funding will be available over the next 5 years so the stringent work requirements will be achieved without hurting children. The Substitute will remove the ban that now prohibits states from serving legal immigrants.

Under the Democratic substitute to H.R. 4737, we would have up to $6 billion in additional funding which must be earmarked in part to provide access to transportation so that individuals can get their children to child care providers and get to work on time. Yet another reason why current funding levels will be insufficient to maintain child care assistance in the future is related to the problem of inflation.

The proposed TANF bill will freeze funding for both the TANF and child care block grants at the current levels. Over the next 5 years, the purchasing power of these funding sources would erode steadily with inflation. This could occur at the same time that states such as California could be required to meet costly new work requirements.

In the case of California, the non-partisan Legislative Analyst's Office (LAO) estimates that California will have to spend an addition $2.8 billion over 5 years to meet the proposed work requirements. About half the $2.8 billion will go toward increased employment services' costs. The other half, $1.4 billion, will be spent on increased child care costs. An annual rate of inflation of 3 percent would increase costs to California by nearly $250 million between 2003 and 2007.

Mr. Speaker, I believe that the TANF reauthorization provisions do not take into account the points that I have brought up and that the new provisions will not achieve their purpose. In addition, extra burdens will be placed on the states, and, in the long run, children and families will suffer.

I will be voting against the TANF reauthorization bill. It will do nothing to help persons to become self-sufficient who are trying to move from welfare to work.

Mr. REYES. Mr. Speaker, I rise today in strong opposition to H.R. 4737, the Personal Responsibility, Work, and Family Promotion Act of 2002. The federal restrictions on state flexibility in H.R. 4737 are counter productive to achieving Temporary Assistance for Needy Families (TANF) primary goal to assist impoverished families and to end the dependence of needy parents on government benefits by promoting job preparation. Despite its faults, the

1996 Welfare Reform Act was able to help many families reach self-sufficiency. This was possible largely because of the amount of state flexibility allowed in the TANF program. H.R. 4737 removes that state flexibility and replaces it with unfunded mandates that undermine the state's ability to help needy families achieve sustained self-sufficiency. This bill will destroy the key and successful elements of TANF.

The changes made to the work requirements in this bill eliminate each state's ability to determine the best approach to place their recipients into paying jobs. In particular, this bill will remove current state discretion to assign work requirements and amount of work hours. It mandates that the work participation rate be at 70 percent by 2007, it requires all recipients be assigned 40 hours work or work related activities a week—even for mothers with children under six years of age, and compounds the restrictions by narrowing the definition of work related activities. Rather than allowing states to develop their own plans based on the unique needs of their recipients, this bill restricts what work-related activities can count toward the work participation rate and the mandated 40 hours of work.

States need the flexibility to assign the most appropriate activities to recipients based on an assessment of individual needs. For example, recipients with Limited English Proficiency (LEP) need access to English as a second language programs before they can gain the needed job skills and training that result in lasting jobs that pay livable wages and include benefits. Recipients with children need access to quality child care before they can leave home to work. In 2000, the Department of Health and Human Services (HHS), Administration for Children and Families issued a report stating that only 12 percent of those eligible for federal child care assistance receive this much needed assistance. Instead of providing the funding necessary to offer assistance to the 88 percent of parents in need of child care, this bill doubles their amount of work hours required.

Most importantly this bill does nothing to restore federal assistance to Legal Permanent Residents (LRPs). On the contrary, H.R. 4737 contains two extremely harmful provisions that would further restrict LPR access to federal assistance, including to the food stamp program. The superwaiver provision will allow the Executive Branch to waive virtually all program rules completely disregarding Congressional intent. Additionally, the food stamp block grant provision would allow five states to opt for a fixed amount of food stamp funds for the next five years. The incentive to ensure program participation will be eliminated. These two provisions have the potential of reversing the gains made by the restoration of food stamp benefits for LPRs in the Farm Bill, which was just signed into law earlier this week. In times when states face increasing budgetary deficits, a fixed block grant that can be used for other programs sends the wrong message.

LPRs are disproportionately represented in industries that are most affected during economic downturns. During these times LPRs are often hit the hardest, and they, like all Americans, must be allowed to access the program that can help them to get back to work. States have recognized the importance of providing services to LPRs, but with more and more states running budgetary deficits restrictions on immigrant access to federal programs impose a serious dilemma. The federal government should not continue to ignore the needs of LPRs. Since many LPRs work in the service industries that are affected most acutely by recessions, they are in need of the back to work assistance that TANF can provide.

Mr. Speaker, this bill does nothing to address the barriers that prevent recipients from achieving sustained independence and self-sufficiency. It does nothing to facilitate the education or job skills needed for recipients to gain employment. It does nothing to address the overwhelming backlog of single parents who need adequate child care. It does nothing to restore federal assistance to LPRs. It does nothing to address poverty reduction or advance employment.

For these reasons and more, I urge Members to oppose H.R. 4737.

Ms. BALDWIN. Mr. Speaker, I urge my colleagues to vote against this bill. I believe that the test of success of welfare reform is its capacity to lift families (especially children) out of poverty. This bill fails that test.

I recently attended a listening session at the Vera Court Neighborhood Center in Madison, Wisconsin to hear from people in my district who are affected by the changes being proposed in this TANF reauthorization. The personal stories of those who came to this listening session were powerful, and they made it clear how important child care and education are to enabling people to break the cycle of poverty.

H.R. 4737 would limit opportunities for education and training to 16 hours per week, at the most, and participants would have to be working at least 24 hours per week at the same time—a difficult task for parents caring for infants and young children. For parents to even think about expanding their work hours they need affordable, reliable and safe child care. Unfortunately, the increase in child care funding over the next 5 years in this bill is barely enough to keep up with inflation let alone the expanded work requirements in this bill. It is estimated that in order to implement this bill, it would cost Wisconsin about $44.5 million over 5 years in additional child care funding. Meanwhile, Wisconsin is suffering from a deficit of $1.1 billion. We cannot shift this burden to the states and, more importantly, we cannot let our children be the ones who suffer because of this policy.

As many of my colleagues know, Wisconsin was at the forefront of the welfare reform debate 5 years ago. Today, Wisconsin parents are making a good-faith effort to support their families through work but are not succeeding in raising their families standard of living—even to the poverty level. A Wisconsin Legislative Audit Bureau Report found that of those who left the Wisconsin Works (W–2) program in the first quarter of 1998 (a period when the economy continued to expand), more than two-thirds reported having incomes below the federal poverty level. An even sadder statistic is that one-third of those who left W–2 had no reported earnings at all.

H.R. 4737 would discourage efforts in Wisconsin to change W–2 in order to serve low-income families better. The audit bureau report recommended that legislators, in order to ensure the future success of W–2, focus on increasing former W–2 participants income above the poverty level, addressing the needs of returning participants, and responding to a possible downturn in the economy. We should be helping Wisconsin implement these recommendations by increasing education and training opportunities, not by cutting back on them as this bill does.

Martha Garel could benefit from these educational opportunities. Martha lives in Madison and has received W–2 payments for 3 years. When she first applied in 1999, she had recently left an extremely abusive husband. Martha does not have a college degree, but she would like to obtain a degree in social work. Two of her three children living at home have disabilities. Her 10-year-old son has a disorder that requires him to take medication, and during the summer, Martha cannot find a child care provider who will watch him. Her oldest daughter receives Supplemental Security Income due to brain damage she received at birth.

Martha has been avidly searching for a job and interviewing since last fall, but nothing has come through. The only jobs Martha appears to be qualified for pay only minimum wage, and she knows that a minimum wage job will not meet the needs of her family. The medications her family requires run over $1,000 per month. It is clear that we need to expand the educational and job-training opportunities for people like Martha.

I urge my colleagues to help families escape poverty by giving them the support they need to secure jobs that can support a family. I urge my colleagues to vote against H.R. 4737.

Mr. MOORE. Mr. Speaker, I rise today to discuss my views on H.R. 4737 and explain my reasons for opposing this legislation and supporting a moderate, workable substitute.

I believe in a ''work first'' policy for welfare recipients—the best path to independence for welfare recipients is a job. I also believe that we should do all that we can to ensure that work pays and remember that the reduction of poverty, especially child poverty, is the ultimate goal of this reauthorization.

I have entered into the RECORD a letter from Janet Schalansky, Secretary of the Kansas Department of Social Services. Ms. Schalansky's letter expresses clearly many of my concerns with H.R. 4737, and I believe that the substitute that I support addresses many of her concerns with the underlying legislation, especially her concerns regarding unfunded mandates and the need for education, training and other supports for individuals leaving welfare.

States, including my own state of Kansas under Secretary Schalansky's leadership, have done a good job implementing the provisions of the 1996 law. Kansas has reduced the cash assistance caseload by more than half, and helped approximately 37,000 adults become employed and retain employment. I want to continue to do what I can to ensure that the states have the tools and flexibility they need to help welfare recipients move from welfare to work, but H.R. 4737 falls far short of that goal.

Education is the path through which welfare recipients will truly find long-term, well-paying, permanent employment. Only education and training will give welfare recipients the skills they need to move permanently to a life of self-sufficiency. Unfortunately, H.R. 4737 greatly reduces the states' discretion to allow welfare recipients to get education and training

to pull themselves out of poverty. This legislation removes vocational education from the list of work-related activities that count toward the core work requirement. In addition, the bill does not provide an employment credit to the states when individuals leave welfare for work.

That is why I am supporting a substitute that will allow states to combine successful ''work first'' initiatives with education and training. The substitute will give states credit when they move individuals from welfare to private-sector jobs, rather than giving them an incentive to create government ''make work'' programs.

H.R. 4600 imposes an unfunded mandate on the states to the tune of $11 billion—$67 million for the state of Kansas alone. Kansas is currently facing a budget crisis and its leaders are cutting services and raising taxes as we speak just to balance next year's budget. An unfunded mandate of this magnitude could devastate the state budget. If we are going to raise the bar for the states, we must provide support so that states can reach the bar. As Secretary Schalansky notes in her letter, level funding for TANF is not sufficient to accomplish and sustain the goals of the TANF program. Furthermore, H.R. 4737 allocates funding for child care that barely keeps pace with inflation and does not begin to provide the funding necessary to provide the child care that the additional work hours will demand.

For these reasons, I am supporting a substitute that will provide an extra $11 billion for child care funding over five years to help states provide child care for working welfare recipients and provide an inflationary increase for the TANF block grant.

Finally, I have great concerns about the so-called ''superwaiver'' provisions of this legislation. Although I am pleased that the authors of H.R. 4737 decided to remove some of the most egregious provisions of the superwaiver, I am still concerned that the legislation will permit broad and unaccountable waivers of federal requirements in several programs, including the Food Stamp program, Workforce Investment Act, Adult Education, and the Child Care Development Fund. The states should be given the funds and flexibility they need to run a welfare program, and they should be accountable for the result. The substitute that I support includes no such broad waiver.

Mr. Speaker, the House should reject H.R. 4737 and approve the substitute. Our goal is to move welfare recipients to work and help people lift themselves out of poverty. The substitute gives the states the tools they need to achieve that goal.

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES,
Topeka, KS, March 14, 2002.

Hon. DENNIS MOORE,
U.S. Representative, Cannon House Office Building, Washington, DC.

DEAR REPRESENTATIVE MOORE: As you study the issues surrounding the reauthorization of the Temporary Assistance for Needy Families (TANF) program during this Congressional session, please keep in mind that it is the flexibility afforded the states by TANF that has allowed Kansas to develop programs and initiatives which promote adult self-sufficiency and strengthen families. As a result of this flexibility, Kansas has been able to:

Reduce the cash assistance caseload by 10,000 families since welfare reform began on October 1, 1996.

Help approximately 37,000 adults become employed and retain employment for a year or longer.

Provide cash assistance to approximately 9,030 adults and 22,465 children each month.

Create unique employment preparation strategies and support services for addressing the multiple employment barriers of many TANF recipients.

Provide innovative child care improvements, including an Early Head Start Program; an infant/toddler specialist in each of the sixteen child care resource and referral agencies; and an early care and education professional development initiative.

Integrate child welfare services and TANF to help more children remain in their own home or be returned to their homes more quickly.

On February 26, the Bush Administration introduced the outline of its TANF reauthorization proposal. Although the department supports the President's overall goals for the TANF program, we do not support all of his recommended changes to the program. His proposal to require all families to participate in work activities for 40 hours per week with 24 of those hours mandated to be in subsidized or unsubsidized work is especially problematic. Attached to this letter is a review of the department's position on the key provisions of the President's proposal. I hope you will consider the agency's position when these issues are debated and voted on in Congress.

The Temporary Assistance for Needy Families block grant has been successful in getting families employed and off cash assistance. While much has been achieved, there is an unfinished agenda of welfare reform, one that involves on-going supports to low-income working families as well as one that seeks to remove the barriers for TANF recipients with multiple barriers to employment. The work of the TANF agency does not end when families exit the cash assistance caseload.

SRS supports continued emphasis on the work first approach which is appropriate and integral to continued success. The Department recognizes that the caseload is not homogeneous and some clients can move to work easily while others require more intense interventions. In order for employed clients to remain employed, to increase wages, and to seek and obtain new and better opportunities, the state's work must continue. In order to continue helping families be successful, it is important that the flexibility currently afforded to states be continued and federal funding levels for the program remain adequate. We need to stay the course to accomplish the goals of welfare reform.

If you have any questions about the President's proposal or other TANF reauthorization bills that are introduced, please feel free to contact me. I would like to keep you updated on how these proposals will affect the low income citizens of Kansas.

Sincerely,

JANET SCHALANSKY,
Secretary.

Enclosure.

KANSAS DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

On February 26, 2002, the Bush Administration introduced the outline of its TANF reauthorization proposal, called Working Toward Independence. The administration indicates that child well-being is the overall goal of its plan. The plan also incorporates fatherhood and the formation and maintenance of healthy two-parent married families into the fourth purpose of the TANF program. Main components of the President's reauthorization proposal include the following:

Mandates More Stringent Work Requirements. The President's proposal requires that all families engage in constructive activities leading to self-sufficiency for 40 hours per week, at least 24 hours of which must be in unsubsidized or subsidized work, on-the-job training, supervised work experience or supervised community service. Kansas does not support this change. There is overwhelming evidence from states that persons now receiving TANF cash assistance have significant barriers to employment, such as mental illness, IQ's below 75, domestic violence etc. Until these barriers are overcome or accommodated, it is unrealistic to require TANF recipients to work 24 hours per week. Many of the current TANF recipients will always struggle to find and keep even part time jobs in a competitive work environment. States will have to start-up or expand subsidized work, on the job training (OJT), supervised work experience and community service in order to meet the 24 hour per week work requirement. According to recent press releases states will also have to continue paying minimum wage for work experience or community service jobs. The result of these proposals will require increased expenses not funded in the Bush plan. Funding cuts in other TANF services, such as post employment services that assist the working poor to retain or advance in their jobs, will likely be the result. Additionally, employers do not hire employees for twenty-four hour per week jobs. They generally hire for either 20 hours per week or 40 hours per week. The TANF program has been successful due to the design flexibility given states to develop programs tailored to the needs of their recipients. The Department believes the more stringent work requirement is counterproductive and unnecessary to achieving the purposes of the TANF program.

Increases Work Participation Rates. Under the Bush proposal, the state will be required to have 70 percent of its adults participating in 40 hours a week of constructive activities leading to self-sufficiency, 24 of which must be actual work, by the year 2007. There will no longer be a caseload reduction credit or a separate two-parent participation rate. Under the work participation requirements of the current TANF law, Kansas has 86 percent of its families participating 30 hours per week, and 60 percent participating 40 hours per week. Kansas would support the proposed participation rate change only if the 24/40 hour work requirement explained above is removed. Should the Bush plan be passed as is, the state will have to choose between requiring recipients, who may not be ready, to work for 24 hours a week knowing they will fail; or placing them in the right activities and accepting a penalty for failure to meet the participation rate requirement. The right activities might include remedial education, learning disability accommodation training, substance abuse, mental health or domestic violence counseling, or basic job skills training. The penalty for not meeting the work participation requirement would be a loss of $5.095 million in federal funds and a requirement to make up the loss with state funds for a total penalty of $10.19 million. In lieu of the 24 hour work requirement of the Bush plan, Kansas supports retention of the current law which designates that 20 hours of participation must be in primary activities, which include work, on the job training, work experience, and job readiness activities.

Requires universal engagement of all TANF families. States will be required to engage all families in work and other constructive activities leading to self-sufficiency. Within 60 days each family must have a self-sufficiency plan for pursuing their maximum degree of self sufficiency. The family's progress must be monitored. Kansas supports this requirement as we currently develop and

monitor self sufficiency plans for all TANF families.

Retains the Current Five Year Time Limit and 20 Percent Exemption Limit. The Department supports retention of these provisions. The five year time limit has been a good motivational tool for those recipients who are capable of working. Continuation of the twenty percent exemption will allow persons with documented hardship conditions to receive assistance past the 60 month limit.

Maintains TANF and Child Care Funding Levels. The President's proposal maintains the current level of funding for both the TANF and Child Care programs with no indexing of grants for inflation. Level funding will not be sufficient to accomplish and sustain the goals of the TANF program for the following reasons: Families now receiving cash assistance face serious work, family, and social barriers which they must overcome before becoming successfully employed. These services are expensive and far exceed the expenditures for cash grants. Working poor families continue to need support services, such as child care, transportation, tools, uniforms and other work related items, long after cash assistance eligibility ends, to retain work, advance in their jobs, and improve their prospects to become self-sufficient. As states transform TANF from cash assistance to work supports, a larger clientele becomes eligible for these benefits. With the additional participation requirements placed on states by the Bush proposal, Kansas will not be able to continue funding all needed child care services. For example, expanding the participation requirement to 24/40 will cost $1.89 million more for child care each year if the parent and child are apart during all of the participation activities. If new work requirements are mandated for TANF, federal child care funding must be increased as well. In Kansas, the cash assistance caseload has increased due to the weakened economy. This trend puts Kansas and other states in a difficult financial position as the increasing demands for cash assistance make it difficult to continue providing the child care, diversion benefits, state income tax credits, and job and transportation assistance to the working poor who are no longer receiving cash assistance. Unless TANF and child care funding levels remain adequate, states will be forced to choose between reducing work support services and turning away some of the neediest families. Kansas, therefore, supports indexing the block grants for inflation and providing increased funding for additional federal mandates. Kansas also supports the continuation of the states' Maintenance of Effort (MOE) requirement as it exists in the current law.

Restores Supplemental and Contingency Funds, Allows for Rainy Day Funds, and Restores Ability to Transfer 10 Percent of TANF Grant to Social Services Block Grant. Although these provisions will be of no help to Kansas, they will greatly benefit some states. Kansas does not have the low rates of unemployment or poverty required to benefit from the supplemental or contingency funds and does not have any carry-over funds to benefit from the rainy day allowance. Since all TANF funds are now obligated, transferring additional TANF funds to the Social Services Block Grant would require cuts to TANF services. Kansas supports restored federal funding of the Social Services Block Grant.

Discontinues State Program Waivers. The Bush administration proposes to discontinue TANF program waivers granted prior to the 1996 welfare reform legislation. Kansas does not support this recommendations. Kansas has received much national recognition for the programs it has developed to address learning disabilities, substance abuse, and domestic violence. The state has been able to accomplish this because of its waiver which allows all participation in job readiness activities to count toward meeting the state's work participation rate. With the administration's proposal to discontinue current waivers, impose a new 24/40 work participation requirement, and limit full time rehabilitative and substance abuse treatment to 3 months out of each 24 months, Kansas will be forced to drop the successful programs described above, or fail the work participation requirement and accept a financial penalty. Kansas does support removing the limitation that exists in current TANF law of not allowing more than 6 weeks of job readiness activities (only 4 of which may be consecutive). The family, social and work barriers faced by TANF recipients require much more than 6 weeks of job readiness activities to resolve.

Promotes Child Well-Being and Health Marriages. The Bush plan includes enhanced funding for research, demonstrations, technical assistance, and matching grants to states. An increased focus on marriage and child well-being will be added to both the purposes of the program and the state plan requirements. This approach is designed to provide states with greater resources to pursue these goals while maintaining flexibility so that states can design programs that work.

Encourages Abstinence and Prevention of Teen Pregnancy. The administration's goal for federal policy is to emphasize abstinence as the only certain way to avoid both unintended pregnancies and STDs. Although the scientific evaluation funded by Congress to study the effectiveness of abstinence-only programs will not be completed until 2003, the administration proposes refunding the Abstinence Education program at the same level as in 1996 and retaining its strong definition of how funds may be spent. The administration also proposes increasing funding for community-based abstinence education grants by 83 percent to $73 million in 2003, including funding for comprehensive evaluations of abstinence education programs. While the government's evaluation of abstinence education programs has not yet been completed, many independent evaluations have found that abstinence-only programs are ineffective in reducing unintended pregnancies, including teen pregnancies, and STD's. Because comprehensive programs which include both abstinence education and birth control information have been found to be the most effective, especially if they have a youth development focus, Kansas does not support dedicating funds exclusively to abstinence education. If the goal is to reduce out-of-wedlock births, teen pregnancies, STD's, and deaths from AIDS and Hepatitis, then states should be allowed the flexibility to develop the programs that work best in reaching the youth and adults in their states.

Focuses More on Program Performance. States will be required to set performance standards in their state plans for addressing each purpose of the TANF program, to annually update their progress in meeting their goals, and to provide data to HHS to allow federal oversight of the program. The Secretary of HHS will annually rank all states in the order of their performance on indicators measuring employment, retention, and wage increase. The administration will establish a $100 million a year bonus to regard employment achievement. Each state will have numerical targets to strive for and will compete against their performance in the previous year. All states could be eligible for a bonus in any given year if their performance meets established targets. Kansas supports this bonus plan which is superior to the current bonuses measuring high performance and reduction of out-of-wedlock births. The state plan requirements, however, will be more stringent and intrusive, and thus is not supported. More authority is given to HHS for oversight in the approval process, which will hinder state flexibility.

Enhances Child Support Enforcement Strategies. The administration's proposal continues rigorous enforcement of child support obligations while targeting additional child support collections to the families with greatest need by: Providing federal matching for states to provide or improve a pass through of child support to families that receive TANF; giving states the option of providing families that have left TANF the full amount of child support collected on their behalf with federal sharing of the costs; collecting a $25 annual user fee from families that have never received welfare; lowering the threshold for passport denial to $2,500; and expanding the federal offset program to allow states to collect past-due child support by withholding a limited amount of Social Security Disability Insurance payments from appropriate beneficiaries if benefits exceed $760 per month. Kansas supports these proposals if they remain options to the state.

Reforms Food Stamp Program. The reforms proposed by the administration, such as simplifying some program rules, will make it easier for states to fashion a food stamp program that is friendlier to working families. However, the President's proposals are not as extensive as those in the recently passed Senate version of the Farm Bill. We support the Senate proposals. Kansas supports the President's proposal to provide food stamps to legal immigrants and to eliminate the cap on EBT costs. Kansas is not supportive of the President's proposals regarding Quality Control. If the proposals had been in place for FY 2000, the impact would have been substantial. Our sanction would have increased from $79,313 to $804,036.

Integration Waivers. Kansas is supportive of the ability to coorindation among agencies that provide services to TANF recipients. Waivers have the potential to increase cost-effectiveness, reduce duplication, improve performance, streamline services, and forge a client-friendly seamless system. Waivers may be a means of: Coordinating data collection and reporting requirements across programs and agencies; developing common goals, policies, and performance measures for relevant aspects of TANF, Food Stamp, Medicaid, child care, child support, child welfare, and workforce development programs; coordinating eligibility standards, definitions, etc., for programs serving similar populations; enhancing federal funding for cross-program information technology initiatives, including the sharing of administrative and program data across agencies; simplifying federal procurement rules to better meet state needs; modifying federal confidentiality rules to allow for client eligibility verification activities and tracking; and integrating federal funding streams at the state level for programs with similar goals for serving common clients.

Mr. CROWLEY. Mr. Speaker, I rise today in opposition to H.R. 4737, the Republican welfare bill. This bill does nothing to improve the welfare system.

Six years ago, Congress passed a sweeping welfare reform bill to fix the failed system of cash payouts that rewarded not working. That bi-partisan bill encouraged work through both job training and child care services and by mandating a cut off of benefits after a fixed period of time for those who refused to find work. The result, millions taken off the welfare

rolls and put into jobs. This was good for America and great for working, tax-paying Americans.

But that bill was not perfect. For one, it excluded millions of tax-paying residents from qualifying for these work assistance programs, namely America's legal immigrants.

Today, we have the opportunity to make changes in those sections that failed and improve upon our successes. Unfortunately, that will not happen.

Congressman XAVIER BECERRA and I planned on offering an amendment that would have rectified this biggest of injustices of the 1996 welfare bill. Our amendment would have allowed legal immigrants—legal, tax paying residents—to participate in the education, job training and pregnancy prevention programs of this personal responsibility bill. But the House Republican leadership overruled us and threw away the hopes of millions of our constituents.

Essentially, this bill discriminates against legal, tax-paying, residents, leaving them hungry and out in the cold without assistance.

I am particularly concerned about the effect this bill will have on my immigrant constituents. Queens is the fastest growing borough of New York City and my Congressional District is one of the most diverse in the world. Over 100 languages are spoken in my part of Western Queens, many by immigrants who came here for a better life for themselves and for their children.

Most of these people are here legally. They pay taxes, and they contribute to the social and economic character of the United States. We are richer for their presence, and I am proud to represent them. However, many need a temporary helping hand to get on their feet, get a job and taste their slice of the American pie.

This bill however would leave these families, and their children, without any resources when in need of a helping hand.

I do not believe that this is right or fair and I am greatly concerned that it will have a significant impact on the one in five children in this country with immigrant parents. This bill undermines the civil rights of the over 35 million Latinos living in the U.S. legally and is not responsive to the needs of all immigrant families struggling through tough times.

This bill limits access to job-training and higher education opportunities, ensuring that individuals on welfare stay on welfare. Under this bill, those who do, by some miracle, manage to get off of public assistance, would not be given any additional support, such as transitional healthcare coverage, to stay off of welfare.

Perhaps most importantly, this bill devotes almost nothing to child care, while increasing work requirements, effectively forcing working mothers to leave their children unattended in order to earn enough money to feed them. In short this bill is a disgrace. However does such a law serve our society?

Every 93 seconds a child is born into poverty in this country, and this bill does nothing to help them. The GOP bill would increase mandatory child care funding by only $1 billion over the next five years, that's barely enough to keep pace with inflation, and nowhere near enough to implement the bill's new work participation requirements, not to mention provide child care coverage to the 15 million children who are now eligible for day care assistance but who are not currently covered because States lack sufficient resources.

Again, I worked to add an amendment to the bill to allow for $20 billion to be invested over the next 5 years for child care for all of those participating in this program, but was again denied by Congressional Republicans. The result, a greater difficulty getting families with children either into jobs and off welfare, or more latch-key kids left alone in the after school hours to do whatever they please without parental supervision.

And so, not only does this bill not give welfare beneficiaries the tools necessary to become economically self-sufficient. But the process of bringing this bill to the floor has been geared towards silencing dissenting voices.

My friends on the other side will try to say that I am trying to give taxpayer money to people who, they claim, refuse to work.

If we are to believe their premise that the 1996 welfare bill was a proven success at providing a temporary helping hand to get people off the dole and into jobs, then why shouldn't Congress extend this same helping hand to all of our residents in need. Shouldn't we encourage, as opposed to discourage, work?

This current bill leaves more of my working constituents paying a greater share of their hard earned taxes to provide for those who are not given the tools to enter the workforce and get off of government assistance.

This Republican bill makes no sense. Let's vote it down and start again. Let's invest in our people and give them the tools to get jobs, get off welfare and contribute to our national economy.

This is not a question of budgets, this is about priorities. I urge the House to reject this Republican bill.

Mr. BLUMENAUER. Mr. Speaker, there's no small amount of irony that just one week after Congress reinstated welfare for some of the largest agricultural interests in this country in the farm bill, the Bush Administration and Republican leadership in the House are imposing new burdens on the poorest and most vulnerable of our citizens. This Welfare Bill denies states the ability to use their own approaches, field-tested and improved by real-world experience, to meet their own citizens' needs. That's why the majority of governors, both Republicans and Democrats, have opposed the approach in the Republican Welfare Bill.

As the national unemployment rate has increased, Oregon has had the highest rate in the country. Welfare reform is no longer propped up by a full-employment economy, and moving from welfare to work has become much more difficult. The Administration and Republican leadership bill offers a rigid, designed-in-Washington, one size fits all approach. Instead, we should focus on supporting what works: flexibility for the states, and total support for families through a combination of work experience, training, education and child care.

I support the substitute offered by my colleague, BEN CARDIN, because it meets our goals, and supports efforts in the State of Oregon. Instead of unfunded mandates, the substitute increases flexibility and encourages real work. It also provides increased funding to make a down payment towards the needs of the 15 million unserved children eligible for childcare. Most importantly, it provides guarantees that our poorest and most vulnerable citizens who have the least political power will get real help moving into the workforce, not just more rules and requirements.

Mr. GILMAN. Mr. Speaker, I rise today in support of our Nation's families. As co-chair of the Congressional Child Care Caucus, child care should not be a partisan issue. Every day in this country, thirteen million children under the age of six are cared for by someone other than their parents. And each day, children are needlessly placed in harm's way because parents cannot afford to use high quality child care services.

The need for quality child care and after school care continues to grow throughout the country and with the President's recent call for increased welfare work requirements, which I support, it is imperative that the child care development block grants, CCDBG, are increased by $11 billion over the next 5 years.

In New York State alone, there is a need for an increase of $1.4 billion in CCDBG money over the next 6 years, which would allow an additional 79,000 families to enroll in the program each year.

Without this increase, many families are forced to choose more affordable, yet low quality child care services, and in turn, put their children at an unnecessary risk. In other cases, parents work 3 and 4 jobs in order to pay for child care, which increases their need for child care due to additional work hours.

This endless cycle of working to pay for child care and needing child care because of work, serves no one and in the long run, it only hurts families as the number of hours spent together diminishes.

Each year, hundreds of children are injured or killed as a result of deplorable conditions, unqualified personnel and the blatant lack of respect for the laws intended to protect our children.

Many parents know that they are leaving their children in an unlicensed or unaccredited center, but their hands are tied because this is all that they can afford. By providing additional funds for the CCDBG, We can expand the availability of child care services and increase the amount of assistance to those families already enrolled in the program, allowing them to place their children in safe child care conditions.

There are already too many horror stories on the news about infants left in the hands of unqualified caregiver. This is our opportunity to make a difference and to ensure that every child, regardless of economic background, has access to quality child care opportunities. Accordingly, I urge colleagues to support the $11 billion increase in the CCDBG to provide a better future for our children by making them our priority.

Ms. KILPATRICK. Mr. Speaker, today, the House of Representatives debated key legislation on Welfare Reform Reauthorization. Unfortunately, the legislation we passed does not represent a step forward in welfare policy. Since Congress passed the 1996 Welfare Reform law, many have touted its success in reducing welfare rolls. While this is true, it paints a distorted picture on the realities of welfare. Yes, many States have seen a reduction in welfare rolls, but many of the families that are moving off welfare are moving straight into low-income, minimum wage jobs. Many still rely on federal supports, such as Medicaid and food stamps to stay afloat. Is this success?

We cannot expect families to move forward unless we provide them with the essentials to succeed in life. Unfortunately, the bill that the

Republicans introduced does not address or contain sound policies and provisions that will help lift individuals out of poverty and off of welfare. This should be the focus of welfare reform reauthorization—to help lift families out of poverty. If this isn't the main goal, and it is not in the Republican bill, then we are failing the system and more importantly we are failing families.

We need to improve upon what we know from the 1996 Welfare Reform law and work with States to provide them with the funds and flexibility they need to help families and children not simply move off of welfare, but more importantly, move out of poverty. Greater emphasis should be placed on educational opportunities and programs—an approach that would ensure that families are able to move up the economic ladder. Without the opportunity to learn a trade or pursue post-secondary educational options, the outlook for families being able to move off of welfare and improve their economic status is bleak.

Education is the key to success—we all know that. Yet, the Republican bill does not stress the importance of education. Instead of providing States with the flexibility of offering more educational programs, the provisions in the Republican bill put States in a compromising position. In order to adhere to the strict work requirement of a 70 percent participation rate by 2007 and a 40 hour work week requirement, States would need to focus more on pushing recipients into low-income or workfare type programs that offer no chance of a brighter future. This is the wrong choice for families.

While the Republican bill puts forth unrealistic expectations on States and welfare recipients, it does not, at the same time, adequately increase Temporary Assistance for Needy Families (TANF) funding and child care funding to States to help them meet the requirements. In fact, there is no increase in TANF spending and only a $1 billion increase in mandatory child care funding over five years. Currently, many working parents on welfare are not able to find quality child care. How can we expect working mothers to work a 40 hour week if they do not have access to quality child care? Children should be our first priority, but they are not in this bill.

The Republican Welfare Reform bill focuses on a one-size-fits-all policy that is concerned more with moving families off of welfare rolls than providing families with opportunities to succeed. Instead of looking at disingenuous numbers on paper, Congress needs to focus more on looking at individual families when implementing policies. If Republicans did this they would realize how unrealistic their bill truly is. It restricts States instead of providing them with more flexibility to determine what is the right approach for individual families in their State. Helping families to succeed is the Democratic approach—and the right approach. If we fail to enact policies that will give families a chance to create a better life, we fail families and we fail children.

For these reasons, I vote ''no'' on H.R. 4737.

Mr. MORAN of Virginia. Mr. Speaker, I rise in strong opposition to this legislation which is falsely named, the Personal Responsibility, Work and Family Promotion Act.

In 1996, when this body passed the ''welfare to work'' bill, we changed welfare forever and it was a giant in the right direction. Now 6 years later, we have seen results from this law being put in place. However, this welfare bill is a step in the wrong direction.

No one will argue that the ''welfare to work'' law isn't successful. I believe that in our hopes to move forward on welfare reform, we are ignoring an important population in our communities: our children. How can we support a bill that wants welfare recipients to work 40 hour work weeks but provides no additional funding for care? And how can we as a body entertain providing tax benefits for stay at home mothers, while at the same time, forcing low-income mothers to work more hours and be separated from their children for longer periods of time? The bottom line is that you cannot expand work requirements without expanding child care.

Should welfare recipients really have to choose between being a good worker or a good parent? The Democratic substitute provides states with the necessary resources, such as child care funding, to meet the stronger work requirements. The Republican bill does not. The Democratic substitute provides recipients with the chance to allow education, vocational education as well as training, as well as participation in English as a second language and GED programs to count toward the participation rate. The Republican bill eliminates vocational education from the list of work-related activities.

Most of us are parents. We know the daily struggles of balancing work and family. Sometimes these struggles prove even more difficult for single-parent families. We need a system that does not discriminate by family type or marital status. The Republican bill does just that.

In a perfect America, children would be raised in two-parent families. In a perfect America, all citizens would be trained and educated in order to choose any job they wanted, not limited to only the ones they are qualified to do. Regrettably, this bill imposes heavier work responsibilities on welfare recipients without providing the tools to protect their families.

Another population that is largely ignored by the Republican bill is our immigrant population. While I still have many concerns with the farm bill that was signed into law on Monday, I was pleased to support the provision which restores food stamp benefits to legal immigrants. Let's do one better for our immigrant population. Let's allow states to be able to provide welfare benefits to legal immigrants. The welfare of all our nation's children, whether they are born here in the United States, or somewhere else, should be today's most important consideration. The Democratic substitute does just that. It will also allow states to provide Medicaid to legal immigrant pregnant women and children, certainly our most underserved citizens.

Today, let's send a message to America that we want citizens on the road to economic independence. Let's arm these citizens with the training and education necessary to sustain and advance employment, while ensuring their family's security by providing child care. Let's protect the welfare of our most important commodity, our children. I urge all my colleagues to vote against H.R. 4700 and vote in favor of the Democratic substitute. Let's pass a meaningful welfare reform bill today.

Mrs. MCCARTHY of New York. Mr. Speaker, as the House debates Welfare Reform, we must focus on how we are going to help families move from welfare and poverty to work and prosperity. As I looked at both the Republican and Democratic bills, I found the Democrat proposal did a lot more to move families from handouts to becoming active workers in today's market.

To begin with, the Democrat substitute strengthens the current work requirements by: Increasing the number of work-focus activity hours from 20 to 24 hours; requiring a minimum of 30 hours of work and provides states the option of increasing the number of required hours to 40 hours a week; and replaces the current caseload reduction credit with an employment credit that reduces states participation rate according to the number of people leaving welfare to work.

In addition, the Democratic substitute provides the state with the necessary resources to meet the stronger work requirements.

The Republican bill places a large unfunded mandate burden on the states. The Democratic substitute raises the bar on the work requirements and provides the states with the resources to meet these changes.

For example, it provides an additional $11 billion for mandatory childcare funding over five years to meet the work requirements. In addition, the bill increases the set-aside for child care quality from 4 to 12 percent.

Furthermore, the Democratic substitute provides states with the flexibility. The most promising state programs that help welfare recipients obtain and advance in a job combine a ''work first'' approach with supplemental training and education. The Republican proposal eliminates vocational education training from the list of work related activities that count toward the state's participation rate.

Finally, the Democratic substitute rewards self-sufficiency and gives families the help they need to successfully move from welfare to work. It improves the Individual Responsibility Plan so that every family has a specific plan detailing the steps and work supports needed to move the parent into meaningful work activities and achieve self-sufficiency. It also provides a 5-year extension of Transitional Medical Assistance (TMA) for parents and children leaving welfare. The Republican bill only extends TMA for 1 year.

Mr. Speaker, I urge all my colleagues to support this Democrat alternative and reject the underlying bill that hurts American families.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 4737, the Personal Responsibility, Work and Family Promotion Act.

The 1996 welfare law was the most significant change in American social policy in a generation. By liking benefits to work, the law introduced economic rewards to families isolated in a cycle of dependence and despair.

Welfare reform has changed many lives in dramatic ways, but there is still more to do. Despite the emphasis on work, nearly 58 percent of adult welfare recipients today are not working. Far too many individuals still do not know the satisfaction of a job well-done and the dignity of a steady paycheck. This legislation sets a more challenging standard on work, one that is tough but achievable.

H.R. 4737 requires states to engage at least 70 percent of their welfare recipients in 24 hours of direct work each week, and the other 16 hours in job-related activities like education, training, or counseling. This will allow individuals to work 3 days and go to school 2

days each week. Meaningful work requirements blended with education and training will lead to greater self-sufficiency.

As we set a higher standard of work and require welfare recipients to be active participants in improving their lives, Congress must give families the support necessary to make this transition. A combination of work and social services will provide a more effective approach to fighting welfare dependency and poverty than an approach that relies primarily on government handouts.

We also must remain responsive to people with multiple barriers to employment. As the reauthorization process moves forward, I am hopeful there will be a focus on allowing older individuals to take the time necessary to get a GED, as well as a greater emphasis on helping those who need intensive drug rehabilitation.

I applaud the decision to provide an additional $2 billion in child care funds. Safe, affordable, high-quality child care is an important part of the support network needed to move people from welfare to work. Additional child care funds will allow parents to hold jobs.

I am also pleased this bill helps states address the unique challenges faced by their populations. H.R. 4737 enables states to conduct innovative demonstration projects and coordinate a range of problems in order to improve services. It gives states the freedom to better meet the needs of welfare recipients as they work toward independence.

Mr. Speaker, I urge my colleagues to support this legislation.

Mr. PAUL. Mr. Speaker, no one can deny that welfare programs have undermined America's moral fabric and constitutional system. Therefore, all those concerned with restoring liberty and protecting civil society from the maw of the omnipotent state should support efforts to eliminate the welfare state, or, at the very last, reduce federal control over the provision of social services. Unfortunately, the misnamed Personal Responsibility, Work and Family Promotion Act (H.R. 4737) actually increases the unconstitutional federal welfare state and thus undermines personal responsibility, the work ethic, and the family.

H.R. 4737 reauthorizes the Temporary Assistance to Needy Families (TANF) block grant program, the main federal welfare program. Mr. Speaker, increasing federal funds always increases federal control as the recipients of the funds must tailor their programs to meet federal mandates and regulations. More importantly, since federal funds represent resources taken out of the hands of private individuals, increasing federal funding leaves fewer resources available for the voluntary provision of social services, which, as I will explain in more detail later, is a more effective, moral, and constitutional means of meeting the needs of the poor.

H.R. 4737 further increases federal control over welfare policy by increasing federal mandates on welfare recipients. This bill even goes so far as to dictate to states how they must spend their own funds! Many of the new mandates imposed by this legislation concern work requirements. Of course, Mr. Speaker, there is a sound argument for requiring recipients of welfare benefits to work. Among other benefits, a work requirement can help a welfare recipient obtain useful job skills and thus increase the likelihood that they will find productive employment. However, forcing welfare recipients to work does raise valid concerns regarding how much control over one's life should be ceded to the government in exchange for government benefits.

In addition, Mr. Speaker, it is highly unlikely that a ''one-size-fits-all'' approach dictated from Washington will meet the diverse needs of every welfare recipient in every state and locality in the nation. Proponents of this bill claim to support allowing states, localities, and private charities the flexibility to design welfare-to-work programs that fit their particular circumstances. Yet, as Minnesota Governor Jesse Ventura points out in the attached article, this proposal constricts the ability of the states to design welfare-to-work programs that meet the unique needs of their citizens.

As Governor Ventura points out in reference to this proposal's effects on Minnesota's welfare-to-welfare work program, ''We know what we are doing in Minnesota works. We have evidence. And our way of doing things has broad support in the state. Why should we be forced by the federal government to put our system at risk?'' Why indeed, Mr. Speaker, should any state be forced to abandon its individual welfare programs because a group of self-appointed experts in Congress, the federal bureaucracy, and inside-the-beltway ''think tanks'' have decided there is only one correct way to transition people from welfare to work?

Mr. Speaker, H.R. 4737 further expands the reach of the federal government by authorizing $100 million dollars for new ''marriage promotion'' programs. I certainly recognize how the welfare state has contributed to the decline of the institution of marriage. As an ob-gyn with over 30 years of private practice. I know better than most the importance of stable, two parent families to a healthy society. However, I am skeptical, to say the least, of claims that government ''education'' programs can fix the deep-rooted cultural problems responsible for the decline of the American family.

Furthermore, Mr. Speaker, federal promotion of marriage opens the door for a level of social engineering that should worry all those concerned with preserving a free society. The federal government has no constitutional authority to promote any particular social arrangement; instead, the founders recognized that people are better off when they form their own social arrangements free from federal interference. The history of the failed experiments with welfarism and socialism shows that government can only destroy a culture; when a government tries to build a culture, it only further erodes the people's liberty.

H.R. 4737 further raises serious privacy concerns by expanding the use of the ''New Hires Database'' to allow states to use the database to verify unemployment claims. The New Hires Database contains the name and social security number of everyone lawfully employed in the United States. Increasing the states' ability to identify fraudulent unemployment claims is a worthwhile public policy goal. However, every time Congress authorizes a new use for the New Hires Database it takes a step toward transforming it into a universal national database that can be used by government officials to monitor the lives of American citizens.

As with all proponents of welfare programs, the supporters of H.R. 4737 show a remarkable lack of trust in the American people. They would have us believe that without the federal government, the lives of the poor would be ''nasty, brutish and short.'' However, as scholar Sheldon Richman of the Future of Freedom Foundation and others have shown, voluntary charities and organizations, such as friendly societies that devoted themselves to helping those in need, flourished in the days before the welfare state turned charity into a government function. Today, government welfare programs have supplemented the old-style private programs. One major reason for this is that the policy of high taxes and the inflationary monetary policy imposed on the American people in order to finance the welfare state have reduced the income available for charitable giving. Many over-taxed Americans take the attitude toward private charity that ''I give at the (tax) office.''

Releasing the charitable impulses of the American people by freeing them from the excessive tax burden so they can devote more of their resources to charity, is a moral and constitutional means of helping the needy. By contrast, the federal welfare state is neither moral or constitutional. Nowhere in the Constitution is the federal government given the power to level excessive taxes on one group of citizens for the benefit of another group of citizens. Many of the founders would have been horrified to see modern politicians define compassion as giving away other people's money stolen through confiscatory taxation. In the words of the famous essay by former Congressman Davy Crockett, this money is ''Not Yours to Give.''

Voluntary charities also promote self-reliance, but government welfare programs foster dependency. In fact, it is the self-interests of the bureaucrats and politicians who control the welfare state to encourage dependency. After all, when a private organization moves a person off of welfare, the organization has fulfilled its mission and proved its worth to donors. In contrast, when people leave government welfare programs, they have deprived federal bureaucrats of power and of a justification for a larger amount of taxpayer funding.

In conclusion, H.R. 4737 furthers federal control over welfare programs by imposing new mandates on the states which furthers unconstitutional interference in matters best left to state local governments, and individuals. Therefore, I urge my colleagues to oppose it. Instead, I hope my colleagues will learn the lessons of the failure of the welfare state and embrace a constitutional and compassionate agenda of returning control over the welfare programs to the American people through large tax cuts.

WELFARE: NOT THE FED'S JOB

(By Jesse Ventura)

In 1996, the federal government ended 60 years of failed welfare policy that trapped families in dependency rather than helping them to self-sufficiency. The 1996 law scrapped the federally centralized welfare system in favor of broad flexibility so states could come up with their own welfare programs. It was a move that had bipartisan support, was smart public policy and worked.

Welfare reform has been a huge success. Even those who criticized the 1996 law now agree it is working. Welfare case loads are down, more families are working, family income is up, and child poverty has dropped.

The reason is simple: state flexibility. In six short years the states undid a 60-year-old federally prescribed welfare system and created their own programs which are far better for poor families and for taxpayers.

But now it appears the Bush administration is having second thoughts about empowering the states. The administration's proposal would return us to a federally prescribed system. It would impose rules on how states work with each family, forcing a ''one size fits all'' model for a system that for the past six years has produced individualized systems that have been successful in states across the country.

I would hope that as a former governor, President Bush would understand that these problems are better handled by the individual states. The administration's proposal would cripple welfare reform in my state and many others.

I know that my friend Health and Human Services Secretary Tommy Thompson did a wonderful job of reforming Wisconsin's welfare system. But that doesn't mean the Wisconsin system would be as effective in Vermont. My state of Minnesota is also a national model for welfare reform. It is a national model, in part because we make sure welfare reform gets families out of poverty. How do we do this? Exactly the way President Bush and Secretary Thompson would want us to do it: by putting people to work.

But here's the rub—it matters how families on welfare get to work. In Minnesota, we work with each family one on one and use a broad range of services to make sure the family breadwinner gets and keeps a decent job. For some families it might take a little longer that what the president is comfortable with, but the results are overwhelmingly positive. A three-year follow-up of Minnesota families on welfare found that more than three-quarters have left welfare or gone to work. Families that have left welfare for work earn more than $9 an hour, higher than comparable figures in other states. The federal government has twice cited Minnesota as a leader among the states in job retention and advancement.

An independent evaluation of Minnesota's welfare reform pilot found it to be perhaps the most successful welfare reform effort in the nation. The evaluation found Minnesota's program not only increased employment and earnings but also reduced poverty, reduced domestic abuse, reduced behavioral problems with kids and improved their school performance. It also found that marriage and marital stability increased as a result of higher family incomes.

The administration's proposal would have Minnesota set all this aside and focus instead on make-work activities. In Minnesota we believe that success in welfare reform is about helping families progress to a self-sufficiency that will last. While it may be politically appealing to demand that all welfare recipients have shovels in their hands, it makes sense to me that the states—and not the feds—are in the best position to make those decisions.

We know what we are doing in Minnesota works. We have evidence. And our way of doing things has broad support in the state. Why should we be forced by the federal government to put our system at risk?

I believe in accountable and responsive government, and have no problem with the federal government holding states accountable for results in welfare reform. But I also believe that in this case the people closest to the problem should be trusted to solve the problem and be left alone if they have.

Secretary Thompson, with the blessing of the president, seems to be taking us down a road that violates the tenets of states' rights.

Say it ain't so, Tommy. As long as it's working, why not let the states do our own thing?

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker since the historic overhaul of this country's welfare system in 1996, we have witnessed dramatic changes in how this nation treats our poor children and families. While welfare rolls have dropped by more than 50 percent, many families have lost Food stamp benefits and Medicaid despite continued eligibility. In addition, numerous low-income families remain below the poverty line despite employment.

One of the most important issues Congress must address when considering reauthorization of the 1996 Welfare Reform Act is how race and ethnicity factor in why some welfare recipients have failed to obtain gainful and lasting employment. Research has shown that minorities face significantly more discrimination in the services they receive from welfare agencies as well as in the treatment they receive on the job.

Numerous studies have documented cases of racial disparities in Welfare Reform, and I believe they are worth mentioning.

A recent Chicago Urban League study found that while more than 50 percent of white recipients were referred to education programs, less than 20 percent of African Americans were referred to the same programs.

A statewide study of welfare recipients in Virginia by Professor Susan Gooden of Virginia Tech found that although African American program participants were, on average, better educated than whites, zero African Americans were directed to education programs to fulfill their requirements. At the same time, 41 percent of whites were steered to education programs. The study also found that African Americans were also less likely to receive discretionary support such as transportation assistance, less likely to be placed in jobs by the state employment agency, and more likely to be subjected to drug and background tests, than white recipients.

A Gooden Employer study (1999) found that whites were more likely to have longer interviews than blacks (25 min v. 11 min), less likely to have a negative relationship with their supervisor (29 percent v. 64 percent), and less likely to undergo pre-employment testing (24 percent v. 45 percent).

Cruel and Usual, an Applied Research Center survey of more than 1,500 welfare recipients in 13 states, found that discriminatory treatment on the basis of gender, race, language, and national origin was a common experience. Forty-eight percent of African American women and 56 percent of Native American women who received job training were sent to demeaning ''Dress for Success'' classes, compared with only 24 percent of white women.

At the same time that people of color are being marginalized by our welfare system, (according to an Applied Research Center study) African Americans and other minorities are disproportionately affected by our current recession:

After September 11, the increase in unemployment rates for African Americans and Latinos was more than double that for whites. Unemployment among African Americans soared to 11.2 percent in April of this year and rose to 7.9 percent for Hispanics. African Americans has reached its highest point in 8 years, while Latino unemployment is its highest in 5.

In New York City, where unemployment has skyrocketed since the events of September 11, the New York Times reported in February that African American workers accounted for only 27 percent of those collecting unemployment insurance benefits, even though they account for about 37 percent of the jobless. For Latinos, the Pew Hispanic Center reports that out of 1.26 million unemployed Latinos in December 2001, only 40 percent are likely to be receiving unemployment benefits, leaving some 756,000 unable to access the benefits to support their families.

Let me be clear: efforts to improve our economy are not reaching people of color. African Americans are losing their jobs at nearly twice the national average. Latino unemployment hovers near 5 year high. These numbers are an outrage and are unacceptable. But, they don't even tell the whole story. While these workers are losing their jobs and their families are suffering, the Bush Administration is proposing cutbacks in job training programs and reductions in education funding that would help put people in a better position to earn a living wage.

Here we are poised to reauthorize welfare reform with Members on both sides of the aisle calling for an increase in the number of hours recipients must work to stay eligible for transitional assistance. I hope that these new unemployment numbers indicating that more Americans are getting laid off will force Members to rethink their positions. How can we look these people in the eye and tell them to work longer hours when there aren't even jobs available to them?

In 1996, we handed the administration of the welfare programs over to states. And who know better than the states that have been administering the TANF programs what will and what won't work?

The National Governors Association (NGA) is very concerned about how the Republican plan takes away the state's flexibility in administering TANF programs. In April of this year the National Governors Association (NGA) and the American Public Human Services Association (APHSA) conducted a joint survey of Governors and state TANF administrators to assess the impact proposed changes to the work requirements would have on current state welfare reform initiatives. This study found that: ''As states work with families on a more individualized basis, many states are finding that a combination of activities on a limited basis, such as work, job training, education, and substance abuse treatment, leads to the greatest success for some individuals. Governors believe the federal government should recognize the success of these tailored approaches to addressing an individual's needs by providing states greater discretion in defining appropriate work activities.''

Also in the NGA report, ''States expressed concerns over the impact of level funding of the TANF block grant; citing inflation having reduced the purchasing power of the block grant, making it unlikely that the block grant will keep pace with the rising costs of services, such as case management, employment and training, transportation and child care.''

The majority of states (33) responding cited concerns about meeting the proposed work requirements in rural areas where the economy is often lagging and employment opportunities are limited.

The State of Illinois responded, ''A 70 percent participation rate with a 40 hour a week requirement will probably require two things. First, creation of a number of make work activities or greater use of current ones, whether

or not warranted, just to fill the requirement. Second, a near total abandonment of allowing any client that is able to work at all to participate in such things as GED programs or post-secondary education.''

Once we force States to send all these people to work in 40-hour workweek jobs that don't exist, what are we going to do with their children? Childcare is expensive! The states recognize this. In the NGA report, States were asked to estimate the annual increase in child care costs associated with the proposal to require 70 percent participation in activities totaling 40-hours per week. Of the 32 states responding to the question, 30 states indicated that the costs would increase and two states indicated that there would be no additional costs associated with the proposal.

But the Republican plan doesn't even begin to meet this enormous expense—The CBO estimates the increased mandatory work hours imposed on states by the Republican plan will increase child care cost an additional $3.8 billion—almost 4 times as much as the Republican plan provides! In fact, my state of Texas alone would have an estimate of over 36,000 children on childcare waiting list.

For these reasons, I have introduced legislation that addresses racial inequalities and mistreatment of minorities in welfare program. While we are providing states the flexibility and funding they need to empower welfare recipients and address important issues like access to child care, education, and job training. The key provisions of this legislation include ensuring equal access by expanding education and training opportunities, strengthening fair treatment and anti-discrimination protections and encouraging racial equality.

I believe we should all agree that welfare reform measures should not punish racial and ethnic minorities attempting to better themselves. Every American must be provided with the opportunity and the obligation to be a productive member of society. As we continue to debate welfare authorization, we must make certain that racial and ethnic discrimination are not vehicles used to hinder access to the road from poverty.

I urge my colleagues to vote ''no'' on the Republican bill.

Mr. STENHOLM. Mr. Speaker, I rise in opposition to this bill before us today. I was proud to be a member of the conference committee that wrote the welfare reform bill that was enacted in 1996. At the time, there were many critics of welfare reform who said that the bill would be a disaster for those truly in need. We found out that they were for the most part wrong about welfare reform. We could move people from dependence to work in a responsible way and not shortchange our commitment to the neediest in our society.

States have proven that if we give them flexibility to develop programs that work in their state they can effectively serve those citizens who strive to break the cycle of welfare dependence. That is why I am troubled by the provisions in the bill before us today that severely restrict the flexibility of states such as Texas to continue the activities that have been successful in their welfare to work programs and place a tremendous unfunded mandate on states.

For my own state of Texas, this bill would create an unfunded mandate of $166 million a year, in addition to the $78 million shortfall they will face under current law by 2007. Texas would be forced to implement a subsidized employment program which it has already rejected as unworkable and change parts of its welfare reform effort that have been a success in moving welfare recipients into real jobs. It would be the height of arrogance for me to stand here in Washington and vote to require Texas to implement policies on welfare reform that the Texas legislature has already considered and rejected.

I must express my strong concern for the process that has brought us to the floor today. On February 7, 8, 9 and 14, 1995 the Committee on Agriculture held hearings on Reforming the Present Welfare System (Serial 104–2). That is 4 days of hearings. That does not include other related hearings that the Committee held on other nutrition issues. A record was built on the issues regarding welfare reform. I will grant you that the eventual path to enactment of Welfare Reform was a tortuous and contentious one, but everyone understood the issues compiling the legislation.

Today is a totally different situation. We are considering a bill that was only recently introduced. The Committee on Agriculture which has jurisdiction over the Food Stamp provisions contained in the Welfare Reform Reauthorization legislation has not even considered the bill. Welfare Reform Reauthorization should be accorded the same consideration as other important legislation. We should hold hearings on the proposals, mark it up in Committee and then bring it to the floor. No one here today can tell us if the provisions concerning food stamps are reasonable. They are concepts that the majority is willing to put into law without asking any of the affected—nutrition advocates, state welfare administrators, and others what the practical effect will be upon the floor stamp program.

We have a largely positive record to build upon with welfare reform. Why are we risking that success for cheap political expediency. If the concepts contained in the legislation are good, public scrutiny will only strengthen them.

I have grave concerns about this process. The people that participate in these programs are the most vulnerable in the country. The programs that they rely on deserve a thorough examination.

The so-called ''super-waivers'' advocated in this legislation has the potential to undermine current food stamp policy of providing nutrition assistance to all eligible citizens if they face economic hardships. The question is not whether states should or should not receive the flexibility under waiver authority to tailor the food stamp program rules. States already have that flexibility. The question is whether states should be allowed even greater flexibility to change the very nature of the food stamp program.

If there are innovative reforms that states would like to implement that are prohibited under current law, should examine how to address those specific problems. That is what the Committee process is intended to do. Let state administrators testify before the Agriculture Committee about the changes they believe would allow them to run the program better and, let the Committee come up with legislation to address those concerns.

The delay in bringing this bill to the floor today highlights the problems of ignoring the committee process and writing bills in the leadership offices. Welfare reform is too important of an issue to consider under a process that has more to do with scoring political points than building on what has been successful.

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today in support of our continued effort to reform welfare. Since 1996, more people across the country and in my state of Kentucky have become independent and free from their dependency on welfare. While in my district and through our work in the Ways and Means committee, I've heard their success stories and also learned that we can do more to build upon the 1996 reforms. That is exactly what we are doing today. Our bill focuses on work and education options, provides more flexibility for states and offers more assistance to strengthen families.

One of the things we do in this bill is allow participants in their state welfare programs to choose between job readiness activities and job search activities. They have flexibility to receive the services they need the most, whether that is job search help, basic education, training for a new skill to help them find a job or recovering from substance abuse. For up to five months, taking part in any of these services fulfills their work requirement. Beyond that time, welfare recipients still are able to receive a combination of education-focused and work-focused services so they can become employed and can be successful on their own. Requiring work helps welfare recipients achieve independence and gives them the ability to care for their families.

Last month I attended the graduation ceremony for the Reach Higher welfare to work program in Bowling Green, Kentucky. The state and local flexibility in the 1996 law allowed Reach Higher to develop services to meet community needs, and the program has turned people's lives around. Participants in Reach Higher must work 32 hours per week. They also spend one day each week in life-skills and job training. Reach Higher asks a lot of the participants, and they respond to the challenge because they want a better life and find out that they are able to succeed.

In 1998, a participant found herself trying to raise two small children in public housing with no money and no job. Then she was assigned to Reach Higher and completed the program. She now holds a full time job with the Bowling Green Housing Authority and was approved for a home loan this year. Here is what she had to say: ''I began to accomplish things that I thought I would never accomplish alone. I began to want more out of life for myself as well as my children. I worked hard and had additional training classes that I knew would further my skills.''

We have been on the right track with welfare. And this bill continues to build on that success. I encourage all of my colleagues to vote for this legislation that gives more families who need help the chance to succeed.

Mr. BUYER. Mr. Speaker, today the House is considering the Personal Responsibility, Work, and Family Promotion Act, H.R. 4737. In keeping with the strong welfare reform principles outlined by President Bush, this legislation would reauthorize a very successful program that encourages personal responsibility and work. H.R. 4737 builds upon the successful reforms instituted in 1996 that I was pleased to support.

Welfare rolls have sharply declined since reform was enacted in 1996. Poverty rates have

declined, employment rates have climbed and wages have increased. H.R. 4737 will build on those successes. This legislation will maintain full funding for the Temporary Assistance for Needy Families (TANF), increase funding by $2 billion for improved child care programs over the next 5 years, increase State flexibility in use of welfare funding, and promote individuals in job preparation, work, and marriage.

Building on the successful work requirements of the 1996 reform, H.R. 4737 requires welfare recipients to work 40 hours per week, either at a job or in a program designed to help them gain independence.

This is important legislation in the monumental task of bringing Americans out of poverty into independence by raising expectations for work and personal responsibility. H.R. 4737 will further strengthen this nation's economy and workforce to prepare all our citizens for the future. I urge the House to approve this legislation so that the Personal Responsibility, Work and Family Promotion Act can be reauthorized without delay.

Mr. CONYERS. Mr. Speaker, I rise in strong opposition to the Republican Welfare Bill, H.R. 4737.

This welfare bill, of such far-reaching importance, does nothing to help move families out of poverty. In fact, this bill would mean that welfare families would be placed in an impossible situation. The Republican bill requires a 40 hour work week for mothers with children under six. That is twice the current work hour requirement, yet there is an allotment of only $1 billion additional dollars for child care. Can someone please tell me how a working mother of children under the age of six is supposed to work a minimum 40 hour week without a way to fund the care of her children? And too add insult to injury, this bill doesn't even ensure that she will be compensated with minimum wage for her forty hours of work.

A paltry child care allotment of $1 billion dollars over the next 5 years is unconscionable. It does not even keep pace with the current rate of inflation, and there are already 15 million American children eligible for child care who are not receiving it due to inadequate funding. This increase does not address the current need, and will certainly not address the need that will grow exponentially if the 40 hour requirement is imposed.

Also, this bill removes education from the current law-list of work related activities. This measure strips needy families of their ability to participate in GED and English literacy programs. With a mandate which strips the ability to obtain a GED and learn English, the playing field can never be level and the condition of needy Americans will continue to deteriorate.

I cannot leave this debate without also addressing the renewed omission of immigrant families from the welfare bill. For the second time, my Republican colleagues intend to deny immigrant families the tools they require to capture the American dream that brought them here. It is hypocritical to celebrate the tradition of America's melting pot while denying the people who make our rich diversity possible.

All of this has been done in the interest of lowering welfare roles. But, inhumanely forcing people off of welfare rolls by requiring them to adhere to conditions that are both fiscally and practically impossible does not constitute progress. Our constituents want the freedom to work while trusting their children to competent and affordable child care providers. Working families in America deserve better than what this Republican inadequacy has to offer.

It is for this reason that I urge my Democratic colleagues to vote yes for the Democratic substitute. It provides a realistic increase of $11 billion dollars in mandatory child care funding, and increases the role of training and education in improving the condition of our neediest citizens. In addition it includes provisions for our neighbors who have immigrated to this country. Vote ''yes'' on the Democratic substitute. It is a true step toward ensuring that no child or family is left behind.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in strong opposition to H.R. 4735, a bill to reauthorize the Temporary Assistance for Needy Families program.

Unfortunately, many of the provisions in this bill are unfair and misguided. One of the most egregious examples, is the impact this legislation will have on single mothers with young children. For example, this bill provides insufficient funding for childcare, yet increases the work requirement from 20 hours a week to 40 hours for mothers with children under the age of 6. While the Republican bill touts the $1 billion increase in childcare funding over the next 5 years, they fail to note that this increase barely keeps up with inflation, let alone meets the increased demand for childcare created under the bill.

Mr. Speaker, mothers already find it extremely difficult to find safe and adequate day care. With the current backlog of approximately 15 million children waiting for day care due to a lack of funding, this bill will only make a bad situation worse. Disadvantaged single mothers and children are already a vulnerable population. Without sufficient funding for childcare, many of these mothers will be forced to chose between leaving their young children alone, or losing the benefits that help them provide for their children. Congress should be working to help these families get back on their feet—not penalizing them with unrealistic requirements that keep mothers away from their children.

I urge my colleagues to vote against this punitive, unfair and unrealistic bill.

Mr. PETRI. Mr. Speaker, I rise today in support of this bill, which will build upon the tremendous successes of the 1996 welfare reforms. When those reforms were enacted, opponents predicted apocalyptic scenes of poverty and suffering among America's low-income families. Time has proven, however, that those reforms were right. Child poverty is at its lowest level in 25 years and poverty among African-American children is at its lowest level in history. By requiring welfare beneficiaries to work and engage in productive activities, Congress helped change society. Former welfare beneficiaries now testify that by being pushed into work activities, they are now better members of society and better parents to their children.

Although we have moved millions of families off welfare and into work, the road to advancement and self-sufficiency remains a difficult challenge. For a longtime I have been concerned by the disincentives to working hard, earning more money, and marriage that we have created over time. The lack of coordination between federal programs directed towards low-income families has resulted in what I call ''The Poverty Trap.'' As the earnings of low-income families increase, most of their benefits, such as housing, food-stamps, child-care co-payments, and the Earned Income Tax Credit, phase-out in a manner that discourages working harder and advancing in a job. In some cases a pay raise of a dollar an hour can mean the loss of benefits at a rate that exceeds that raise. This effective marginal tax can exceed 100 percent and trap families in poverty. I am pleased that this bill requires the General Accounting Office to undertake a comprehensive study of the obstacles created by the combined phase-outs of low-income support programs and recommend ways to coordinate and reform these programs.

Because of this ''Poverty Trap,'' I also enthusiastically support provisions within this bill which provide states and local governments with the flexibility to implement demonstration projects that coordinate multiple low-income support programs. Under these provisions states can integrate eligible programs as long as those projects serve the populations and achieve the purposes of the underlying programs. This requirement further ensures that beneficiaries of these underlying programs are going to gain, not lose, as a result of these demonstration projects. While I wish these flexibility provisions went further, they are an important step that will enable needed innovation at the state and local level to help families escape poverty. The states have proven to be the laboratories for successful change in our welfare system, and this flexibility will enhance their capabilities. As a recent Wall Street Journal editorial said, the state flexibility provisions help get Washington out of the way of local progress.

I urge all my colleagues who want to help low-income families leave welfare and achieve self-sufficiency to support this bill and the state and local flexibility provisions within it.

Mr. DINGELL. Mr. Speaker, today we are debating the reauthorization of the welfare program. I believe that we have a responsibility to help families transition into the work force and provide essential support to make work pay. The Democratic substitute will do that. Regrettably, the Republican bill will not.

I focus these remarks on two provisions within this re-authorization that were considered by the Committee on Energy and Commerce: transitional medical assistance (TMA) and abstinence-only education. TMA is a program that provides health insurance coverage for families leaving welfare to go back to work. It is a program that makes good sense. Individuals moving off welfare often wind up in jobs that do not offer health insurance coverage or find that employer-sponsored coverage is too costly on the family's limited budget. TMA allows these families to keep their health insurance coverage in Medicaid so that getting a job doesn't mean losing health coverage. The Republican bill, however, only extends this program for one year; many of us prefer making this common-sense program permanent, as the Democratic substitute provides. Of added concern, Republicans would cut other parts of the Medicaid program in order to pay for this extension. For some reason, Republicans believe the only way they can afford to help working families is if they cut other parts of safety net programs that truly allow the poor to work. This is illogical and I oppose it.

The second provision extends the Title V abstinence-only sex education program, but

locks states in to an inflexible curriculum; it is controversial, and rightly so. The Democratic substitute to this bill provides states with the flexibility to offer programs that are best suited to the needs and desires of their citizens and to ensure that federal funds are spent on effective programs that provide medically accurate information. State flexibility allows each state to use federal funds to support the abstinence-based comprehensive sex education program it determines will be most effective in protecting its young people's health. Many leading public and private sector health experts recommend school-based comprehensive sex education programs, yet states are unable to fund these types of programs with federal dollars.

The Democratic substitute also contains a requirement that Title V programs provide information that is determined to be ''medically accurate'' by leading medical, psychological, psychiatric, and public health organizations. Some abstinence-only programs are actually harmful to teenagers because they provide incomplete, inaccurate, and misleading information with regard to contraceptives, pregnancy, and sexually transmitted diseases. Depriving teens of medically accurate information will not protect them; it will only make them more vulnerable to the very problems that such information is supposed to prevent.

The substitute also requires Title V programs be based on models that have demonstrated effectiveness in reducing teen pregnancies or the transmission of sexually transmitted diseases or HIV/AIDS, and calls for a comparative evaluation of programs so policymakers can determine the relative merits of abstinence-only programs versus comprehensive school-based, age-appropriate, sex education curricula.

The Democratic substitute maintains state flexibility, helps welfare recipients to find real work, helps families escape poverty, removes the sunset on TMA, and makes important changes in the abstinence education provisions. I support it.

Mr. OXLEY. Mr. Speaker, I rise in support of H.R. 4737—the ''Personal Responsibility, Work, and Family Promotion Act.''

As Chairman of the Committee on Financial Services, and an original cosponsor of the legislation, I want to lend my support to H.R. 4737's State flexibility authority that cuts statutory and regulatory red tape, to allow States and/or local governments to conduct demonstration projects to integrate Federal programs and funds. Under the plan, entities, such as the public housing authority, and the local and State governments could petition a Federal review board for this broadened authority, with the appropriate Secretary exercising veto authority over the plan.

As example of this waiver could be a childcare center and a local public housing agency jointly petitioning the Federal Review Board to waive the regulations and requirements of their applicable programs to achieve a certain purpose. H.R. 4737 will knock down firewalls and bureaucratic obstacles that many housing organizations complain about when attempting to blend programs from different agencies.

This proposal represents an opportunity to permit some innovation in Federal programs aimed at tackling the problem of service delivery, poverty, and a permanent underclass. Everyone should have the opportunity to move beyond public housing and homeless shelters to fully integrate in the private sector through rental and homeownership opportunities. We have heard time and time again that we need to blend more of the programs from HHS and HUD, for example, to tackle hopelessness. H.R. 4737 gives us that opportunity.

Moreover, to ensure that residents in public housing have an opportunity to comment and participate in the development's strategic plan, H.R. 4737 requires that the concerns of the residents to be incorporated into not only the annual strategic plan submitted by the Public Housing Authority but also the application for State flexibility. This will provide a significant opportunity for collaboration between the public housing authority management, residents and the administrators of other entities to craft demonstrations that will achieve meaningful results, as opposed to a dictate from top-management only. I can't underscore the importance of resident/tenant participation to the eventual success of these applications and demonstrations. For that purpose, H.R. 4737 is noteworthy.

One of the reasons the '96 welfare reforms were so successful is that states had the flexibility and leeway to shape their welfare programs in innovative ways. This bill enhances that flexibility, offering ''flexibility'' to allow states to integrate funding to improve services. As Health & Human Services Secretary and former Wisconsin Gov. Tommy Thompson said, flexibility is ''what the governors need and that's what the governors will have.''

This new flexibility will help States create broad, comprehensive assistance programs for needy families—as long as they achieve the purpose of the underlying program and continue to target those in need. This new flexibility will help States design fully integrated assistance programs that could revolutionize service delivery. The exemptions included in H.R. 4737 should alleviate any concerns that fundamental rights and protections are jeopardized. Those exemptions are: (1) civil rights; (2) purposes or goals of any program; (3) maintenance of effort requirements; (4) health and safety; (5) labor standards under the Fair Labor Standards Act of 1938; or (6) environmental protection.

I urge my colleagues to support H.R. 4737.

Ms. SOLIS. Mr. Speaker, I rise in strong opposition to this welfare bill.

It does nothing to help people get the education and training they need to earn high-paying jobs that will lift them out of poverty and support their families. In California, more than half of our welfare caseload doesn't have a high school degree. And in my community in Los Angeles County, 41 percent of the welfare caseload has limited proficiency in English.

These women and men want to be working, but they need education and training that includes English as a Second Language courses, high school equivalency programs, and college courses first. Only the Democratic substitute allows this kind of education. So I urge my colleagues to vote against the Republican bill.

Mr. STARK. Mr. Speaker, I rise in strong opposition to H.R. 4737, the so-called Personal Responsibility, Work and Family Promotion Act of 2002.

This Republican bill is bad public policy and hurts people who really need help. The Republicans, unfortunately, care more about looking tough on welfare than they do about lifting poor people out of poverty. Poor people don't vote, they think, so it's easy to write them off. That's a disgrace. This bill abrogates our responsibility to make laws that protect and lift up all of our citizens.

The bill's added work requirements reduce state flexibility to tailor a work plan for each individual welfare recipient. The Republican plan limits the activities that states can count as work activities for the first 24 hours out of 40 hours of work. This eliminates the capability for poor people to spend most of their first years on welfare building their jobs skills through education. The more skills a worker has, the better job he or she will get. Moreover, this requirement traps poor people in welfare or traps them at the poverty level. In Alabama, Louisiana, Mississippi, Wyoming, and Texas, for example, anyone who works 24 hours a week at minimum wage would not be eligible for welfare at all. In other words, they would earn too much to get state help, but not enough to get out of poverty. It's a catch-22!

The next major flaw in this bill is its paltry, inadequate commitment to child care. Evidence shows that an overwhelming obstacle for welfare parents who want to work is the lack of quality, affordable childcare for their children. This bill totally ignores the current need for childcare funds. Right now, less than one in five children who are eligible for childcare assistance actually get it. Not only does this bill do nothing for the current childcare pitfall, it also increases the amount of hours that welfare recipients must work without providing an equivalent increase in childcare funding.

Finally, the Republican bill spends $300 million dollars to promote marriage between welfare recipients. This misguided policy intrudes on private decisions between adults and takes needed funds away from programs that actually help raise poor people out of poverty. In addition, government interference in promoting or coercing people to marry could have unintended, tragic consequences. According to a joint report by the Departments of Justice and Health and Human Services, 25 percent of women said they have been raped or physically assaulted by their current or former spouse. More alarming still, research shows that 60 percent of women on welfare have suffered from domestic violence. As these statistics confirm, if government were to encourage or coerce someone on welfare to get married, it would not guarantee a healthier or safer family, and it could endanger the lives of mothers and children.

Our Democratic alternative, on the other hand, addresses the real problems facing our welfare system today. Our bill makes poverty reduction an explicit goal of TANF. Republicans just want to kick people off of welfare; Democrats want to lift people out of poverty. Our bill has work requirements that are broad and flexible to allow welfare recipients to spend time job searching, to get vocational and post-secondary education, and to enroll in substance abuse programs, if necessary. The Democratic bill increases our commitment to affordable, quality childcare. If we want welfare parents to work, then they shouldn't have to abandon their kids to do so. Our bill rewards those states who reduce child poverty, giving them an incentive to really act on this issue.

The Republican welfare bill has the wrong priorities, spends money where it shouldn't

and does nothing to equip welfare beneficiaries with the tools they need to get out of poverty. I urge my colleagues to vote no on H.R. 4737 and to support the Democratic alternative.

Mr. HONDA. Mr. Speaker, I rise today to express my opposition to H.R. 4737, the Republican welfare reform bill; a bill that will push millions of American families off the welfare rolls into a life of poverty.

America is the land of opportunity and in today's economic market, education is the key to that opportunity. Higher levels of education lead to higher earnings. Greater educational opportunities also increase women's income, raise their children's educational goals, and have a dramatic impact on their quality of life. Research shows that families headed by someone with a high school diploma earn almost 50 percent more than families headed by someone without at least a GED. In California alone, recipients who participate in education and training activities enjoyed earnings almost 40 percent higher than those of untrained recipients after 5 years.

Welfare laws need to emphasize general education as a critical first step to achieving economic security. However, the Republican welfare reform bill goes in the wrong direction by restricting State discretion to provide education and training to welfare recipients. The bill goes so far as to remove vocational education from the current law's list of work-related activities that count toward the core work requirement.

When reviewing our Nation's welfare laws, we must also remember that work first policies do not just affect adult individuals. We are talking about families, with children who require quality and affordable child care while parents are working. It is an unfortunate reality that many of the jobs performed by TANF parents involve late night hours or irregular shifts, when quality child care is hard to find. These circumstances are especially harsh for families with young children and children with disabilities. Even when childcare is available, most jobs do not pay enough to cover food, housing and utilities, let alone cover the child care bill. This is especially critical in my district of San Jose, which has some of the highest child care costs in the State of California.

Congress needs to stand up for working families by making safe, quality child care accessible for all children. Fifteen million children in this country are now eligible for day care assistance, but are not currently covered because States lack sufficient resources. However, the Republican welfare reform bill increases mandatory child care funding by only $1 billion over the next 5 years—barely enough to keep pace with inflation, and nowhere near enough to implement the bill's new participation requirements.

The Republican welfare reform bill also neglects a critical community in this country—legal immigrant families. Legal immigrant families work and pay taxes, yet cannot access TANF benefits. Legal immigrants pay the same taxes as citizens. This country reaps $50 billion from taxes paid by immigrants to all levels of government. Legal immigrants should therefore share equally in taxpayer funded services. Current TANF regulations place undue burdens on State and local governments, who are forced to use state funding to extend benefits to these deserving families. This is especially true for states with large immigrant populations, such as my State of California which has a 25 percent immigrant population. The Republican welfare reform bill does nothing to correct this injustice. In fact, it maintains the current restrictions against legal immigrant families.

Welfare reform will only succeed when it is adequately funded. Our Nation's families cannot be expected to succeed off the welfare rolls if they lack access to TANF benefits, educational opportunities, and affordable child care. That is why I am please to support the Democratic proposal that maintains State flexibility, focuses on real work, and helps families escape poverty and achieve permanent employment. The Democratic proposal has tough work requirements, promotes education as a means of financial stability, and increases childcare funding $11 billion over 5 years, so that the tough work requirements can be met without harming the children of those receiving benefits. The Democratic proposal also lifts the ban on federal funds for legal immigrant families.

Mr. Speaker, accountability is a two-way street. Congress must commit the necessary resources to make welfare reform a success. Only then will we leave no family behind.

Mr. UDALL of New Mexico. Mr. Speaker, let me begin by saying that if we are to be successful with moving people from welfare to work, then we must make sure there are adequate resources for transportation, childcare and training. In rural America, Mr. Speaker, I can tell you these services are critical.

I have several concerns with the H.R. 4737's strict and unrealistic work requirements. These requirements are a bad idea for any area of the country, but particularly in the areas of rural New Mexico that I represent. With the extreme unemployment in rural areas and in tribal lands, the idea of imposing harsher requirements is not just unrealistic, it is bad social policy.

For that reason, I introduced an amendment that would have provided much-needed flexibility to states struggling to cope with extremely poor areas with high unemployment. Unfortunately, the Republican leadership has chosen not to allow Democratic amendments today. As I said before, that is not a democratic process. It does not serve this body well. It does not serve the country well.

TANF recipients in rural or tribal areas who wish to move into gainful employment are faced with a tight job market aggravated by the lack of economic development. The last 6 years have shown that rural and Native American TANF recipients were far less likely to leave the TANF roles, and those who left were far more likely to quickly find themselves unemployed or barely scraping by. Some tribal lands have unemployment rates approaching 80 percent and the national poverty rate on tribal lands is 54 percent. Those who are lucky enough to find jobs must overcome the woeful inadequacy of transportation and childcare that is so common in rural and tribal areas.

In today's economic conditions, it is unreasonable to expect State and tribal TANF programs to enforce the strict and unfair work requirements being proposed by the administration. TANF recipients in these areas cannot be expected to find jobs where there simply are no jobs, or inadequate services to make a working lifestyle possible. Governors, legislatures, TANF caseworkers and the American people all agree that it is unreasonable to demand quick results in areas where residents face such significant barriers to employment.

Even without the new work requirements, Native American tribes that have chosen to run their own TANF programs need assistance. While these programs have made admirable strides in serving their populations, they still face many problems. Many State TANF programs are unable to assist tribal programs, and tribes are left with insufficient funds to provide cash assistance and other programs. Ironically, those that can afford cash payments are often forced to forego programs intended to move people from welfare to work. This is all tribes can afford in the short term, but in the long term this path is extremely expensive, both in terms of dollars and in terms of human suffering.

Many tribal TANF programs need help to develop the infrastructure that state and Federal welfare programs already have. Tribal programs must struggle to provide services from dilapidated buildings, and they do not have the resources to reorganize and modernize their facilities.

The Nation's rural and tribal areas need flexibility and support, not unrealistic work requirements. As we work to bring TANF into the 21st century, let us not forget the obstacles and challenges facing rural areas; let us work to assist them in overcoming those challenges and pursuing a vibrant future.

Unfortunately, Mr. Speaker, the majority's bill falls far short in addressing these problems for rural Americans and those living in Indian country. I urge my colleagues to support the Democratic substitute and vote ''no'' on final passage of this unfair bill.

Mr. LANGEVIN. Mr. Speaker, I rise in opposition not only to this bill, but to the entire process for its consideration today.

Meaningful democracy in America requires open, honest debate in the U.S. Congress. The Republican leadership has blocked this opportunity by passing a rule that only allows for one substitute amendment. Their new rule just passed today is equally restrictive.

Welfare reform affects every State and locality throughout the country. Members have a right to engage in extended dialogue on this legislation and to offer amendments to strengthen the bill. This is particularly necessary due to the numerous problems with H.R. 4737.

This so-called welfare reform bill level funds one of the most important national programs Congress has ever created and imposes massive, costly new mandates on States that they cannot afford.

Today's economy is vastly different than it was when welfare reform was first enacted. Six years ago, the economy was booming, unemployment was at a 50-year low, and employers were straining to find qualified workers. Today, the unemployment level is higher than it's been in years. Workers are more vulnerable, and employers and struggling to keep costs down by laying people off cutting employee benefits and raising the workers' share of health insurance premiums. In Rhode Island, 35,000 children—15 percent of all the children in the State—are still living in poverty despite the fact that their parents are working. With the economic boon long gone, H.R. 4737 needs to provide increased funding, not level funding with expensive new mandates, for this vital program.

Eighty percent of the States report they would have to implement fundamental

changes to their current welfare programs in order to comply with H.R. 4737 which is precisely why I cannot support it.

Rhode Island has developed an effective welfare to work program that moves parents into sustainable jobs as quickly as possible in a way that is consistent with their employment readiness needs. Under the Rhode Island Family Independence Program (FIP), all parents are required to develop and participate in an employment plan within 40 days of applying for cash assistance.

Rhode Island also provides a cash supplement to low-wage-earning families and stops the 5-year clock in any month in which the parent works at least 30 hours. This provides much-needed stability for vulnerable families and ensures that children live in families with enough income to meet their basic needs.

What makes the Rhode Island Family Independence Program so effective is that its employment preparedness activities are tailored to the parents' needs and include a range of education and training services to help parents become job-ready. The program recognizes that 25 to 40 percent of welfare recipients have learning disabilities by identifying such individuals early and providing specialized assistance in preparing for, finding and maintaining a job. In fact, the Rhode Island Learning Disabilities Project, a collaboration between the Department of Human Services and the Vocational Rehabilitation program, has received national recognition for ensuring that parents receive the services they need to become gainfully employed.

Since 1997, Rhode Island has seen a slow but steady decrease in its caseload from 18,904 to 14,972. This progress is not due to harsh cuts in benefits or forcing people to work without access to education and job training, but to prudent State policies that examine the holistic needs of the family and tailor assistance to help individuals gain the skills to obtain and retain meaningful jobs.

Moreover, a recent report, ''Rhode Island's Family Independence Act: Research Demonstrates Wisdom of Putting Families First,'' concluded that the Rhode Island Family Independence Program is working. Among other findings, the report found that parents who participated in education and training had significantly higher levels of both employment and earnings as compared to the period before welfare reform was begun in Rhode Island.

If H.R. 4737 becomes law, the progress Rhode Island has made in helping parents gain sustainable jobs and overcome significant barriers to employment will come to a halt. Rhode Island would need to radically change its program or risk significant fiscal penalty for failing to meet the new participation rates. In addition, since Federal TANF and childcare funds would not be increased, Rhode Island would need to find additional State funds to meet the new requirements. These funds simply do not exist.

If this bill is enacted, the Rhode Island Department of Human Services estimates it would cost an additional $5.6 million in childcare costs—31.2 percent of the current expenditures for childcare—about $3 million more for employment-related and other services designed to offer participation opportunities and get parents into work, and about $1.1 million for additional social work and case management staff. In addition, if Rhode Island does not follow the new participation rates, it will lose $4.5 million per year in TANF funds. The bill also does not include guaranteed minimum wage protections even though 39 States could not fulfill the bill's work requirement without violating the current minimum wage rate for a two-person family.

Further, the bill's requirement that parents spend at least 24 of their 40 hours in ''direct work activities'' to count toward the participation rate, would turn Rhode Island FIP on its head. It would no longer be able to allow parents to engage in education or training prior to going to work, even though this is the best way to prepare a parent for sustainable employment.

Currently, there are 1,000 parents participating in vocational education programs that would no longer count toward the participation requirement.

Finally, the superwaiver policy in this bill is unnecessary and irresponsible. Allowing the Executive branch to override decisions made by Congress to target funds to specific populations or for specific programs undermines the safety net of services the States have worked so hard to build. Flexibility in Federal funding is precisely what was needed in 1996 to change the system and empower individuals to move from welfare dependence to self-sufficiency. That flexibility spurred the success we see today in States like Rhode Island. Maintaining the ability to waive certain program rules to improve service delivery and coordination makes sense. Giving authority to one branch of government to completely redesign and redirect resources does not.

The Republican so-called welfare reform bill is a sham. It ignores the accomplishments States have already made in moving people from welfare to work. It limits State flexibility and imposes work requirements most States have rejected, while making it much harder for welfare recipients to become economically independent by eliminating education from the list of activities that count as a work-related activity. Education opens the door to higher earnings and a better quality of life. It is critical to effectively move people from welfare to meaningful, long-term employment.

Mr. Speaker, I must encourage my colleagues to oppose this legislation. It does nothing to strengthen our welfare system and imposes costly burdens on our States at a time when they cannot afford it.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate on the bill has expired.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CARDIN

Mr. CARDIN. Mr. Speaker, I offer an amendment in the nature of a substitute.

The SPEAKER pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. CARDIN:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Next Step in Reforming Welfare Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Amendment of Social Security Act.

TITLE I—CONTINUATION OF CERTAIN GRANTS

Sec. 101. Family assistance grants.
Sec. 102. Bonus to reward high performance States.
Sec. 103. Extension of supplemental grants.
Sec. 104. Additional grants for States with low Federal funding per poor child.
Sec. 105. Contingency Fund.
Sec. 106. Eligibility of Puerto Rico, the United States Virgin Islands, and Guam for the supplemental grant for population increases, the Contingency Fund, and mandatory child care funding.
Sec. 107. Direct funding and administration by Indian tribes.

TITLE II—POVERTY REDUCTION

Sec. 201. Additional purpose of TANF program.
Sec. 202. Child poverty reduction grants.
Sec. 203. Review and conciliation process.
Sec. 204. Replacement of caseload reduction credit with employment credit.
Sec. 205. States to receive partial credit toward work participation rate for recipients engaged in part-time work.
Sec. 206. TANF recipients who qualify for supplemental security income benefits removed from work participation rate calculation for entire year.
Sec. 207. State option to include recipients of substantial child care or transportation assistance in work participation rate.
Sec. 208. Effective date.

TITLE III—REQUIRING AND REWARDING WORK

Sec. 301. Effect of wage subsidies on 5-year limit.
Sec. 302. Child care.
Sec. 303. Competitive grants to improve access to various benefit programs.
Sec. 304. Assessments for TANF recipients.
Sec. 305. Applicability of workplace laws.
Sec. 306. Work participation requirements.
Sec. 307. Hours of work-related activities.
Sec. 308. State option to require receipients to engage in work for 40 hours per week.
Sec. 309. Revision and simplification of the transitional medical assistance program (tma).
Sec. 310. Ensuring TANF funds are not used to displace public employees.

TITLE IV—HELPING WELFARE LEAVERS CLIMB THE EMPLOYMENT LADDER

Sec. 401. State plan requirement on employment advancement.
Sec. 402. Employment Advancement Fund.
Sec. 403. Elimination of limit on number of TANF recipients enrolled in vocational education or high school who may be counted towards the work participation requirement.
Sec. 404. Counting of up to 2 years of vocational or educational training (including postsecondary education), work-study, and related internships as work activities.
Sec. 405. Limited counting of certain activities leading to employment as work activity.
Sec. 406. Clarification of authority of States to use TANF funds carried over from prior years to provide TANF benefits and services.
Sec. 407. Definition of assistance.

TITLE V—PROMOTING FAMILY FORMATION AND RESPONSIBLE PARENTING
Sec. 501. Family Formation Fund.
Sec. 502. Distribution of child support collected by States on behalf of children receiving certain welfare benefits.
Sec. 503. Elimination of separate work participation rate for 2-parent families.
Sec. 504. Ban on imposition of stricter eligibility criteria for 2-parent families; State opt-out.
Sec. 505. Extension of abstinence education funding under maternal and child health program.
TITLE VI—RESTORING FAIRNESS FOR IMMIGRANT FAMILIES
Sec. 601. Treatment of aliens under the TANF program.
Sec. 602. Optional coverage of legal immigrants under the medicaid program and SCHIP.
Sec. 603. Eligibility of disabled children who are qualified aliens for SSI.
TITLE VII—ENSURING STATE ACCOUNTABILITY
Sec. 701. Inflation adjustment of maintenance-of-effort requirement.
Sec. 702. Ban on using Federal TANF funds to replace State and local spending that does not meet the definition of qualified State expenditures.
TITLE VIII—IMPROVING INFORMATION ABOUT TANF RECIPIENTS AND PROGRAMS
Sec. 801. Extension of funding of studies and demonstrations.
Sec. 802. Longitudinal studies of employment and earnings of TANF leavers.
Sec. 803. Inclusion of disability status in information States report about TANF families.
Sec. 804. Annual report to the Congress to include greater detail about State programs funded under TANF.
Sec. 805. Enhancement of understanding of the reasons individuals leave State TANF programs.
Sec. 806. Standardized State plans.
Sec. 807. Study by the Census Bureau.
Sec. 808. Access to welfare; welfare outcomes.
TITLE IX—EFFECTIVE DATE
Sec. 901. Effective date.

SEC. 3. AMENDMENT OF SOCIAL SECURITY ACT.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

TITLE I—CONTINUATION OF CERTAIN GRANTS

SEC. 101. FAMILY ASSISTANCE GRANTS.

(a) IN GENERAL.—Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended by striking ''1996'' and all that follows through ''2002'' and inserting ''2003 through 2007''.

(b) INFLATION ADJUSTMENT.—Section 403(a)(1) (42 U.S.C. 603(a)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking ''means the greatest of—'' and inserting ''means, with respect to a fiscal year specified in subparagraph (A) of this paragraph—

''(i) the greatest of—'';

(B) by redesignating each of clauses (i), (ii)(I), (ii)(II), and (iii) as subclauses (I), (II)(aa), (II)(bb), and (III), respectively;

(C) by indenting each of the provisions specified in subparagraph (B) of this paragraph 2 additional ems to the right;

(D) by striking the period and inserting ''; multiplied by''; and

(E) by adding at the end the following:

''(ii) 1.00, plus the inflation percentage (as defined in subparagraph (F) of this paragraph) in effect for the fiscal year specified in subparagraph (A) of this paragraph.''; and

(2) by adding at the end the following:

''(F) INFLATION PERCENTAGE.—For purposes of subparagraph (B) of this paragraph, the inflation percentage applicable to a fiscal year is the percentage (if any) by which—

''(i) the average of the Consumer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12-month period ending on September 30 of the immediately preceding fiscal year; exceeds

''(ii) the average of the Consumer Price Index (as so defined) for the 12-month period ending on September 30, 2001.''.

SEC. 102. BONUS TO REWARD HIGH PERFORMANCE STATES.

Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended—

(1) in subparagraph (D), by striking ''$1,000,000,000'' and inserting ''$1,800,000,000'';

(2) in subparagraph (E), by striking ''and 2003'' and inserting ''2003, 2004, 2005, 2006, and 2007''; and

(3) in subparagraph (F), by striking ''2003 $1,000,000,000'' and inserting ''2002 $800,000,000, and for fiscal years 2003 through 2007 $1,000,000,000,''.

SEC. 103. EXTENSION OF SUPPLEMENTAL GRANTS.

Section 403(a)(3) (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (A)—

(A) by striking ''and'' at the end of clause (i);

(B) by striking the period at the end of clause (ii) and inserting ''; and''; and

(C) by adding at the end the following:

''(iii) for each of fiscal years 2003 through 2007, a grant in an amount equal to the amount required to be paid to the State under this paragraph in fiscal year 2001.'';

(2) in subparagraph (E), by striking ''1998'' and all that follows and inserting ''2003 through 2007 $1,597,250,000 for grants under this paragraph.''; and

(3) by striking subparagraph (G).

SEC. 104. ADDITIONAL GRANTS FOR STATES WITH LOW FEDERAL FUNDING PER POOR CHILD.

Section 403(a) (42 U.S.C. 603(a)) is amended by adding at the end the following:

''(6) ADDITIONAL GRANTS FOR STATES WITH LOW FEDERAL FUNDING PER POOR CHILD.—

''(A) IN GENERAL.—The Secretary shall make a grant pursuant to this paragraph to a State—

''(i) for fiscal year 2003, if the State is an inadequately poverty-funded State for fiscal year 2002; and

''(ii) for any of fiscal years 2004 through 2007, if the State is an inadequately poverty-funded State for any prior fiscal year after fiscal year 2002.

''(B) INADEQUATELY POVERTY-FUNDED STATE.—For purposes of this paragraph, a State is an inadequately poverty-funded State for a particular fiscal year if—

''(i) the total amount of the grants made to the State under paragraph (1), paragraph (3), and this paragraph for the particular fiscal year, divided by the number of children in poverty in the State with respect to the particular fiscal year is less than 75 percent of the total amount of grants made to all eligible States under paragraph (1), paragraph (3), and this paragraph for the particular fiscal year, divided by the total number of children living in poverty in all eligible States with respect to the particular fiscal year; and

''(ii) the total of the amounts paid to the State under this subsection for all prior fiscal years that have not been expended by the State by the end of the preceding fiscal year is less than 50 percent of State family assistance grant for the particular fiscal year.

''(C) AMOUNT OF GRANT.—The amount of the grant to be made under this paragraph to a State for a particular fiscal year shall be—

''(i) if the particular fiscal year is fiscal year 2003, an amount equal to—

''(I) the number of children in poverty in the State for the then preceding fiscal year, divided by the total number of children in poverty in all States that are inadequately poverty-funded States for the then preceding fiscal year; multiplied by

''(II) the amount appropriated pursuant to subparagraph (G) for the particular fiscal year; or

''(ii) if the particular fiscal year is any of fiscal years 2004 through 2007, an amount equal to—

''(I) the amount required to be paid to the State under this paragraph for the then preceding fiscal year; plus

''(II) if the State is an inadequately poverty-funded State for the then preceding fiscal year—

''(aa) the number of children in poverty in the State for the then preceding fiscal year, divided by the total number of children in poverty in all States that are inadequately poverty-funded States for the then preceding fiscal year; multiplied by

''(bb) the amount appropriated pursuant to subparagraph (G) for the particular fiscal year.

''(D) USE OF GRANT.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

''(E) DEFINITIONS.—In this paragraph:

''(i) CHILDREN IN POVERTY.—The term 'children in poverty' means, with respect to a State and a fiscal year, the number of children residing in the State who had not attained 18 years of age and whose family income was less than the poverty line then applicable to the family, as of the end of the fiscal year.

''(ii) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section.

''(F) FAMILY INCOME DETERMINATIONS.—For purposes of this paragraph, family income includes cash income, except cash benefits from means-tested public programs and child support payments.

''(G) APPROPRIATIONS.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for grants under this paragraph—

''(I) $65,000,000 for fiscal year 2003;

''(II) $130,000,000 for fiscal year 2004;

''(III) $195,000,000 for fiscal year 2005;

''(IV) $260,000,000 for fiscal year 2006; and

''(V) $325,000,000 for fiscal year 2007.

''(ii) AVAILABILITY.—Amounts made available under clause (i) shall remain available until expended.''.

SEC. 105. CONTINGENCY FUND.

(a) IN GENERAL.—Section 403(b) (42 U.S.C. 603(b)) is amended—

(1) in paragraph (2), by striking ''1997'' and all that follows and inserting ''2003 through 2007 such sums as are necessary for payments under this subsection''; and

(2) in paragraph (3), by striking subparagraph (C) and inserting the following:

''(C) LIMITATION ON MONTHLY PAYMENT TO A STATE.—The total amount paid to a single State under subparagraph (A) during a fiscal year shall not exceed 20 percent of the State family assistance grant.''.

(b) APPLICATION OF REGULAR MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(10)

(42 U.S.C. 609(a)(10)) is amended by striking ''100 percent of historic State expenditures (as defined in paragraph (7)(B)(iii) of this subsection)'' and inserting ''the applicable percentage (as defined in paragraph (7)(B)(ii) of this subsection) of inflation-adjusted historic State expenditures (as defined in paragraph (7)(B)(vi) of this subsection)''.

(c) MODIFICATION OF UNEMPLOYMENT TEST TO BECOME NEEDY STATE.—Section 403(b)(5)(A) (42 U.S.C. 603(b)(5)(A)) is amended to read as follows:

''(A) the average rate of total unemployment in the State (seasonally adjusted) for the period consisting of the most recent 3 months for which data are available has increased by the lesser of 1.5 percentage points or by 50 percent over the corresponding 3-month period in the preceding fiscal year; or''.

(d) MODIFICATION OF FOOD STAMP TEST TO BECOME NEEDY STATE.—Section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) is amended to read as follows:

''(B) as determined by the Secretary of Agriculture, the monthly average number of households (as of the last day of each month) that participated in the food stamp program in the State in the then most recently concluded 3-month period for which data are available exceeds by at least 10 percent the monthly average number of households (as of the last day of each month) in the State that participated in the food stamp program in the corresponding 3-month period in the preceding fiscal year.''.

(e) SIMPLIFICATION OF RECONCILIATION FORMULA.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended to read as follows:

''(6) ANNUAL RECONCILIATION.—

''(A) IN GENERAL.—Notwithstanding paragraph (3), if the Secretary makes a payment to a State under this subsection in a fiscal year, then the State shall remit to the Secretary, within 1 year after the end of the first subsequent period of 3 consecutive months for which the State is not a needy State, an amount equal to the amount (if any) by which—

''(i) the maintenance of effort level (as defined in subparagraph (B)(i) of this paragraph) for the fiscal year, plus the State contribution (as defined in subparagraph (B)(ii) of this paragraph) in the fiscal year; exceeds

''(ii) the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) in the fiscal year.

''(B) DEFINITIONS.—In subparagraph (A):

''(i) MAINTENANCE OF EFFORT LEVEL.—The term ''maintenance of effort level'' means, with respect to a State and a fiscal year, an amount equal to the applicable percentage of historic State expenditures (as defined in section 409(a)(7)(B)) for the fiscal year.

''(ii) STATE CONTRIBUTION.—The term 'State contribution' means, with respect to a fiscal year—

''(I) the total amount paid to the State under this subsection in the fiscal year; multiplied by

''(II) 1 minus the greater of 75 percent or the Federal medical assistance percentage for the State (as defined in section 1905(b)), divided by the greater of 75 percent or the Federal medical assistance percentage for the State (as defined in section 1905(b)).''.

(f) INCREASE IN NUMBER OF MONTHS FOR WHICH STATE MAY QUALIFY FOR PAYMENTS.—Section 403(b)(4) (42 U.S.C. 603(b)(4)) is amended by striking ''2-month'' and inserting ''3-month''.

SEC. 106. ELIGIBILITY OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, AND GUAM FOR THE SUPPLEMENTAL GRANT FOR POPULATION INCREASES, THE CONTINGENCY FUND, AND MANDATORY CHILD CARE FUNDING.

(a) SUPPLEMENTAL GRANT FOR POPULATION INCREASES.—

(1) IN GENERAL.—Section 403(a)(3)(D)(iii) (42 U.S.C. 603(a)(3)(D)(iii)) is amended by striking ''and the District of Columbia.'' and inserting '', the District of Columbia, Puerto Rico, the United States Virgin Islands, and Guam. For fiscal years beginning after the effective date of this sentence, this paragraph shall be applied and administered as if the term 'State' included the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam for fiscal year 1998 and thereafter.''.

(2) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by inserting '', or any payment made to the Commonwealth of Puerto Rico, the United States Virgin Islands, or Guam under section 403(a)(3)'' before the period.

(b) CONTINGENCY FUND.—

(1) IN GENERAL.—Section 403(b)(7) (42 U.S.C. 603(b)(7)) is amended by striking ''and the District of Columbia'' and inserting '', the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam.''.

(2) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)), as amended by subsection (a)(2) of this section, is amended by inserting ''or 403(b)'' after ''403(a)(3)'' before the period.

(c) CHILD CARE ENTITLEMENT FUNDS.—

(1) IN GENERAL.—Section 418(d) (42 U.S.C. 618(d)) is amended by striking ''and the District of Columbia'' and inserting '', the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam''.

(2) AMOUNT OF PAYMENT.—

(A) GENERAL ENTITLEMENT.—Section 418(a)(1) (42 U.S.C. 618(a)(1)) is amended by striking ''the greater of—'' and all that follows and inserting the following:

''(A) in the case of the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam, 60 percent of the amount required to be paid to the State for fiscal year 2001 under the Child Care and Development Block Grant Act of 1990; or

''(B) in the case of any other State, the greater of—

''(i) the total amount required to be paid to the State under section 403 for fiscal year 1994 or 1995 (whichever is greater) with respect to expenditures for child care under subsections (g) and (i) of section 402 (as in effect before October 1, 1995); or

''(ii) the average of the total amounts required to be paid to the State for fiscal years 1992 through 1994 under the subsections referred to in clause (i).'';

(B) ALLOTMENT OF REMAINDER.—Section 418(a)(2)(B) (42 U.S.C. 618(a)(2)(B)) is amended to read as follows:

''(B) ALLOTMENTS TO STATES.—Of the total amount available for payments to States under this paragraph, as determined under subparagraph (A) of this paragraph—

''(i) an amount equal to 65 percent of the amount required to be paid to each of the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam for fiscal year 2001 under the Child Care and Development Block Grant Act of 1990, shall be allotted to the Commonwealth of Puerto Rico, the United States Virgin Islands, and Guam, respectively; and

''(ii) the remainder shall be allotted among the other States based on the formula used for determining the amount of Federal payments to each State under section 403(n) of this Act (as in effect before October 1, 1995).''.

(3) GRANT PAYMENT DISREGARDED FOR PURPOSES OF SECTION 1108 LIMITATION.—Section 1108(a)(2) (42 U.S.C. 1308(a)(2)), as amended by subsections (a)(2) and (b)(2) of this section, is amended by striking ''or 403(b)'' and inserting '', 403(b), or 418''.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2002, and shall apply to expenditures for fiscal years beginning with fiscal year 2003.

SEC. 107. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) TRIBAL FAMILY ASSISTANCE GRANT.—Section 412(a)(1) (42 U.S.C. 612(a)(1)) is amended by striking ''1997, 1998, 1999, 2000, and 2001'' and inserting ''2003 through 2007''.

(b) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—Section 412(a)(2) (42 U.S.C. 612(a)(2)) is amended by striking ''1997, 1998, 1999, 2000, and 2001'' and inserting ''2003 through 2007''.

TITLE II—POVERTY REDUCTION

SEC. 201. ADDITIONAL PURPOSE OF TANF PROGRAM.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and''; and

(3) by adding at the end the following:

''(5) reduce the extent and severity of poverty and promote self-sufficiency among families with children.''.

SEC. 202. CHILD POVERTY REDUCTION GRANTS.

Section 403(a) (42 U.S.C. 603(a)) is further amended by adding at the end the following:

''(7) BONUS TO REWARD STATES THAT REDUCE CHILD POVERTY.—

''(A) IN GENERAL.—Beginning with fiscal year 2003, the Secretary shall make a grant pursuant to this paragraph to each State for each fiscal year for which the State is a qualified child poverty reduction State.

''(B) AMOUNT OF GRANT.—

''(i) IN GENERAL.—Subject to this subparagraph, the amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be an amount equal to—

''(I) the number of children who had not attained 18 years of age by the end of the then most recently completed calendar year and who resided in the State as of the end of such calendar year, divided by the number of such children who resided in the United States as of the end of such calendar year; multiplied by

''(II) the amount appropriated pursuant to subparagraph (F) for the fiscal year.

''(ii) LIMITATIONS.—

''(I) MINIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall be not less than $1,000,000.

''(II) MAXIMUM GRANT.—The amount of the grant to be made to a qualified child poverty reduction State for a fiscal year shall not exceed an amount equal to 5 percent of the State family assistance grant for the fiscal year.

''(iii) PRO RATA INCREASE.—If the amount available for grants under this paragraph for a fiscal year is greater than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(II), be increased by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

''(iv) PRO RATA REDUCTION.—If the amount available for grants under this paragraph for a fiscal year is less than the total amount of payments otherwise required to be made under this paragraph for the fiscal year, then the amount otherwise payable to any State for the fiscal year under this paragraph shall, subject to clause (ii)(I), be reduced by such equal percentage as may be necessary to ensure that the total of the amounts payable for the fiscal year under this paragraph equals the amount available for the grants.

''(C) USE OF GRANT.—A State to which a grant is made under this paragraph shall use the grant for any purpose for which a grant made under this part may be used.

''(D) DEFINITIONS.—In this paragraph:

''(i) QUALIFIED CHILD POVERTY REDUCTION STATE.—The term 'qualified child poverty reduction State' means, with respect to a fiscal year, a State if—

''(I) the child poverty rate achieved by the State for the then most recently completed calendar year for which such information is available is less than the lowest child poverty rate achieved by the State during the applicable period; and

''(II) the average depth of child poverty in the State for the then most recently completed calendar year for which such information is available is not greater than the average depth of child poverty in the State for the calendar year that precedes such then most recently completed calendar year.

''(ii) APPLICABLE PERIOD.—In clause (i), the term 'applicable period' means, with respect to a State and the calendar year referred to in clause (i)(I), the period that—

''(I) begins with the calendar year that, as of October 1, 2002, precedes the then most recently completed calendar year for which such information is available; and

''(II) ends with the calendar year that precedes the calendar year referred to clause (i)(I).

''(iii) CHILD POVERTY RATE.—The term 'child poverty rate' means, with respect to a State and a calendar year, the percentage of children residing in the State during the calendar year whose family income for the calendar year is less than the poverty line then applicable to the family.

''(iv) AVERAGE DEPTH OF CHILD POVERTY.—The term 'average depth of child poverty' means with respect to a State and a calendar year, the average dollar amount by which family income is exceeded by the poverty line, among children in the State whose family income for the calendar year is less than the applicable poverty line.

''(v) POVERTY LINE.—The term 'poverty line' has the meaning given the term in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved.

''(E) FAMILY INCOME DETERMINATIONS.—For purposes of this paragraph, family income includes cash income, child support payments, government cash payments, and benefits under the Food Stamp Act of 1977 that are received by any family member, and family income shall be determined after payment of all taxes and receipt of any tax refund or rebate by any family member.

''(F) APPROPRIATIONS.—

''(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2007 $150,000,000 for grants under this paragraph.

''(ii) AVAILABILITY.—Amounts made available under clause (i) shall remain available until expended.''.

SEC. 203. REVIEW AND CONCILIATION PROCESS.

(a) REQUIREMENT.—Section 408(a) (42 U.S.C. 608(a)) is amended by adding at the end the following:

''(12) REVIEW AND CONCILIATION PROCESS REQUIREMENTS.—A State to which a grant is made under section 403 shall not impose a sanction against a person under the State program funded under this part, unless the State—

''(A) has attempted at least twice (using at least 2 different methods) to notify the person of the impending imposition of the sanction, the reason for the proposed sanction, the amount of the sanction, the length of time during which the proposed sanction would be in effect, and the steps required to come into compliance or to show good cause for noncompliance;

''(B) has afforded the person an opportunity—

''(i) to meet with the caseworker involved or another individual who has authority to determine whether to impose the sanction; and

''(ii) to explain why the person did not comply with the requirement on the basis of which the sanction is to be imposed;

''(C) has considered and taken any such explanation into account in determining to impose the sanction;

''(D) has specifically considered whether certain conditions exist, such as a physical or mental impairment, domestic violence, or limited proficiency in English, that contributed to the noncompliance of the person; and

''(E) in determining whether to impose the sanction, has used screening tools developed in consultation with individuals or groups with expertise in matters described in subparagraph (D).''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is amended by adding at the end the following:

''(15) PENALTY FOR FAILURE OF STATE TO USE REVIEW AND CONCILIATION PROCESS.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(12) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

SEC. 204. REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT.

(a) EMPLOYMENT CREDIT TO REWARD STATES IN WHICH FAMILIES LEAVE WELFARE FOR WORK; ADDITIONAL CREDIT FOR FAMILIES WITH HIGHER EARNINGS.—

(1) IN GENERAL.—Section 407(a) (42 U.S.C. 607(a)), as amended by section 503 of this Act, is amended by adding at the end the following:

''(2) EMPLOYMENT CREDIT.—

''(A) IN GENERAL.—The minimum participation rate otherwise applicable to a State under this subsection for a fiscal year shall be reduced by the number of percentage points in the employment credit for the State for the fiscal year, as determined by the Secretary—

''(i) using information in the National Directory of New Hires, or

''(ii) with respect to a recipient of assistance under the State program funded under this part who is placed with an employer whose hiring information is not reported to the National Directory of New Hires, using quarterly wage information submitted by the State to the Secretary not later than such date as the Secretary shall prescribe in regulations.

''(B) CALCULATION OF CREDIT.—

''(i) IN GENERAL.—The employment credit for a State for a fiscal year is an amount equal to—

''(I) twice the average quarterly number of families that ceased to receive cash payments under the State program funded under this part during the most recent 4 quarters for which data is available and that were employed during the calendar quarter immediately succeeding the quarter in which the payments ceased, plus, at State option, the number of families that received a non-recurring short-term benefit under the State program funded under this part during the preceding fiscal year and that were employed in during the calendar quarter immediately succeeding the quarter in which the non-recurring short-term benefit was so received; divided by

''(II) the average monthly number of families that include an adult who received cash payments under the State program funded under this part during the preceding fiscal year, plus, if the State elected the option under subclause (I), the number of families that received a non-recurring short-term benefit under the State program funded under this part during the preceding fiscal year.

''(ii) SPECIAL RULE FOR FORMER RECIPIENTS WITH HIGHER EARNINGS.—In calculating the employment credit for a State for a fiscal year, a family that, during the preceding fiscal year, earned at least 33 percent of the average wage in the State (determined on the basis of State unemployment data) shall be considered to be 1.5 families.

''(C) PUBLICATION OF AMOUNT OF CREDIT.—Not later than August 30 of each fiscal year, the Secretary shall cause to be published in the Federal Register the amount of the employment credit that will be used in determining the minimum participation rate applicable to a State under this subsection for the immediately succeeding fiscal year.''.

(2) AUTHORITY OF SECRETARY TO USE INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES.—Section 453(i) (42 U.S.C. 653(i)) is amended by adding at the end the following:

''(5) CALCULATION OF EMPLOYMENT CREDIT FOR PURPOSES OF DETERMINING STATE WORK PARTICIPATION RATES UNDER TANF.—The Secretary may use the information in the National Directory of New Hires for purposes of calculating State employment credits pursuant to section 407(a)(2).''.

(b) ELIMINATION OF CASELOAD REDUCTION CREDIT.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraph (3) and redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

SEC. 205. STATES TO RECEIVE PARTIAL CREDIT TOWARD WORK PARTICIPATION RATE FOR RECIPIENTS ENGAGED IN PART-TIME WORK.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)), as amended by section 307 of this Act, is amended by adding at the end the following flush sentence:

''For purposes of subsection (b)(1)(B)(i), a family that does not include a recipient who is participating in work activities for an average of 30 hours per week during a month but includes a recipient who is participating in such activities during the month for an average of at least 50 percent of the minimum average number of hours per week specified for the month in the table set forth in this subparagraph shall be counted as a percentage of a family that includes an adult or minor child head of household who is engaged in work for the month, which percentage shall be the number of hours for which the recipient participated in such activities during the month divided by the number of hours of such participation required of the recipient under this section for the month.''.

SEC. 206. TANF RECIPIENTS WHO QUALIFY FOR SUPPLEMENTAL SECURITY INCOME BENEFITS REMOVED FROM WORK PARTICIPATION RATE CALCULATION FOR ENTIRE YEAR.

Section 407(b)(1)(B)(ii) (42 U.S.C. 607(b)(1)(B)(ii)) is amended—

(1) in subclause (I), by inserting ''who has not become eligible for supplemental security income benefits under title XVI during the fiscal year'' before the semicolon; and

(2) in subclause (II), by inserting '', and that do not include an adult or minor child head of household who has become eligible for supplemental security income benefits under title XVI during the fiscal year'' before the period.

SEC. 207. STATE OPTION TO INCLUDE RECIPIENTS OF SUBSTANTIAL CHILD CARE OR TRANSPORTATION ASSISTANCE IN WORK PARTICIPATION RATE.

(a) IN GENERAL.—Section 407(a)(1) (42 U.S.C. 607(a)), as amended by sections 503 and 306 of this Act, is amended by inserting ''(including, at the option of the State, a family that includes an adult who is receiving substantial child care or transportation benefits, as defined by the Secretary, in consultation with directors of State programs funded under this part, which definition shall specify for each type of benefits a threshold which is a dollar value or a length of time over which the benefits are received, and take account of large one-time transition payments, except any family taken into account under paragraph (2)(B)(i)(I))'' before the colon.

(b) STATE OPTION.—Section 407(b)(1)(B)(i) (42 U.S.C. 607(b)(1)(B)(i)) is amended—

(1) in clause (i), by inserting ''plus, at the option of the State, the number of families that include an adult who is receiving substantial child care or transportation benefits, as determined under section 407(a)(1)'' before the semicolon.

(2) in subclause (ii)(I), by inserting ''including, if the State has elected to include families with an adult who is receiving substantial child care or transportation benefits under clause (i), the number of such families'' before the semicolon.

(c) DATA COLLECTION AND REPORTING.—Section 411(a)(1)(A) of such Act (42 U.S.C. 611(a)(1)(A)) is amended in the matter preceding clause (i) by inserting ''(including any family with respect to whom the State has exercised its option under section 407(a)(1))'' after ''assistance''.

SEC. 208. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by sections 204 through 207 shall take effect on October 1, 2003.

(b) STATE OPTION TO PHASE-IN REPLACEMENT OF CASELOAD REDUCTION CREDIT WITH EMPLOYMENT CREDIT AND DELAY APPLICABILITY OF OTHER PROVISIONS.—A State may elect to have the amendments made by sections 204(b) and 205 through 207 of this Act not apply to the State program funded under part A of title IV of the Social Security Act until October 1, 2004, and if the State makes the election, then, in determining the participation rate of the State for purposes of sections 407 and 409(a)(3) of the Social Security Act for fiscal year 2004, the State shall be credited with ½ of the reduction in the rate that would otherwise result from applying section 407(a)(2) of the Social Security Act (as added by section 204(a)(1) of this Act) to the State for fiscal year 2004 and ½ of the reduction in the rate that would otherwise result from applying such section 407(b)(2) to the State for fiscal year 2004.

TITLE III—REQUIRING AND REWARDING WORK

SEC. 301. EFFECT OF WAGE SUBSIDIES ON 5-YEAR LIMIT.

Section 408(a)(7) (42 U.S.C. 608(a)(7)) is amended by adding at the end the following:

''(H) LIMITATION ON MEANING OF 'ASSISTANCE' FOR FAMILIES WITH INCOME FROM EMPLOYMENT.—For purposes of this paragraph, at the option of the State, a benefit or service provided to a family during a month under the State program funded under this part shall not be considered assistance under the program if—

''(i) during the month, the family includes an adult or a minor child head of household who has received at least such amount of income from employment as the State may establish; and

''(ii) the average weekly earned income of the family for the month is at least $100.''.

SEC. 302. CHILD CARE.

(a) INCREASE IN ENTITLEMENT FUNDING.—Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

''(G) $3,967,000,000 for fiscal year 2003;

''(H) $4,467,000,000 for fiscal year 2004;

''(I) $4,967,000,000 for fiscal year 2005;

''(J) $5,467,000,000 for fiscal year 2006; and

''(K) $5,967,000,000 for fiscal year 2007.''.

(b) AMENDMENTS TO THE CHILD CARE AND DEVELOPMENT BLOCK GRANT ACT OF 1990.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended to read as follows:

''SEC. 658B. AUTHORIZATION OF APPROPRIATIONS; AMOUNTS AVAILABLE FOR INCENTIVE GRANTS TO IMPROVE QUALITY OF CHILD CARE SERVICES.

''(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subchapter $2,350,000,000 for fiscal year 2003 and such sums as may be necessary for fiscal years 2004 through 2007.

''(b) AMOUNTS AVAILABLE FOR INCENTIVE GRANTS TO IMPROVE QUALITY OF CHILD CARE SERVICES.—Of the amount made available to carry out this subchapter, $500,000,000 shall be used for each of the fiscal years 2003 through 2007 to make grants under section 658H.''.

(2) STATE PLAN REQUIREMENTS.—Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)) is amended—

(A) in subparagraph (A)—

(i) in clause (ii) by striking ''and'' at the end;

(ii) in clause (iii) by adding ''and'' at the end; and

(iii) by inserting after clause (iii) the following:

''(iv) in order to help ensure that parents have the freedom to choose quality center-based child care services, the State shall make significant effort to develop contracts with accredited child care providers in low-income and rural communities;'';

(B) by amending subparagraph (D) to read as follows:

''(D) CONSUMER EDUCATION INFORMATION.—Certify that the State will collect and disseminate to parents of eligible children and the general public, consumer education information that will promote informed child care choices, and describe how the State will inform parents receiving assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other low-income parents about eligibility for assistance under this subchapter.'';

(C) by amending subparagraph (H) to read as follows:

''(H) MEETING THE NEEDS OF CERTAIN POPULATIONS.—Demonstrate the manner in which the State will meet the specific child care needs of families who are receiving assistance under a State program under part A of title IV of the Social Security Act, families who are attempting through work activities to transition off of such assistance program, families with children with disabilities and other special needs, low-income families not receiving cash assistance under a State program under part A of title IV of the Social Security Act, and families that are at risk of becoming dependent on such assistance.''; and

(D) by adding at the end the following:

''(I) AVAILABILITY OF STAFF.—Describe how the State will ensure that staff from the lead agency described in section 658D will be available, at the offices of the State program funded under part A of title IV of the Social Security Act, to provide information about eligibility for assistance under this subchapter and to assist individuals in applying for such assistance.

''(J) ELIGIBILITY REDETERMINATION.—Demonstrate that each child that receives assistance under this subchapter in the State will receive such assistance for not less than 1 year before the State redetermines the eligibility of the child under this subchapter.

''(K) SUPPLEMENT NOT SUPPLANT.—Provide assurances that the amounts paid to a State under this subchapter shall be used to supplement and not supplant other State or local funds expended or otherwise available to support payments for child care assistance and to increase the quality of available child care for eligible families under this subchapter.''.

(3) PAYMENT RATES.—Section 658E(c)(4)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(4)(A)) is amended—

(A) by striking ''such access'' and inserting ''equal access to comparable quality and types of services''; and

(B) by adding at the end the following:

''(i) Market rate surveys (that reflect variations in the cost of child care services by locality) shall be conducted by the State not less often than at 2-year intervals, and the results of such surveys shall be used to implement payment rates that ensure equal access to comparable services as required by this subparagraph.

''(ii) Payment rates shall be adjusted at intervals between such surveys to reflect increases in the cost of living, in such manner as the Secretary may specify.

''(iii) Payment rates shall reflect variations in the cost of providing child care services for children of different ages and providing different types of care.''.

(4) CHILD CARE ACCOUNTABILITY IMPROVEMENTS.—Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

''SEC. 658G. CHILD CARE ACCOUNTABILITY IMPROVEMENTS.

''(a) ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.—A State that receives funds to carry out this subchapter shall reserve and use not less than 12 percent of the funds for improvements in the quality of child care services provided in the State and in political subdivisions of the State.

''(1) Not less than 35 percent of the funds reserved under this subsection shall be used for activities that are designed to increase the quality and supply of child care services for children from birth through 3 years of age.

''(2) Funds reserved under this subsection shall be used for 1 or more activities consisting of—

''(A) providing for the development, establishment, expansion, operation, and coordination of, child care resource and referral services;

''(B) making grants or providing loans to eligible child care providers to assist the

providers in meeting applicable State and local child care standards and recognized accreditation standards;

''(C) improving the ability of State or local government, as applicable, to monitor compliance with, and to enforce, State and local licensing and regulatory requirements (including registration requirements) applicable to child care providers;

''(D) providing training and technical assistance in areas relating to the provision of child care services, such as training relating to promotion of health and safety, promotion of good nutrition, provision of first aid, recognition of communicable diseases, child abuse detection and prevention, and care of children with disabilities and other special needs;

''(E) improving salaries and other compensation paid to full-time and part-time staff who provide child care services for which assistance is made available under this subchapter;

''(F) making grants or providing financial assistance to eligible child care providers for training in child development and early education;

''(G) making grants or providing financial assistance to eligible child care providers to support delivery of early education and child development activities;

''(H) making grants or providing financial assistance to eligible child care providers to make minor renovations to such providers' physical environments that enhance the quality of the child care services they provide;

''(I) improving and expanding the supply of child care services for children with disabilities and other special needs;

''(J) increasing the supply of high quality inclusive child care for children with and without disabilities and other special needs;

''(K) supporting the system described in paragraph (2);

''(L) providing technical assistance to family child care providers and center-based child care providers to enable them to provide appropriate child care services for children with disabilities; and

''(M) other activities that can be demonstrated to increase the quality of child care services and parental choice.''.

''(b) CHILD CARE RESOURCE AND REFERRAL SYSTEM.—The State shall use a portion of the funds reserved under subsection (a) to support a system of local child care resource and referral organizations coordinated by a statewide, nonprofit, community-based child care resource and referral organization. The local child care resource and referral system shall—

''(1) provide parents in the State with information and support concerning child care options in their communities;

''(2) collect and analyze data on the supply of and demand for child care in political subdivisions within the State;

''(3) develop links with the business community or other organizations involved in providing child care services;

''(4) increase the supply and improve the quality of child care in the State and in political subdivisions in the State;

''(5) provide (or facilitate the provision of) specialists in health, mental health consultation, early literacy services for children with disabilities and other special needs, and infant and toddler care, to support or supplement community child care providers;

''(6) provide training or facilitate connections for training to community child care providers; or

''(7) hire disability specialists, and provide training and technical assistance to child care providers, to effectively meet the needs of children with disabilities.

(5) INCENTIVE GRANTS TO STATES.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended by inserting after section 658G the following:

''SEC. 658H. INCENTIVE GRANTS TO STATES.

''(a) AUTHORITY.—

''(1) IN GENERAL.—The Secretary shall use the amount made available under section 658B(b) for a fiscal year to make grants to eligible States in accordance with this section.

''(2) ANNUAL PAYMENTS.—The Secretary shall make an annual payment for such a grant to each eligible State out of the allotment for that State determined under subsection (c).

''(b) ELIGIBLE STATES.—

''(1) IN GENERAL.—In this section, the term 'eligible State' means a State that—

''(A) has conducted a survey of the market rates for child care services in the State within the 2 years preceding the date of the submission of an application under paragraph (2); and

''(B) submits an application in accordance with paragraph (2).

''(2) APPLICATION.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and accompanied by such information, in addition to the information required under subparagraph (B), as the Secretary may require.

''(B) INFORMATION REQUIRED.—Each application submitted for a grant under this section shall—

''(i) detail the methodology and results of the State market rates survey conducted pursuant to paragraph (1)(A);

''(ii) describe the State's plan to increase payment rates from the initial baseline determined under clause (i);

''(iii) describe how the State will increase payment rates in accordance with the market survey results, for all types of child care providers who provide services for which assistance is made available under this subchapter;

''(iv) describe how rates are set to reflect the variations in the cost of providing care for children of different ages, different types of care, and in different localities in the State; and

''(v) describe how the State will prioritize increasing payment rates for care of higher-than-average quality, such as care by accredited providers, care that includes the provision of comprehensive services, care provided at nonstandard hours, care for children with disabilities and other special needs, care in low-income and rural communities, and care of a type that is in short supply.

''(3) CONTINUING ELIGIBILITY REQUIREMENT.—The Secretary may make an annual payment under this section to an eligible State only if—

''(A) the Secretary determines that the State has made progress, through the activities assisted under this subchapter, in maintaining increased payment rates; and

''(B) at least once every 2 years, the State conducts an update of the survey described in paragraph (1)(A).

''(4) REQUIREMENT OF MATCHING FUNDS.—

''(A) IN GENERAL.—To be eligible to receive a grant under this section, the State shall agree to make available State contributions from State sources toward the costs of the activities to be carried out by a State pursuant to subsection (d) in an amount that is not less than 20 percent of such costs.

''(B) DETERMINATION OF STATE CONTRIBUTIONS.—State contributions shall be in cash. Amounts provided by the Federal Government may not be included in determining the amount of such State contributions.

''(c) ALLOTMENTS TO ELIGIBLE STATES.—The amount made available under section 658B(b) for a fiscal year shall be allotted among the eligible States in the same manner as amounts are allotted under section 658O(b).

''(d) USE OF FUNDS.—An eligible State that receives a grant under this section shall use the funds received to significantly increase the payment rate for the provision of child care assistance in accordance with this subchapter up to the 150th percentile of the market rate survey described in subsection (b)(1)(A).

''(e) EVALUATIONS AND REPORTS.—

''(1) STATE EVALUATIONS.—Each eligible State shall submit to the Secretary, at such time and in such form and manner as the Secretary may require, information regarding the State's efforts to increase payment rates and the impact increased rates are having on the quality of, and accessibility to, child care in the State.

''(2) REPORTS TO CONGRESS.—The Secretary shall submit biennial reports to Congress on the information described in paragraph (1). Such reports shall include data from the applications submitted under subsection (b)(2) as a baseline for determining the progress of each eligible State in maintaining increased payment rates.

''(f) PAYMENT RATE.—In this section, the term 'payment rate' means the rate of reimbursement to providers for subsidized child care.''.

(6) ADMINISTRATION, ENFORCEMENT, AND EVALUATION.—Section 658I of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g) is amended—

(A) in the heading by striking ''and enforcement'' and inserting '', enforcement, and evaluation'';

(B) in subsection (a)(3) by inserting before the period at the end ''and including the establishment of a national training and technical assistance center specializing in infant and toddler care and their families''; and

(C) by adding at the end the following:

''(c) FEDERAL ADMINISTRATION AND EVALUATION ACTIVITIES.—The Secretary shall—

''(1) establish a national data system through grants, contracts or cooperative agreements to develop statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs, including use of data collected through child care resource and referral organizations at the national, State, and local levels; and

''(2) prepare and submit to Congress an annual report on the supply of, demand for, and quality of child care, early education, and non-school-hours programs, using data collected through State and local child care resource and referral organizations and other sources.''.

(7) REPORTS.—Section 658K(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858i(a)) is amended—

(A) in paragraph (1)(B)—

(i) in clause (ix) by striking ''and'' at the end;

(ii) in clause (x) by adding ''and'' at the end; and

(iii) by inserting after clause (x) the following:

''(xi) whether the child care provider is accredited by a national or State accrediting body;''; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking ''aggregate data concerning'';

(ii) in subparagraph (D) by striking ''and'' at the end;

(iii) in subparagraph (E) by adding ''and'' at the end; and

(iv) by indenting the left margin of subparagraphs (A) through (E) 2 ems to the right and redesignating such subparagraphs as clauses (i) through (v), respectively;

(v) by inserting after clause (v), as so redesignated, the following:

''(vi) findings from market rate surveys, disaggregated by the types of services provided and by the sub-State localities, as appropriate;''; and

(vi) by inserting before clause (i), as so redesignated, the following:

''(A) information on how all of the funds reserved under section 658G were allocated and spent, and information on the effect of those expenditures, to the maximum extent practicable; and

''(B) aggregate date concerning—''.

(8) DEFINITIONS.—Section 658P(4)(C) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(4)(C)) is amended—

(A) in clause (i) by striking ''or'' at the end;

(B) in clause (ii) by striking the period and inserting ''; or''; and

(C) by adding at the end the following:

''(iii) is a foster child.''.

(9) CONFORMING AMENDMENTS.—The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(A) in section 658E(c)(3)—

(i) in subparagraph (B) by striking ''through (5) of section 658A(b)'' and inserting ''through (6) of section 658A(c)''; and

(ii) in subparagraph (D) by striking ''1997 through 2002'' and inserting ''2003 through 2007'';

(B) in section 658K(a)(2) by striking ''1997'' and inserting ''2003''; and

(C) in section 658L—

(i) by striking ''July 31, 1998'' and inserting ''October 1, 2004'';

(ii) by striking ''Economic and Educational Opportunities'' and inserting ''Education and the Workforce''; and

(iii) by striking ''Labor and Human Resources'' and inserting ''Health, Education, Labor, and Pensions''.

(c) APPLICABILITY OF STATE OR LOCAL HEALTH AND SAFETY STANDARDS TO OTHER TANF CHILD CARE SPENDING.—Section 402(a) (42 U.S.C. 602(a)) is amended by adding at the end the following:

''(8) CERTIFICATION OF PROCEDURES TO ENSURE THAT CHILD CARE PROVIDERS COMPLY WITH APPLICABLE STATE OR LOCAL HEALTH AND SAFETY STANDARDS.—A certification by the chief executive officer of the State that procedures are in effect to ensure that any child care provider in the State that provides services for which assistance is provided under the State program funded under this part complies with all applicable State or local health and safety requirements as described in section 658E(c)(2)(F) of the Child Care and Development Block Grant Act of 1990.''.

(d) AVAILABILITY OF CHILD CARE FOR PARENTS REQUIRED TO WORK.—Section 407(e)(2) (42 U.S.C. 607(e)(2)) is amended by striking ''6'' and inserting ''13''.

SEC. 303. COMPETITIVE GRANTS TO IMPROVE ACCESS TO VARIOUS BENEFIT PROGRAMS.

(a) PURPOSES.—The purposes of this section are to—

(1) inform low-income families with children about programs available to families leaving welfare and other programs to support low-income families with children;

(2) provide incentives to States and counties to improve and coordinate application and renewal procedures for low-income family with children support programs; and

(3) track the extent to which low-income families with children receive the benefits and services for which they are eligible.

(b) DEFINITIONS.—In this section:

(1) LOCALITY.—The term locality means a municipality that does not administer a temporary assistance for needy families program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) (in this section referred to as ''TANF'').

(2) LOW-INCOME FAMILY WITH CHILDREN SUPPORT PROGRAM.—The term ''low-income family with children support program'' means a program designed to provide low-income families with assistance or benefits to enable the family to become self-sufficient and includes—

(A) TANF;

(B) the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) (in this section referred to as ''food stamps'');

(C) the medicaid program funded under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(D) the State children's health insurance program (SCHIP) funded under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

(E) the child care program funded under the Child Care Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.);

(F) the child support program funded under part D of title IV of the Social Security Act (42 U.S.C. 651 et seq.);

(G) the earned income tax credit under section 32 of the Internal Revenue Code of 1986;

(H) the low-income home energy assistance program (LIHEAP) established under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C 8621 et seq.);

(I) the special supplemental nutrition program for women, infants, and children (WIC) established under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786);

(J) programs under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.); and

(K) any other Federal or State funded program designed to provide family and work support to low-income families with children.

(3) NONPROFIT.—The term ''nonprofit'', as applied to a school, agency, organization, or institution means a school, agency, organization, or institution owned and operated by 1 or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(4) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(5) STATE.—The term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, and the United States Virgin Islands.

(c) AUTHORIZATION OF GRANTS.—

(1) STATES AND COUNTIES.—

(A) IN GENERAL.—The Secretary is authorized to award grants to States and counties to pay the Federal share of the costs involved in improving the administration of low-income family with children support programs, including simplifying application, recertification, reporting, and verification rules, and promoting participation in such programs.

(B) FEDERAL SHARE.—The Federal share shall be 80 percent.

(2) NONPROFITS AND LOCALITIES.—The Secretary is authorized to award grants to nonprofits and localities to promote participation in low-income family with children support programs, and distribute information about and develop service centers for low-income family with children support programs.

(d) GRANT APPROVAL CRITERIA.—

(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Agriculture, shall establish criteria for approval of an application for a grant under this section that include consideration of—

(A) the extent to which the proposal, if funded, is likely to result in improved service and higher participation rates in low-income children's support programs;

(B) an applicant's ability to reach hard-to-serve populations;

(C) the level of innovation in the applicant's grant proposal; and

(D) any partnerships between the public and private sector in the applicant's grant proposal.

(2) SEPARATE CRITERIA.—Separate criteria shall be established for the grants authorized under paragraphs (1) and (2) of subsection (c).

(e) USES OF FUNDS.—

(1) STATES AND COUNTIES.—

(A) IMPROVEMENTS IN PROGRAMS.—Grants awarded to States and counties under subsection (c)(1) shall be used to—

(i) simplify low-income family with children support program application, recertification, reporting, and verification rules;

(ii) create uniformity in eligibility criteria for low-income family with children support programs;

(iii) develop options for families to apply for low-income family with children support programs through the telephone, mail, facsimile, Internet, or electronic mail, and submit any recertifications or reports required for such families through these options;

(iv) co-locate eligibility workers for various low-income family with children support programs at strategically located sites;

(v) develop or enhance one-stop service centers for low-income family with children support programs, including establishing evening and weekend hours at these centers; and

(vi) improve training of staff in low-income families with children support programs to enhance their ability to enroll eligible applicants in low-income family with children support programs, provide case management, and refer eligible applicants to other appropriate programs.

(B) CUSTOMER SURVEYS.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used to carry out a customer survey.

(ii) MODEL SURVEYS.—The customer survey under clause (i) of this subparagraph shall be modeled after a form developed by the Secretary under subsection (g).

(iii) REPORTS TO SECRETARY.—Not later than 1 year after a State or county is awarded a grant under subsection (c)(1), and annually thereafter, the State or county shall submit a report to the Secretary detailing the results of the customer survey carried out under clause (i) of this subparagraph.

(iv) REPORTS TO PUBLIC.—A State or county receiving a grant under subsection (c)(1) and the Secretary shall make the report required under clause (iii) of this subparagraph available to the public.

(v) PUBLIC COMMENT.—A State or county receiving a grant under subsection (c)(1) shall accept public comments and hold public hearings on the report made available under clause (iv) of this subparagraph.

(C) TRACKING SYSTEMS.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used to implement a tracking system to determine the level of participation in low-income family with children support programs of the eligible population.

(ii) REPORTS.—Not later than 1 year after a State or county is awarded a grant under subsection (c)(1), and annually thereafter, the State or county shall submit a report to the Secretary detailing the effectiveness of the tracking system implemented under clause (i) of this subparagraph.

(D) IN-PERSON INTERVIEWS.—A State or county awarded a grant under subsection (c)(1) may expend funds made available under the grant to provide for reporting and

recertification procedures through the telephone, mail, facsimile, Internet, or electronic mail.

(E) JURISDICTION-WIDE IMPLEMENTATION.—

(i) IN GENERAL.—A grant awarded to a State or county under subsection (c)(1) shall be used for activities throughout the jurisdiction.

(ii) EXCEPTION.—A State or county awarded a grant under subsection (c)(1) may use grant funds to develop one-stop service centers and telephone, mail, facsimile, Internet, or electronic mail application and renewal procedures for low-income family with children support programs without regard to the requirements of clause (i) of this subparagraph.

(F) SUPPLEMENT NOT SUPPLANT.—Funds provided to a State or county under a grant awarded under subsection (c)(1) shall be used to supplement and not supplant other State or county public funds expended to provide support services for low-income families.

(2) NONPROFITS AND LOCALITIES.—A grant awarded to a nonprofit or locality under subsection (c)(2) shall be used to—

(A) develop one-stop service centers for low-income family with children support programs in cooperation with States and counties; or

(B) provide information about and referrals to low-income family with children support programs through the dissemination of materials at strategic locations, including schools, clinics, and shopping locations.

(f) APPLICATION.—

(1) IN GENERAL.—Each applicant desiring a grant under paragraph (1) or (2) of subsection (c) shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

(2) STATES AND COUNTIES.—

(A) NON-FEDERAL SHARE.—Each State or county applicant shall provide assurances that the applicant will pay the non-Federal share of the activities for which a grant is sought.

(B) PARTNERSHIPS.—Each State or county applicant shall submit a memorandum of understanding demonstrating that the applicant has entered into a partnership to coordinate its efforts under the grant with the efforts of other State and county agencies that have responsibility for providing low-income families with assistance or benefits.

(g) DUTIES OF THE SECRETARY.—

(1) SURVEY FORM.—The Secretary, in cooperation with other relevant agencies, shall develop a customer survey form to determine whether low-income families—

(A) encounter any impediments in applying for or renewing their participation in low-income family with children support programs; and

(B) are unaware of low-income family with children support programs for which they are eligible.

(2) REPORTS.—

(A) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to Congress describing the uses of grant funds awarded under this section.

(B) RESULTS OF TRACKING SYSTEMS AND SURVEYS.—The Secretary shall submit a report to Congress detailing the results of the tracking systems implemented and customer surveys carried out by States and counties under subsection (e) as the information becomes available.

(h) MISCELLANEOUS.—

(1) MATCHING FUNDS.—Matching funds required from a State or county awarded a grant under subsection (c)(1) of this section may—

(A) include in-kind services and expenditures by municipalities and private entities; and

(B) be considered a qualified State expenditure for purposes of determining whether the State has satisfied the maintenance of effort requirements of the temporary assistance for needy families program under section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7)).

(2) LIMITATION ON EXPENDITURES.—Subject to paragraph (3) of this subsection, not more than 20 percent of a grant awarded under subsection (c) shall be expended on customer surveys or tracking systems.

(3) REVERSION OF FUNDS.—Any funds not expended by a grantee within 2 years after awarded a grant shall be available for redistribution among other grantees in such manner and amount as the Secretary may determine, unless the Secretary extends by regulation the 2-year time period to expend funds.

(4) NONAPPORTIONMENT.—Notwithstanding any other provision of law, a State, county, locality, or nonprofit awarded a grant under subsection (c) is not required to apportion the costs of providing information about low-income family with children support programs among all low-income family with children support programs.

(5) ADMINISTRATIVE COSTS OF THE SECRETARY.—Not more than 5 percent of the funds appropriated to carry out this section shall be expended on administrative costs of the Secretary.

(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2003 through 2007.

SEC. 304. ASSESSMENTS FOR TANF RECIPIENTS.

Section 408(b) (42 U.S.C. 608(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

''(1) ASSESSMENT.—The State agency responsible for administering the State program funded under this part shall, for each recipient of assistance under the program who is a head of household, make an initial assessment of the skills, prior work experience, and circumstances related to the employability of the recipient, including physical or mental impairments, proficiency in English, child care needs, and whether the recipient is a victim of domestic violence.'';

(2) in paragraph (2)(A), by striking ''may develop'' and inserting ''shall develop''; and

(3) by striking paragraph (4).

SEC. 305. APPLICABILITY OF WORKPLACE LAWS.

Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

''(h) No individual engaged in any activity funded in whole or in part by the TANF program shall be subjected to discrimination based on race, color, religion, sex, national origin, age, or disability, nor shall such an individual be denied the benefits or protections of any Federal, State or local employment, civil rights, or health and safety law because of such individual's status as a participant in the TANF program.''.

SEC. 306. WORK PARTICIPATION REQUIREMENTS.

Section 407(a)(1) (42 U.S.C. 607(a)), as amended by section 503 of this Act, is amended to read as follows:

''(1) IN GENERAL.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

''(A) 50 percent for fiscal year 2003;

''(B) 55 percent for fiscal year 2004;

''(C) 60 percent for fiscal year 2005;

''(D) 65 percent for fiscal year 2006; and

''(E) 70 percent for fiscal year 2007 and each succeeding fiscal year.''.

SEC. 307. HOURS OF WORK-RELATED ACTIVITIES.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by striking ''20'' and inserting ''24''.

SEC. 308. STATE OPTION TO REQUIRE RECEIPIENTS TO ENGAGE IN WORK FOR 40 HOURS PER WEEK.

Section 407(c)(1)(A) (42 U.S.C. 607(c)(1)(A)) is amended by adding at the end the following flush sentence:

''At the option of a State, the State may require, a recipient not referred to in paragraph (2)(B) to engage in work for an average of 40 hours per week in each month in a particular fiscal year.''.

SEC. 309. REVISION AND SIMPLIFICATION OF THE TRANSITIONAL MEDICAL ASSISTANCE PROGRAM (TMA).

(a) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS; OPTION OF CONTINUING COVERAGE FOR UP TO AN ADDITIONAL YEAR.—

(1) OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS BY MAKING REPORTING REQUIREMENTS OPTIONAL.—Section 1925(b) (42 U.S.C. 1396r–6(b)) is amended—

(A) in paragraph (1), by inserting '', at the option of a State,'' after ''and which'';

(B) in paragraph (2)(A), by inserting ''Subject to subparagraph (C)—'' after ''(A) NOTICES.—'';

(C) in paragraph (2)(B), by inserting ''Subject to subparagraph (C)—'' after ''(B) REPORTING REQUIREMENTS.—'';

(D) by adding at the end the following new subparagraph:

''(C) STATE OPTION TO WAIVE NOTICE AND REPORTING REQUIREMENTS.—A State may waive some or all of the reporting requirements under clauses (i) and (ii) of subparagraph (B). Insofar as it waives such a reporting requirement, the State need not provide for a notice under subparagraph (A) relating to such requirement.''; and

(E) in paragraph (3)(A)(iii), by inserting ''the State has not waived under paragraph (2)(C) the reporting requirement with respect to such month under paragraph (2)(B) and if'' after ''6-month period if''.

(2) STATE OPTION TO EXTEND ELIGIBILITY FOR LOW-INCOME INDIVIDUALS FOR UP TO 12 ADDITIONAL MONTHS.—Section 1925 (42 U.S.C. 1396r–6) is further amended—

(A) by redesignating subsections (c) through (f) as subsections (d) through (g); and

(B) by inserting after subsection (b) the following new subsection:

''(c) STATE OPTION OF UP TO 12 MONTHS OF ADDITIONAL ELIGIBILITY.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, each State plan approved under this title may provide, at the option of the State, that the State shall offer to each family which received assistance during the entire 6-month period under subsection (b) and which meets the applicable requirement of paragraph (2), in the last month of the period the option of extending coverage under this subsection for the succeeding period not to exceed 12 months.

''(2) INCOME RESTRICTION.—The option under paragraph (1) shall not be made available to a family for a succeeding period unless the State determines that the family's average gross monthly earnings (less such costs for such child care as is necessary for the employment of the caretaker relative) as of the end of the 6-month period under subsection (b) does not exceed 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.

''(3) APPLICATION OF EXTENSION RULES.—The provisions of paragraphs (2), (3), (4), and

(5) of subsection (b) shall apply to the extension provided under this subsection in the same manner as they apply to the extension provided under subsection (b)(1), except that for purposes of this subsection—

''(A) any reference to a 6-month period under subsection (b)(1) is deemed a reference to the extension period provided under paragraph (1) and any deadlines for any notices or reporting and the premium payment periods shall be modified to correspond to the appropriate calendar quarters of coverage provided under this subsection; and

''(B) any reference to a provision of subsection (a) or (b) is deemed a reference to the corresponding provision of subsection (b) or of this subsection, respectively.''.

(b) STATE OPTION TO WAIVE RECEIPT OF MEDICAID FOR 3 OF PREVIOUS 6 MONTHS TO QUALIFY FOR TMA.—Section 1925(a)(1) (42 U.S.C. 1396r–6(a)(1)) is amended by adding at the end the following: ''A State may, at its option, also apply the previous sentence in the case of a family that was receiving such aid for fewer than 3 months, or that had applied for and was eligible for such aid for fewer than 3 months, during the 6 immediately preceding months described in such sentence.''.

(c) ELIMINATION OF SUNSET FOR TMA.—

(1) Subsection (g) of section 1925 (42 U.S.C. 1396r–6), as redesignated under subsection (a)(2), is repealed.

(2) Section 1902(e)(1) of such Act (42 U.S.C. 1396a(e)(1)) is amended by striking ''(A) Nothwithstanding'' and all that follows through ''During such period, for'' in subparagraph (B) and inserting ''For''.

(d) CMS REPORT ON ENROLLMENT AND PARTICIPATION RATES UNDER TMA.—Section 1925, as amended by subsections (a)(2) and (c), is amended by adding at the end the following new subsection:

''(g) ADDITIONAL PROVISIONS.—

''(1) COLLECTION AND REPORTING OF PARTICIPATION INFORMATION.—Each State shall—

''(A) collect and submit to the Secretary, in a format specified by the Secretary, information on average monthly enrollment and average monthly participation rates for adults and children under this section; and

''(B) make such information publicly available.

Such information shall be submitted under subparagraph (A) at the same time and frequency in which other enrollment information under this title is submitted to the Secretary. Using such information, the Secretary shall submit to Congress annual reports concerning such rates.''.

(e) COORDINATION OF WORK.—Section 1925(g), as added by subsection (d), is amended by adding at the end the following new paragraph:

''(2) COORDINATION WITH ADMINISTRATION FOR CHILDREN AND FAMILIES.—The Administrator of the Centers for Medicare & Medicaid Services, in carrying out this section, shall work with the Assistant Secretary for the Administration for Children and Families to develop guidance or other technical assistance for States regarding best practices in guaranteeing access to transitional medical assistance under this section.''.

(f) ELIMINATION OF TMA REQUIREMENT FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—

(1) IN GENERAL.—Section 1925 is further amended by adding at the end the following new subsection:

''(h) PROVISIONS OPTIONAL FOR STATES THAT EXTEND COVERAGE TO CHILDREN AND PARENTS THROUGH 185 PERCENT OF POVERTY.—A State may (but is not required to) meet the requirements of subsections (a) and (b) if it provides for medical assistance under this title (whether under section 1931, through a waiver under section 1115, or otherwise) to families (including both children and caretaker relatives) the average gross monthly earning of which (less such costs for such child care as is necessary for the employment of a caretaker relative) is at or below a level that is at least 185 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved.''.

(2) CONFORMING AMENDMENTS.—Such section is further amended, in subsections (a)(1) and (b)(1), by inserting '', but subject to subsection (h),'' after ''Notwithstanding any other provision of this title,'' each place it appears.

(g) REQUIREMENT OF NOTICE FOR ALL FAMILIES LOSING TANF.—Subsection (a)(2) of such section is amended by adding after and below subparagraph (B), the following:

''Each State shall provide, to families whose aid under part A or E of title IV has terminated but whose eligibility for medical assistance under this title continues, written notice of their ongoing eligibility for such medical assistance. If a State makes a determination that any member of a family whose aid under part A or E of title IV is being terminated is also no longer eligible for medical assistance under this title, the notice of such determination shall be supplemented by a one-page notification form describing the different ways in which individuals and families may qualify for such medical assistance and explaining that individuals and families do not have to be receiving aid under part A or E of title IV in order to qualify for such medical assistance.''.

(h) EXTENDING USE OF OUTSTATIONED WORKERS TO ACCEPT APPLICATIONS FOR TRANSITIONAL MEDICAL ASSISTANCE.—Section 1902(a)(55) (42 U.S.C. 1396a(a)(55)) is amended by inserting ''and under section 1931'' after ''(a)(10)(A)(ii)(IX)''.

(i) EFFECTIVE DATES.—(1) Except as provided in this subsection, the amendments made by this section shall apply to calendar quarters beginning on or after October 1, 2001, without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

(2) The amendment made by subsection (g) shall take effect 6 months after the date of the enactment of this Act.

(3) In the case of a State plan for medical assistance under title XIX of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this section, the State plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet these additional requirements before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

SEC. 310. ENSURING TANF FUNDS ARE NOT USED TO DISPLACE PUBLIC EMPLOYEES.

(a) WELFARE-TO-WORK WORKER PROTECTIONS.—Section 403(a)(5)(I) (42 U.S.C. 603(a)(5)(I)) is amended—

(1) by striking clauses (i) and (iv);

(2) by redesignating clauses (v) and (vi) as clauses (iv) and (v), respectively; and

(3) by inserting before clause (ii) the following:

''(i) NONDISPLACEMENT.—A State shall establish and maintain such procedures as are necessary to do the following with respect to activities funded in whole or in part under this part:

''(I) Prohibit the placement of an individual in a work activity specified in section 407(d) from resulting in the displacement of any employee or position (including partial displacement, such as a reduction in the hours of nonovertime work wages, or employment benefits, or fill any unfilled vacancy, or performing work when any other individual is on layoff from the same or any substantially equivalent job).

''(II) Prohibit the placement of an individual in a work activity specified in section 407(d) which would impair any contract for services, be inconsistent with any employment-related State or local law or regulation, or collective bargaining agreement, or infringe on the recall rights or promotional opportunities of any worker.

''(III) Maintain an impartial grievance procedure to resolve any complaints alleging violations of subclause (I) or (II) within 60 days after receipt of the complaint, and if a decision is adverse to the party who filed such a grievance or no decision has been reached, provided for the completion of an arbitration procedure within 75 days after receipt of the complaint or the adverse decision or conclusion of the 60-day period, whichever is earlier. The procedures shall include a right to a hearing. The procedures shall include remedies for violations of the requirement that shall include termination or suspension of payments, prohibition of the participant, reinstatemt of an employee, and other appropriate relief. The procedures shall specifiy that if a direct work activity engaged in by a recipient of assistance under the State program funded under this part involves a placement in a State agency or local government agency pursuant to this section and the agency experiences a net reduction in its overall workforce in a given year, there is a rebuttable presumption that the placement has resulted in displacement of the employees of the agency in violation of this subparagraph.''.

(b) STATE PLAN REQUIREMENT.—Section 402(a) (42 U.S.C. 602(a)) is amended by adding at the end the following:

''(5) A plan that outlines the resources and procedures that will be used to ensure that the State will establish and maintain the procedures described in section 403(a)(5)(I)(i).''.

TITLE IV—HELPING WELFARE LEAVERS CLIMB THE EMPLOYMENT LADDER

SEC. 401. STATE PLAN REQUIREMENT ON EMPLOYMENT ADVANCEMENT.

(a) IN GENERAL.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

''(vii) Establish goals and take action to improve initial earnings, job advancement, and employment retention for individuals in and individuals leaving the program.''.

(b) INCLUSION IN ANNUAL REPORTS OF PROGRESS IN ACHIEVING EMPLOYMENT ADVANCEMENT GOALS.—Section 411(b) (42 U.S.C. 611(b)) is amended—

(1) by striking ''and'' at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting ''; and'' ; and

(3) by adding at the end the following:

''(5) in each report submitted after fiscal year 2003, the progress made by the State in achieving the goals referred to in section 402(a)(1)(A)(vii) in the most recent State plan submitted pursuant to section 402(a).''.

SEC. 402. EMPLOYMENT ADVANCEMENT FUND.

Section 403(a) (42 U.S.C. 603(a)) is further amended by adding at the end the following:

''(8) EMPLOYMENT ADVANCEMENT FUND.—

''(A) IN GENERAL.—The Secretary shall provide grants to States and localities for research, evaluation, technical assistance, and demonstration projects that focus on—

''(i) improving wages for low-income workers, regardless of whether such workers are recipients of assistance under a State program funded under this part, through training and other services; and

''(ii) enhancing employment prospects for recipients of such assistance with barriers to employment, such as a physical or mental impairment, a substance abuse problem, or limited proficiency in English.

''(B) ADMINISTRATION.—

''(i) ALLOCATION OF FUNDS.—The Secretary shall allocate at least 40 percent of the funds made available pursuant to this paragraph for projects that focus on the matters described in subparagraph (A)(i), and at least 40 percent of the funds for projects that focus on the matters described in subparagraph (A)(ii).

''(ii) DIVERSITY OF PROJECTS.—The Secretary shall attempt to provide funds under this paragraph for diverse projects from geographically different areas.

''(C) AID UNDER THIS PARAGRAPH NOT 'ASSISTANCE'.—A benefit or service provided with funds made available under this paragraph shall not, for any purpose, be considered assistance under a State program funded under this part.

''(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2007 $150,000,000 for grants under this paragraph.''.

SEC. 403. ELIMINATION OF LIMIT ON NUMBER OF TANF RECIPIENTS ENROLLED IN VOCATIONAL EDUCATION OR HIGH SCHOOL WHO MAY BE COUNTED TOWARDS THE WORK PARTICIPATION REQUIREMENT.

Section 407(c)(2) (42 U.S.C. 607(c)(2)) is amended by striking subparagraph (D).

SEC. 404. COUNTING OF UP TO 2 YEARS OF VOCATIONAL OR EDUCATIONAL TRAINING (INCLUDING POSTSECONDARY EDUCATION), WORK-STUDY, AND RELATED INTERNSHIPS AS WORK ACTIVITIES.

Section 407(d)(8) (42 U.S.C. 607(d)(8)) is amended to read as follows:

''(8) not more than 24 months of participation by an individual in—

''(A) vocational or educational training (including postsecondary education), at an eligible educational institution (as defined in section 404(h)(5)(A)) leading to attainment of a credential from the institution related to employment or a job skill;

''(B) a State or Federal work-study program under part C of title IV of the Higher Education Act of 1965 or an internship related to vocational or postsecondary education, supervised by an eligible educational institution (as defined in section 404(h)(5)(A)); or

''(C) a course of study leading to adult literacy, in which English is taught as a second language, or leading to a certificate of high school equivalency, if the State considers the activities important to improving the ability of the individual to find and maintain employment.''.

SEC. 405. LIMITED COUNTING OF CERTAIN ACTIVITIES LEADING TO EMPLOYMENT AS WORK ACTIVITY.

(a) IN GENERAL.—Section 407(d) (42 U.S.C. 607(d)) is amended—

(1) by striking ''and'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; and''; and

(3) by adding at the end the following:

''(13) Up to 6 months of participation (as determined by the State) in services designed to improve future employment opportunities, including substance abuse treatment services, services to address sexual or domestic violence, and physical rehabilitation and mental health services.''.

(b) CONFORMING AMENDMENT.—Section 407(c)(1) (42 U.S.C. 607(c)(1)) is amended by striking ''and (12)'' each place it appears and inserting ''(12), and (13)''.

SEC. 406. CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.

Section 404(e) (42 U.S.C. 604(e)) is amended—

(1) in the subsection heading, by striking ''ASSISTANCE'' and inserting ''BENEFITS OR SERVICES''; and

(2) after the heading, by striking ''assistance'' and inserting ''any benefit or service that may be provided''.

SEC. 407. DEFINITION OF ASSISTANCE.

(a) IN GENERAL.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

''(6) ASSISTANCE.—

''(A) IN GENERAL.—The term 'assistance' means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

''(B) EXCEPTION.—The term 'assistance' does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State).''.

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking ''assistance'' and inserting ''aid''.

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking ''assistance'' and inserting ''benefits or services''.

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(B)(i)) is amended in the heading by striking ''ASSISTANCE'' and inserting ''AID''.

TITLE V—PROMOTING FAMILY FORMATION AND RESPONSIBLE PARENTING

SEC. 501. FAMILY FORMATION FUND.

Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

''(2) FAMILY FORMATION FUND.—

''(A) IN GENERAL.—The Secretary shall provide grants to States and localities for research, technical assistance, and demonstration projects to promote and fund best practices in the following areas:

''(i) Promoting the formation of 2-parent families.

''(ii) Reducing teenage pregnancies.

''(iii) Increasing the ability of noncustodial parents to financially support and be involved with their children.

''(B) ALLOCATION OF FUNDS.—In making grants under this paragraph, the Secretary shall ensure that not less than 30 percent of the funds made available pursuant to this paragraph for a fiscal year are used in each of the areas described in subparagraph (A).

''(C) CONSIDERATION OF DOMESTIC VIOLENCE IMPACT.—In making grants under this paragraph, the Secretary shall consider the potential impact of a project on the incidence of domestic violence.

''(D) APPROPRIATION.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2003 through 2007 $100,000,000 for grants under this paragraph.''.

SEC. 502. DISTRIBUTION OF CHILD SUPPORT COLLECTED BY STATES ON BEHALF OF CHILDREN RECEIVING CERTAIN WELFARE BENEFITS.

(a) MODIFICATION OF RULE REQUIRING ASSIGNMENT OF SUPPORT RIGHTS AS A CONDITION OF RECEIVING TANF.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended to read as follows:

''(3) NO ASSISTANCE FOR FAMILIES NOT ASSIGNING CERTAIN SUPPORT RIGHTS TO THE STATE.—A State to which a grant is made under section 403 shall require, as a condition of providing assistance to a family under the State program funded under this part, that a member of the family assign to the State any rights the family member may have (on behalf of the family member or of any other person for whom the family member has applied for or is receiving such assistance) to support from any other person, not exceeding the total amount of assistance paid to the family under the program, which accrues during the period that the family receives assistance under the program.''.

(b) INCREASING CHILD SUPPORT PAYMENTS TO FAMILIES AND SIMPLIFYING CHILD SUPPORT DISTRIBUTION RULES.—

(1) DISTRIBUTION RULES.—

(A) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)) is amended to read as follows:

''(a) IN GENERAL.—Subject to subsections (d) and (e), the amounts collected on behalf of a family as support by a State pursuant to a plan approved under this part shall be distributed as follows:

''(1) FAMILIES RECEIVING ASSISTANCE.—In the case of a family receiving assistance from the State, the State shall—

''(A) pay to the Federal Government the Federal share of the amount collected, subject to paragraph (3)(A);

''(B) retain, or pay to the family, the State share of the amount collected, subject to paragraph (3)(B); and

''(C) pay to the family any remaining amount.

''(2) FAMILIES THAT FORMERLY RECEIVED ASSISTANCE.—In the case of a family that formerly received assistance from the State:

''(A) CURRENT SUPPORT.—To the extent that the amount collected does not exceed the current support amount, the State shall pay the amount to the family.

''(B) ARREARAGES.—To the extent that the amount collected exceeds the current support amount, the State—

''(i) shall first pay to the family the excess amount, to the extent necessary to satisfy support arrearages not assigned pursuant to section 408(a)(3);

''(ii) if the amount collected exceeds the amount required to be paid to the family under clause (i), shall—

''(I) pay to the Federal Government, the Federal share of the excess amount described in this clause, subject to paragraph (3)(A); and

''(II) retain, or pay to the family, the State share of the excess amount described in this clause, subject to paragraph (3)(B); and

''(iii) shall pay to the family any remaining amount.

''(3) LIMITATIONS.—

''(A) FEDERAL REIMBURSEMENTS.—The total of the amounts paid by the State to the Federal Government under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the Federal share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(B) STATE REIMBURSEMENTS.—The total of the amounts retained by the State under paragraphs (1) and (2) of this subsection with respect to a family shall not exceed the State share of the amount assigned with respect to the family pursuant to section 408(a)(3).

''(4) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall pay the amount collected to the family.

''(5) FAMILIES UNDER CERTAIN AGREEMENTS.—Notwithstanding paragraphs (1) through (4), in the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), the State shall distribute the amount collected pursuant to the terms of the agreement.

''(6) STATE FINANCING OPTIONS.—To the extent that the State share of the amount payable to a family for a month pursuant to paragraph (2)(B) of this subsection exceeds the amount that the State estimates (under procedures approved by the Secretary) would have been payable to the family for the month pursuant to former section 457(a)(2) (as in effect for the State immediately before the date this subsection first applies to the State) if such former section had remained in effect, the State may elect to use the grant made to the State under section 403(a) to pay the amount, or to have the payment considered a qualified State expenditure for purposes of section 409(a)(7), but not both.

''(7) STATE OPTION TO PASS THROUGH ADDITIONAL SUPPORT WITH FEDERAL FINANCIAL PARTICIPATION.—

''(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is not a recipient of assistance under the State program funded under part A, to the extent that the State pays the amount to the family and disregards the payment for purposes of paying benefits under the State program funded under part A.

''(B) RECIPIENTS OF TANF FOR LESS THAN 5 YEARS.—Notwithstanding paragraphs (1) and (2), a State shall not be required to pay to the Federal Government the Federal share of an amount collected on behalf of a family that is a recipient of assistance under the State program funded under part A and that has received the assistance for not more than 5 years after the date of the enactment of this paragraph, to the extent that the State pays the amount to the family.''.

(B) APPROVAL OF ESTIMATION PROCEDURES.—Not later than October 1, 2002, the Secretary of Health and Human Services, in consultation with the States (as defined for purposes of part D of title IV of the Social Security Act), shall establish the procedures to be used to make the estimate described in section 457(a)(6) of such Act.

(2) CURRENT SUPPORT AMOUNT DEFINED.—Section 457(c) (42 U.S.C. 657(c)) is amended by adding at the end the following:

''(5) CURRENT SUPPORT AMOUNT.—The term 'current support amount' means, with respect to amounts collected as support on behalf of a family, the amount designated as the monthly support obligation of the noncustodial parent in the order requiring the support.''.

(c) BAN ON RECOVERY OF MEDICAID COSTS FOR CERTAIN BIRTHS.—Section 454 (42 U.S.C. 654) is amended—

(1) by striking ''and'' at the end of paragraph (32);

(2) by striking the period at the end of paragraph (33) and inserting ''; and''; and

(3) by inserting after paragraph (33) the following:

''(34) provide that the State shall not use the State program operated under this part to collect any amount owed to the State by reason of costs incurred under the State plan approved under title XIX for the birth of a child for whom support rights have been assigned pursuant to section 408(a)(3), 471(a)(17), or 1912.''.

(d) STATE OPTION TO DISCONTINUE CERTAIN SUPPORT ASSIGNMENTS.—Section 457(b) (42 U.S.C. 657(b)) is amended by striking ''shall'' and inserting ''may''.

(e) CONFORMING AMENDMENTS.—

(1) Section 409(a)(7)(B)(i)(I)(aa) (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by striking ''457(a)(1)(B)'' and inserting ''457(a)(1)''.

(2) Section 404(a) (42 U.S.C. 604(a)) is amended—

(A) by striking ''or'' at the end of paragraph (1);

(B) by striking the period at the end of paragraph (2) and inserting ''; or''; and

(C) by adding at the end the following:

''(3) to fund payment of an amount pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to use the grant to fund the payment.''.

(3) Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

''(V) PORTIONS OF CERTAIN CHILD SUPPORT PAYMENTS COLLECTED ON BEHALF OF AND DISTRIBUTED TO FAMILIES NO LONGER RECEIVING ASSISTANCE.—Any amount paid by a State pursuant to clause (i) or (ii) of section 457(a)(2)(B), but only to the extent that the State properly elects under section 457(a)(6) to have the payment considered a qualified State expenditure.''.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection and section 901(b) of this Act, the amendments made by this section shall take effect on October 1, 2006, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(2) STATE OPTION TO ACCELERATE EFFECTIVE DATE.—A State may elect to have the amendments made by this section apply to the State and to amounts collected by the State, on and after such date as the State may select that is after the date of the enactment of this Act and before the effective date provided in paragraph (1).

SEC. 503. ELIMINATION OF SEPARATE WORK PARTICIPATION RATE FOR 2-PARENT FAMILIES.

Section 407 (42 U.S.C. 607) is amended—

(1) in subsection (a), by striking paragraph (2); and

(2) in subsection (b)—

(A) by striking paragraphs (2) and (3);

(B) in paragraph (4), by striking ''paragraphs (1)(B) and (2)(B)'' and inserting ''paragraph (1)(B)'';

(C) in paragraph (5), by striking ''rates'' and inserting ''rate''; and

(D) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

SEC. 504. BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES; STATE OPT-OUT.

(a) PROHIBITION.—Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(13) BAN ON IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—

''(A) IN GENERAL.—In determining the eligibility of a 2-parent family for assistance under a State program funded under this part, the State shall not impose a requirement that does not apply in determining the eligibility of a 1-parent family for such assistance.

''(B) STATE OPT-OUT.—Subparagraph (A) shall not apply to a State if the State legislature, by law, has elected to make subparagraph (A) inapplicable to the State.''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(16) PENALTY FOR IMPOSITION OF STRICTER ELIGIBILITY CRITERIA FOR 2-PARENT FAMILIES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(13) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

SEC. 505. EXTENSION OF ABSTINENCE EDUCATION FUNDING UNDER MATERNAL AND CHILD HEALTH PROGRAM.

(a) IN GENERAL.—Section 510(d) (42 U.S.C. 710(d)) is amended by striking ''2002'' and inserting ''2007''.

(b) PURPOSE OF ALLOTMENTS.—For each of the fiscal years 2003 through 2007, section 510(b)(1) of the Social Security Act is deemed to read as follows: ''(1) The purpose of an allotment under subsection (a) to a State is to enable the State to provide abstinence education, and at the option of the State—

''(A) programs that the State defines as an appropriate approach to abstinence education that educates those who are currently sexually active or at risk of sexual activity about methods to reduce unintended pregnancy or other health risks; and

''(B) where appropriate, mentoring, counseling, and adult supervision to promote abstinence from sexual activity, with a focus on those groups which are most likely to bear children out-of-wedlock.''.

(c) MEDICALLY AND SCIENTIFICALLY ACCURATE INFORMATION.—For each of the fiscal years 2003 through 2007, there is deemed to appear in the matter preceding subparagraph (A) of section 510(b)(2) of such Act the phrase ''a medically and scientifically accurate educational'' in lieu of the phrase ''an educational'', and there is deemed to appear after and below subparagraph (H) of such section the following:

''For purposes of this section, the term 'medically accurate', with respect to information, means information that is supported by research, recognized as accurate and objective by leading medical, psychological, psychiatric, and public health organizations and agencies, and where relevant, published in peer review journals.''.

(d) EFFECTIVE MODELS FOR PROGRAMS.—For each of the fiscal years 2003 through 2007, section 510 of such Act is deemed to have at the end the following subsection:

''(e)(1) None of the funds appropriated in this section shall be expended for a program unless the program is based on a model that has been demonstrated to be effective in reducing unwanted pregnancy, or in reducing the transmission of a sexually transmitted disease or the human immunodeficiency virus.

''(2) The requirement of paragraph (1) shall not apply to programs that have been approved and funded under this section on or before April 19, 2002.''.

(e) COMPARATIVE EVALUATION OF ABSTINENCE EDUCATION PROGRAMS.—

(1) STUDY.—The Secretary of Health and Human Services (referred to in this subsection as the ''Secretary'') shall, in consultation with an advisory panel of researchers identified by the Board on Children Youth and Families of the National Academy of Sciences, conduct an experimental study directly or through contract or interagency agreement which assesses the relative efficacy of two approaches to abstinence education for adolescents. The study

design should enable a comparison of the efficacy of an abstinence program which precludes education about contraception with a similar abstinence program which includes education about contraception. Key outcomes that should be measured in the study include rates of sexual activity, pregnancy, birth, and sexually transmitted diseases.

(2) REPORT.—Not later than 5 years after the date of the enactment of this Act, the Secretary shall submit a report to Congress the available findings regarding the comparative analysis.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2003 through 2007.

TITLE VI—RESTORING FAIRNESS FOR IMMIGRANT FAMILIES

SEC. 601. TREATMENT OF ALIENS UNDER THE TANF PROGRAM.

(a) EXCEPTION TO 5-YEAR BAN FOR QUALIFIED ALIENS.—Section 403(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

''(L) Benefits under the Temporary Assistance for Needy Families program described in section 402(b)(3)(A).''.

(b) BENEFITS NOT SUBJECT TO REIMBURSEMENT.—Section 423(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1138a note) is amended by adding at the end the following:

''(12) Benefits under part A of title IV of the Social Security Act except for cash assistance provided to a sponsored alien who is subject to deeming pursuant to section 408(h) of the Social Security Act.''.

(c) TREATMENT OF ALIENS.—Section 408 (42 U.S.C. 608) is amended by adding at the end the following:

''(h) SPECIAL RULES RELATING TO THE TREATMENT OF 213A ALIENS.—

''(1) IN GENERAL.—In determining whether a 213A alien is eligible for cash assistance under a State program funded under this part, and in determining the amount or types of such assistance to be provided to the alien, the State shall apply the rules of paragraphs (1), (2), (3), (5), and (6) of subsection (f) of this section by substituting '213A' for 'non-213A' each place it appears, subject to section 421(e) of the Personal Responsibility and Work Opportunity Reconcilation Act of 1996, and subject to section 421(f) of such Act (which shall be applied by substituting 'section 408(h) of the Social Security Act' for 'subsection (a)').

''(2) 213A ALIEN DEFINED.—An alien is a 213A alien for purposes of this subsection if the affidavit of support or similar agreement with respect to the alien that was executed by the sponsor of the alien's entry into the United States was executed pursuant to section 213A of the Immigration and Nationality Act.''.

(d) EFFECTIVE DATE AND APPLICABILITY.—

(1) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2002.

(2) APPLICABILITY.—The amendments made by this section shall apply to benefits provided on or after the effective date of this section.

SEC. 602. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

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

''(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title, notwithstanding sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of such Act) and who are otherwise eligible for such assistance, within either or both of the following eligibility categories:

''(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

''(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

''(B) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.''.

(b) SCHIP.—Section 2107(e)(1) (42 U.S.C. 1397gg(e)(1)) as amended by section 803 of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, as enacted into law by section 1(a)(6) of Public Law 106–554, is amended by redesignating subparagraphs (C) and (D) as subparagraph (D) and (E), respectively, and by inserting after subparagraph (B) the following new subparagraph:

''(C) Section 1903(v)(4) (relating to optional coverage of categories of permanent resident alien children), but only if the State has elected to apply such section to the category of children under title XIX.''.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2002, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 603. ELIGIBILITY OF DISABLED CHILDREN WHO ARE QUALIFIED ALIENS FOR SSI.

(a) IN GENERAL.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended by inserting after subparagraph (K) the following new subparagraph:

''(L) SSI EXCEPTION FOR DISABLED CHILDREN.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(A), paragraph (1) shall not apply to a child who is considered disabled for purposes of the supplemental security income program under title XVI of the Social Security Act.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2002, and apply to benefits furnished on or after such date.

TITLE VII—ENSURING STATE ACCOUNTABILITY

SEC. 701. INFLATION ADJUSTMENT OF MAINTENANCE-OF-EFFORT REQUIREMENT.

Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by inserting ''inflation-adjusted'' before ''historic State expenditures''; and

(2) in subparagraph (B), by adding at the end the following:

''(vi) INFLATION-ADJUSTED HISTORIC STATE EXPENDITURES.—The term 'inflation-adjusted historic State expenditures' means, with respect to a fiscal year, historic State expenditures with respect to the fiscal year, multiplied by the sum of 1.00 plus the inflation percentage (as defined in section 403(a)(2)(F)) in effect for the fiscal year.''.

SEC. 702. BAN ON USING FEDERAL TANF FUNDS TO REPLACE STATE AND LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.

(a) PROHIBITION.—Section 408(a) (42 U.S.C. 608(a)) is further amended by adding at the end the following:

''(14) BAN ON USING FEDERAL TANF FUNDS TO REPLACE STATE OR LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.—A State to which a grant is made under section 403 and a sub-State entity that receives funds from such a grant shall not expend any part of the grant funds to supplant State or local spending for benefits or services which are not qualified State expenditures (within the meaning of section 409(a)(7)(B)(i)).''.

(b) PENALTY.—Section 409(a) (42 U.S.C. 609(a)) is further amended by adding at the end the following:

''(17) PENALTY FOR USING FEDERAL TANF FUNDS TO REPLACE STATE OR LOCAL SPENDING THAT DOES NOT MEET THE DEFINITION OF QUALIFIED STATE EXPENDITURES.—

''(A) IN GENERAL.—If the Secretary determines that a State to which a grant is made under section 403 for a fiscal year has violated section 408(a)(14) during the fiscal year, the Secretary shall reduce the grant payable to the State under section 403(a)(1) for the immediately succeeding fiscal year by an amount equal to 5 percent of the State family assistance grant.

''(B) PENALTY BASED ON SEVERITY OF FAILURE.—The Secretary shall impose reductions under subparagraph (A) with respect to a fiscal year based on the degree of noncompliance.''.

TITLE VIII—IMPROVING INFORMATION ABOUT TANF RECIPIENTS AND PROGRAMS

SEC. 801. EXTENSION OF FUNDING OF STUDIES AND DEMONSTRATIONS.

Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended by striking ''2002'' and inserting ''2007''.

SEC. 802. LONGITUDINAL STUDIES OF EMPLOYMENT AND EARNINGS OF TANF LEAVERS.

Section 413 (42 U.S.C. 613) is amended—

(1) in subsection (h)(1)—

(A) by striking ''and'' at the end of subparagraph (C);

(B) by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(E) the cost of conducting the studies described in subsection (k).''; and

(2) by adding at the end the following:

''(k) LONGITUDINAL STUDIES OF EMPLOYMENT AND EARNINGS OF TANF LEAVERS.—

''(1) IN GENERAL.—The Secretary, directly or through grants, contracts, or interagency agreements shall conduct a study in each eligible State of a statistically relevant cohort of individuals who leave the State program funded under this part during fiscal year 2003 and individuals who leave the program during fiscal year 2005, which uses State unemployment insurance data to track the employment and earnings status of the individuals during the 3-year period beginning at the time the individuals leave the program.

''(2) REPORTS.—The Secretary shall annually publish the findings of the studies conducted pursuant to paragraph (1) of this subsection, and shall annually publish the earnings data used in making determinations under section 407(b).''.

SEC. 803. INCLUSION OF DISABILITY STATUS IN INFORMATION STATES REPORT ABOUT TANF FAMILIES.

Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended by adding at the end the following:

''(xviii) Whether the head of the family has a significant physical or mental impairment.

SEC. 804. ANNUAL REPORT TO THE CONGRESS TO INCLUDE GREATER DETAIL ABOUT STATE PROGRAMS FUNDED UNDER TANF.

Section 411(b)(3) (42 U.S.C. 611(b)(3)), as amended by section 401(b)(1) of this Act, is amended to read as follows:

''(3) the characteristics of each State program funded under this part, including, with respect to each program funded with amounts provided under this part or with amounts the expenditure of which is counted as a qualified State expenditure for purposes of section 409(a)(7)—

''(A) the name of the program;

''(B) whether the program is authorized at a sub-State level (such as at the county level);

''(C) the purpose of the program;

''(D) the main activities of the program;

''(E) the total amount received by the program from amounts provided under this part;

''(F) the total of the amounts received by the program that are amounts the expenditure of which are counted as qualified State expenditures for purposes of section 409(a)(7);

''(G) the total funding level of the program;

''(H) the total number of individuals served by the program, and the number of such individuals served specifically with funds provided under this part or with amounts the expenditure of which are counted as qualified State expenditures for purposes of section 409(a)(7); and

''(I) the eligibility criteria for participation in the program;''.

SEC. 805. ENHANCEMENT OF UNDERSTANDING OF THE REASONS INDIVIDUALS LEAVE STATE TANF PROGRAMS.

(a) DEVELOPMENT OF COMPREHENSIVE LIST OF CASE CLOSURE REASONS.—The Secretary of Health and Human Services shall develop, in consultation with States and policy experts, a comprehensive list of reasons why individuals leave State programs funded under this part. The list shall be aimed at substantially reducing the number of case closures under the programs for which a reason is not known.

(b) INCLUSION IN QUARTERLY STATE REPORTS.—Section 411(a)(1)(A)(xvi) (42 U.S.C. 611(a)(1)(A)(xvi)) is amended—

(1) by striking ''or'' at the end of subclause (IV);

(2) by striking the period at the end and inserting ''; or''; or

(3) by adding at the end the following:

''(VI) a reason specified in the list developed under section 805(a) of the Next Step in Reforming Welfare Act.''.

SEC. 806. STANDARDIZED STATE PLANS.

Within 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services, after consulting with the States, shall establish a standardized format which States shall use to submit plans under section 402(a) of the Social Security Act for fiscal year 2004 and thereafter.

SEC. 807. STUDY BY THE CENSUS BUREAU.

(a) IN GENERAL.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

''(a) IN GENERAL.—The Bureau of the Census shall implement a new longitudinal survey of program dynamics, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples.''.

(b) APPROPRIATION.—Section 414(b) (42 U.S.C. 614(b)) is amended by striking ''1996,'' and all that follows through ''2002'' and inserting ''2003 through 2007''.

SEC. 808. ACCESS TO WELFARE; WELFARE OUTCOMES.

Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

''(c) ANNUAL REPORTS ON WELFARE ACCESS AND OUTCOMES.—

''(1) STATE REPORTS.—Not later than January 1 of each fiscal year, each eligible State shall collect and report to the Secretary, with respect to the preceding fiscal year, the following information:

''(A) The number of applications for assistance from the State program funded under this part, the percentage that are approved versus those that are disapproved, and the reasons for disapproval, broken down by race.

''(B) A copy of all rules and policies governing the State program funded under this part that are not required by Federal law, and a summary of the rules and policies, including the amounts and types of assistance provided and the types of sanctions imposed under the program.

''(C) The types of occupations of, types of job training received by, and types and levels of educational attainment of recipients of assistance from the State program funded under this part, broken down by gender and race.

''(2) USE OF SAMPLING.—A State may comply with this subsection by using a scientifically acceptable sampling method approved by the Secretary.

''(3) REPORT TO THE CONGRESS.—Not later than June 1 of each fiscal year, the Secretary shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, publish in the Federal Register, and make available to the public a compilation of the reports submitted pursuant to paragraph (1) for the preceding fiscal year.''.

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in sections 208 and 502(f) and in subsection (b) of this section, the amendments made by this Act shall take effect on October 1, 2002, and shall apply to payments under parts A and D of title IV of the Social Security Act for calendar quarters beginning on or after such date, without regard to whether regulations to implement the amendments are promulgated by such date.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under section 402(a) or 454 of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such section 402(a) or 454 solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The SPEAKER pro tempore. Pursuant to House Resolution 422, the gentleman from Maryland (Mr. CARDIN) and a Member opposed each will control 30 minutes.

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

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

Mr. Speaker, I have listened with interest during the debate, and there is a better way. The substitute that I am submitting is submitted on behalf of myself, the gentlewoman from California (Ms. WOOLSEY), the gentleman from Wisconsin (Mr. KIND), the gentleman from Tennessee (Mr. TANNER), the gentleman from California (Mr. BECERRA), the gentleman from Wisconsin (Mr. KLECZKA), the gentleman from California (Mr. THOMPSON), and the gentleman from Oregon (Mr. BLUMENAUER).

Mr. Speaker, it provides for a real-work requirement, a requirement for real jobs. We reward the States for finding real employment for the people that are on welfare. We have put in the substitute an employment credit against the work requirement that was suggested by the gentleman from Michigan (Mr. LEVIN) and the gentleman from Wisconsin (Mr. KIND) that rewards the States for finding employment for the people on welfare.

Unlike the Republican bill, the Democratic substitute provides flexibility to our States, particularly as it relates to education. We increase, not eliminate, the opportunity of States to provide educational opportunities for the people on welfare. We increase the amount of education from 1 year to a maximum of 2 years, no caps on the number of people who can participate, specifically provide for English as a second language and GED.

Mr. Speaker, by opening this up, there are no requirements on the States. The States can then determine what is in the best interest of the people in their own State. We should not mandate how the States respond to the educational needs of their own citizens. It is their decision, not ours under the substitute.

Mr. Speaker, that is flexibility. That is what the States want. The Republican bill moves in the opposite direction and takes away flexibility. The Democratic substitute provides more resources. We do that. We provide $11 billion of new resources in mandatory spending for child care, unlike the Republican bill which is $1 billion in mandatory spending.

The Congressional Budget Office has indicated that is necessary, otherwise we are imposing additional mandates on the States without providing the resources. I thank the gentleman from California (Mr. STARK) and the gentleman from California (Mr. GEORGE MILLER) for bringing forward the child care issue. I regret their amendments were not made in order.

The substitute also provides for an inflationary increase of $6 billion over the next 5 years for the basic grants to our States. If we do not do that, we will have level funding for 10 years, and we would actually have had a decline of a significant amount of dollars available in real purchasing power.

I have heard the Republicans comment the caseload is down. That is not true. Cash assistance is down, but the

people being served by TANF funds is actually increasing because we are now providing employment services and day care to Americans who are working.

We also provide additional incentives to States to get people out of poverty. The Democratic substitute moves forward in removing the discrimination against legal immigrants. We allow the States at their discretion to cover legal immigrants with their TANF funds, and we make progress in both SSI and Medicaid in covering children and Medicaid for pregnant women.

Mr. Speaker, the Democratic substitute moves us forward to the next plateau, to the next level of expectation on our States. We provide the flexibility and the resources, but we hold our States accountable to not only get people out of cash assistance off of the welfare rolls, but so American families can also move out of poverty.

Mr. Speaker, let me close this part of the debate by citing two of the groups that are in support of the substitute, and there are many others. First, the Children's Defense Fund when they say: ''Children deserve the chance to grow up out of poverty. The Democratic substitute bill represents genuine progress for families with children to escape from poverty. I urge you to take the opportunity to help these working families to ensure that we truly Leave No Child Behind.''

From Catholic Charities U.S.A.: ''We believe your substitute will help families escape both welfare and poverty, and we offer our strong support.''

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

Mr. THOMAS. Mr. Speaker, I rise in opposition to the amendment in the nature of a substitute.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) is recognized for 30 minutes.

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

I guess one of the things we could do is run an auction on bills like this in which each provision goes to the highest bidder. If that is the case, our friends on the other side of the aisle would win every time, that is, as long as we were using Monopoly money. But if we were using real money in terms of having to pay for what it is that we say we are offering to the American people, then the proposal that came out of our committees that we have just finished discussing fits within the budget that this House passed.

The program that was partially outlined by the gentleman from Maryland (Mr. CARDIN) adds up to about $70 billion over 10 years. There is no money provided for it. The gentleman got up after virtually every speaker and talked about an unfunded mandate. What the gentleman will not talk about is the fact that they have over a billion dollars imposed upon States in their proposal requiring States to meet an inflation number in the States. That produces a mandate on the States of more than a billion dollars. So what we really want to do as we discuss this is not who is able to stack up the most Monopoly money in front of someone as to show how much they care about this issue, how much of this is real, how much does it have a chance to become law, and how much does it fit within the other spending patterns that we have already committed ourselves to.

Mr. Speaker, that is the real question, and there this substitute is fatally flawed.

Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. TAUZIN), the chairman of the Committee on Energy and Commerce.

□ 1330

Mr. TAUZIN. Mr. Speaker, I thank my friend for yielding me this time. I simply want to rise in opposition to this alternative offered by the Democrats for one of the many reasons that I hope we oppose it, but for an important one. The Democrats will argue that they want to put flexibility into the title V funding for abstinence-only education programs. What that means is they want to give the States the right to mix messages, to combine their contraceptive-focused programs with the programs that help young people understand that there is another choice called abstinence.

We included the definition of abstinence education in the statute to protect the abstinence-only message from being diluted with the message of promoting condom or contraceptive use. We literally have to oppose an effort that will give the States the flexibility to mix those messages back up again. There are 25 different Federal programs funding contraceptive-focused education. There are only three income streams in the law that fund abstinence-only education programs and they are not mandatory on the States. The States have the flexibility, if they want, to opt out of the abstinence-only programs.

As a matter of fact, 49 States choose to opt in. They like the programs. They put up $3 for every $4 that the Federal Government puts up. And if a State does not really like this program and does not want to be a part of it as the one State, California, does not want to be, they can abstain from the program. The other States like it, choose it, accept it, and the result is that abstinence education is reducing teen pregnancy, reducing the incidence of transmitted diseases from sex and teaching young people that there is a better way, there is a better way to prepare themselves for a life in which they will not be afflicted with awful sexually transmitted diseases or the prospect of having a child in their teen years that they are not prepared to rear and a child that will grow up likely in poverty in our country.

I urge my colleagues not to mix these messages, to continue the great progress of the 1996 act, to allow abstinence-only education programs to work in our country, and to give our States what they already have, the flexibility to opt into these programs or to opt out but never to allow them to confuse the messages. Our kids need positive messages, not confused ones.

I urge my colleagues to oppose the Democratic substitute.

Mr. CARDIN. Mr. Speaker, let me just point out to the gentleman from California (Mr. THOMAS), my chairman, that this bill spends less than half of what the farm bill spent and will not even keep up the share of the Federal spending on these programs with the increase.

Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY), one of the coauthors of the substitute.

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

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) for his leadership and the gentleman from Wisconsin (Mr. KIND) for his partnership in putting together this substitute. Our substitute offers Members a clear alternative to H.R. 4737. The Democratic substitute builds on what we have learned in welfare reform over the past 6 years. The most important thing that we learned is that it is not hard to get people off the welfare rolls, particularly in a good economy. But it is especially easy if we do not care where they end up. But if we want people to go from welfare to self-sufficiency, then we have to work a little harder.

The guiding principle of the 1996 welfare reform was that welfare was the enemy. Welfare mothers were demonized. But the enemy is not welfare, Mr. Speaker. The enemy was then, and is now, poverty. This substitute will enable States to give welfare recipients the supports and services they need to get real jobs and lift themselves and their families out of poverty.

First of all, our substitute will allow education and training to count as work for up to 24 months, up to and including an AA employment-related degree. The most recent census report shows that the median income of women who have an associate's degree is just under $24,000 a year. This is more than twice what a woman who works full-time at a minimum wage job earns. We know that education pays, and that is why the Democratic substitute makes education count.

The vast majority of welfare recipients are single mothers. They cannot go to school or work if their children do not have child care. That is why the Democratic substitute adds an additional $11 billion in mandatory funding for child care over 5 years. As many of my colleagues know, 25 years ago, when my children's father left me and my three young children, ages 1, 3 and 5, I had to turn to welfare, even though I was working, in order to pay for child care and other basic necessities.

The first year it was bad enough that I went to work. I had never intended to leave my children and go to work. It was bad enough that their father abandoned us. But the very worst part of the whole thing was trying to find child care. That first year I had 13 different child care arrangements. Can you imagine what that is like? Finding new child care, watching your children make that adjustment, losing that care and starting over again. Thirteen times in 12 months. It is an absolute miracle that my children are the wonderful young adults they are today.

It was only after I was confident that my children were well cared for that I was able to concentrate on my work, and within a year I was promoted to a management position.

Mr. Speaker, this substitute does that for all the other women who need it.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. I do want to correct the record, because I indicated that the substitute bill requires a mandatory payment by the States of $1 billion. My understanding is that that is only in the fifth year. My correction is that actually the Congressional Budget Office says that that is an inflation mandate of $3.6 billion over 5 years.

We have fallen into the lexicon of the Federal Government and the State. The State pays, the Federal Government pays. Obviously it is the taxpayer who pays, whether it is at the State or the Federal level. So as we are discussing the costs of these bills, let us remember, somebody has to put up the taxes to pay for them.

In regard to the direction and the thrust, I find it interesting that 6 years ago when we first offered this proposal on the floor, the substitute that was offered, in fact, saved $50 billion over 6 years because they thought the enticement of saving money in this system would convince enough people to vote with them rather than the reform of requiring people to work. Six years later, when they know that requiring people to work works, their substitute now spends $20 billion over 5 years. And so if you cannot beat them, join them, and throw a few more dollars at the problem seems to be the direction that the substitute is going.

Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the Committee on Ways and Means.

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

Mr. HAYWORTH. Mr. Speaker, I thank my chairman for yielding me this time.

Mr. Speaker, I appreciate the words and heartfelt conviction of my friend from California. I do not doubt her intentions. The important thing in terms of public policy is to step back and see what can bring the greatest good. I appreciate that my friend from California is a living embodiment of an exception in a previous policy that just was not working. What we have done over the last decade, or the last half of a decade, is to change this program, to incentivize and require work.

That is why I rise in opposition, not to score political points but to take a look at what we have been able to do in the last 6 years. If we enact the substitute offered by my friends on the other side, we will weaken work requirements. This would provide partial credit toward work rates for adults who work as few as 10 hours a week while collecting full welfare benefits. Their substitute would add a new employed leaver credit. According to estimates from the Health and Human Services, it would effectively eliminate the work requirements in the year 2003, reducing from 50 percent to 2 percent the share of the welfare caseload expected to work.

What I think is important here is that we not reduce work requirements, because, after all, it is incentive to work that brings about true reform, and in the final analysis the best social program is a job.

With all due respect, the substitute offered by my friends, though it is not the intent of the other side, in essence it would promote welfare dependence. It would allow recipients working 2 days a week to stay on welfare forever.

And my chairman mentioned the bottom line, the cost of this substitute. Not only $70 billion over the next 10 years but my friends who on so many different projects say ''Let's watch deficit spending,'' for this program they offer no budgetary offsets. Sound public policy requires under our budget rules offsets to bring this forward. It is not there.

For those reasons, I have to rise in opposition to the Democratic substitute.

Mr. CARDIN. Mr. Speaker, let me remind my friend that just a week ago, we approved over twice as much for the farm bill, without offsets.

Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Wisconsin (Mr. KIND), one of the coauthors of the substitute.

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

Mr. KIND. Mr. Speaker, I am one of the cosponsors of the Democratic substitute and I also rise in opposition to the Republican base bill.

Mr. Speaker, we have a tale of two different visions here between these two bills: Our vision that believes in maintaining the importance of State flexibility and State innovation in implementing the next round of welfare reform, that believes in empowering the individuals on welfare reforms through access to education and a job training programs and that believes that we need to be careful in regards to what we do with the children of these families. We provide the resources to help with quality child care services because we know that those on welfare are not going to enter the workforce if they know the kids are not properly being taken care of in a quality environment. That is in contrast to the Republican version, which is very long on conservatism and very short on compassion.

If everyone truly believes that welfare reform should be about welfare to work, then why do we not create an incentive rewarding States that help welfare recipients get decent, meaningful jobs? That is exactly what we accomplish with the Democratic substitute with an employment credit rather than a caseload reduction credit that they want to continue under current law. Their approach is to reward States for merely kicking people off the welfare rolls yet we do not know what happens to them because there is a paucity of data in regards to where the families are, what they are doing and what happens to the kids.

The other important link with this is making sure that there is a greater responsibility for the noncustodial parent. Our bill provides an incentive for States to make sure that noncustodial parents, fathers of these kids, to get a job and contribute with child support payments rather than the entire burden falling on single mothers. Their approach is a $300 million experimental marriage counseling program that we have no information on whether it even works given again the paucity of research in this area.

Finally, we must recognize there are those on welfare that are there for a reason, either because of domestic abuse, sexual assaults, cognitive and physical disabilities. Our legislation recognizes the most vulnerable in our society and gives States the flexibility they need in order to deal with those unique cases. I encourage support for the substitute and reject the Republican alternative.

The Republican bill is a step in the wrong direction; it replaces state flexibility with unfunded mandates, it promotes make-work at the expense of wage-paying employment, and does nothing to help families escape poverty when they leave welfare for work. I worked closely, however, with Representatives CARDIN, WOOLSEY, TANNER, and THOMPSON in crafting a Democratic substitute that better assists the states in moving families from welfare to work and I empower individuals so they can become self-sufficient.

During consideration of welfare reform in the Education and Workforce Committee I offered three amendments that would have improved the base bill. The first amendment was an employment credit; the second amendment would have given states incentives to put fathers to work so they could pay child support; and the third amendment would have allowed states to consider domestic abuse or sexual violence in the development of families' self-sufficiency plan. Unfortunately, I withdrew the fatherhood amendment under the agreement that Leadership would continue to work on the amendment between committee consideration and the floor. They did not, however, stand by their commitment and excluded this amendment

from HR 4735. Furthermore, Leadership adopted the domestic violence and sexual abuse amendment by voice vote in committee but did not include it in the final bill.

Yesterday, in the Rules Committee I offered the employment credit amendment with Congressman LEVIN and I offered the fatherhood amendment with Congressman ROEMER. Yet, once again, the House Leadership voted against my amendments and prohibited them from consideration on the House floor.

THE DEMOCRATIC SUBSTITUTE

The Rules Committee did, however, accept the Democratic substitute as part of the Rule for debate on the House floor. As one of the new Co-chairs of the New Democrat Coalition, I am pleased that the substitute incorporated many of the New Democrats' suggestions. In 1996, one of the signature New Democrat initiatives was the successful welfare reform legislation. Centered on the principle of ''work first'', this approach, coupled with efforts to make work pay, has succeeded where previous attempts to reform welfare failed.

Our Democratic substitutes strengthen the current work requirements. It increases the work participation rate to 70% and increased the number of direct work activities hours from 20 to 24 hours. These increased work requirements are consistent with the president's proposal. In addition, the caseload reduction credit is replaced with the employment credit, which I offered in committee. Our substitute also provides states with an additional $11 billion for mandatory childcare funding over five years; it increases the set aside for child care quality from 4% to 12%; and it provides an inflationary increase for the TANF block grant. Conversely, the Leadership's bill would impose nearly $11 billion over the next five years in unfunded mandate on the states, without the additional resources we include in our substitute. In Wisconsin, my home state, the unfunded mandates would add another $134 million over five years to the state's current $1.1 billion budget deficit.

Our substitute also provides the states with the flexibility and freedom to innovate. Specifically, it allows states to count education and training towards its participation rate for up to 24 months. This is significant because the most promising state programs that help welfare recipients obtain and advance in a job combine a ''work first'' approach with supplemental training and education. The Republican proposal eliminates vocation educational training from the list of work related activities that count towards the State's participation rate and limits other education and training to a mere four months.

Further, our substitute allows states to assist legal immigrant families with federal TANF funds while the Republican bill would maintain the ban on providing legal immigrants with Federal assistance.

EMPLOYMENT CREDIT AMENDMENT

Current law rewards states for removing people from the rolls. Because the credit does not take into account whether welfare leavers are working, states can win reductions in their participation requirements without actually helping leavers find jobs. Further, because caseloads are at historic low, states will have a difficult time benefiting from the revised caseload reduction credit included in HR 4735. Even the president eliminated the caseload reduction credit in his proposal and replaced it with his own employment credit.

We need to shift the focus and reward states for not only moving families off the rolls but also for moving them into jobs, with a bonus for moving them into higher-paying jobs. The amendment I offered during mark-up in committee would have done just that by replacing the caseload reduction credit with an employment credit. Under the employment credit, for every one percent of welfare recipients that leave the rolls for work, the state's work participation requirement would be reduced by one percent. In addition, it would have increased state flexibility and measured the state's performance along the entire continuum from welfare to work.

NONCUSTODIAL PARENT AMENDMENT

The first round of welfare reform required low-income mothers to work rather than make welfare a way of life. Reauthorization, however, should challenge the fathers of TANF children to also be responsible for raising their children. Thus, I offered an amendment with Congressman ROEMER during committee mark-up that would have rewarded states with a credit towards its worker participation rate if they worked with fathers to increase their employment and pay child support. The additional piece to this amendment would have rewarded states even further, with a bonus to states that achieve or exceed employment performance targets. This bonus was authorized at $100 million, and the money would have come from the funding for the Family Formation and Healthy Marriage program. While very little research exists about marriage and its direct benefit to children, substantial research shows working fathers most effectively improves children's emotional and financial well-being.

DOMESTIC AND SEXUAL VIOLENCE AMENDMENT

Violence is a fact of life for too many poor women; as many as 60% of women receiving welfare have been victims of domestic violence as adults. The incidence and severity of violence in their lives can keep them from escaping poverty. Therefore, the amendment I offered in committee would have required states to screen women on welfare to determine if they have been subjected to domestic or sexual violence and then states may refer them to necessary services. It is unfortunate that this assessment will not be included in the development of families' self-sufficiency plan. It is critical that these women receive the necessary assistance to help them heal and escape poverty.

CONCLUSION

While it is unfortunate that my amendments were not included in the base bill, I am pleased to be a lead sponsor of the Democratic substitute and to have the opportunity to offer it on the floor today. My colleagues and I worked hard to reach a compromise that we think will best serve our nation's various populations and their needs. Most importantly, our alternative will allow states to focus on placing welfare recipients into real jobs and helping them escape poverty. That should be our number one priority, which sadly, the Leadership's bill does not accomplish.

Mr. THOMAS. Mr. Speaker, I would indicate that the gentleman from Wisconsin in his substitute is willing to impose $58.5 million of mandated increases to the taxpayers of Wisconsin.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. I thank my colleague from California for yielding me this time.

Mr. Speaker, the first thing I notice about the Democratic substitute is that, at least on the surface, it has no quarrel with strong work requirements. This really tells me they have come a long way since 1996, when many of my friends on the other side of the aisle made so many doom-and-gloom predictions about how welfare reform would bring about the end of civilization as we know it. Former Senator Pat Moynihan famously said that those who supported the 1996 reforms would ''take this disgrace to their graves.'' Mr. Speaker, I am one who voted for the bill and proud that I did.

This is why I am supporting the underlying bill today. By strengthening the work requirements and expanding flexibility, it builds on what is really best about the 1996 act. And while the Democrat substitute is a sign that my friends on the other side of the aisle are reconciled to welfare reform, it is also a sign they are unwilling to move beyond the status quo.

□ 1345

While caseloads have declined dramatically since 1996, there is room for improvement. Fifty-eight percent of TANF recipients still are not engaged in any work-related activities. Now, there is one place where the substitute offers radical change, and that is in the area of child care. It proposes spending $11 billion more on child care over the next 5 years.

Mr. Speaker, to say this is generous would be an understatement. After not having even offered a budget here on the floor, our Democrat friends are asking for huge spending increases without even attempting to pay for them. Where would all this additional child care money come from? We have no idea. In contrast to this fiscal irresponsibility, the underlying bill supports a $2 billion increase in child care and development, and we pay for our proposed increases.

The backers of the substitute are making the claim that the underlying bill does not do enough for education. Mr. Speaker, the claim is dead wrong. Under our bill, the welfare recipients can attend school full-time for 4 months in any 2-year period, and can spend up to 16 hours each week getting education and training to help further their ability to obtain gainful employment.

As chairman of the Committee on Education and the Workforce, let me remind my colleagues of the $66 billion Federal education budget already available to low income individuals, including Pell Grants, student loans and Perkins loans. While these programs are taken into account, it is clear that the welfare recipients will have time and the financial help they need to seek an education.

Mr. Speaker, we need to build on the success of the 1996 welfare reform law. I do not think the substitute we have before us does adequately strengthen the work requirements. It includes wildly unrealistic spending increases, and I urge my colleagues to defeat the substitute and vote ''yes'' on the underlying bill.

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

Mr. Speaker, I know the gentleman from California (Mr. THOMAS), my chairman, wants the record to be accurate, so let me just clarify the point he made about the States' maintenance of effort requirements, which is current law. Wisconsin would receive well over $58 million in additional Federal support over and above the substitute, plus under the Republican bill they would truly have an unfunded mandate of $89 million. So I thank my friend the gentleman from Wisconsin (Mr. KIND) for looking after the citizens of Wisconsin.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON), a coauthor of the substitute.

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for his good work on this substitute.

Mr. Speaker, I come down this afternoon to the floor to speak in favor of meaningful welfare reform, to speak in support of the substitute measure. The first goal of welfare reform should be poverty reduction, and this bill does reduce poverty by equipping people with the tools they need to find meaningful employment and then be able to keep that job once they get it. Many States have already found what works in their State, what is successful welfare reform, and that is because they have the flexibility to provide specific needs to the people in their State.

My State of California is a prime example of that. We have figured out how to make welfare reform work. We have crafted a plan that puts people to work and works for the people in our State. Under our welfare reform, because of that flexibility, California has tripled the number of welfare recipients who have moved into employment, and their average monthly earnings has significantly increased. We have reduced our caseloads by over 40 percent in California. Unlike the underlying bill, the substitute continues to allow that flexibility to work.

With 45 States experiencing budget problems right now, the unfunded State mandates in the majority's bill are unaffordable to all States. I ask Members to support the substitute bill.

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

Mr. Speaker, I find it ironic that the gentleman from California is supporting a substitute which, if they want to receive the carrot in the bill, they are required to deal with the stick, which is a mandated inflationary payment by the State of almost $1 billion over 5 years, $944 million, in a State which has just discovered under the Democratic Governor we have a $24 billion tub of red ink to begin with, and that my colleagues on the other side of the aisle are more than happy to dump additional red ink into that cesspool in California.

Mr. Speaker, it is my pleasure to yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON), the chairman of the Subcommittee on Health.

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

Mr. Speaker, in my brief time, I want to direct myself to the requirements in this bill. First of all, the real work requirement is almost unchanged from current law. Under current law a person must work 20 hours a week. Under this bill they must work 24 hours a week. That is three 8-hour days.

What is really changed in this bill is the opportunity requirement. And let us not miss this. In this bill you are required to plan how you are going to use the other 16 hours of the normal 40-hour workweek to create your own future. If you have substance abuse problems, part of that plan can be to deal with substance abuse. If you have mental health problems, part of that plan can be to deal with your mental health problems. If you have educational deficits, part of that plan can be to deal with your educational deficit.

You have the whole 3 months, even a semester, to start out on your educational issues without any work requirement, even the 3 days a week, and, after that, you have Tuesdays and Thursdays, 2 days a week, to continue to pursue your degree.

You do not have that under current law, and most low income working parents do not have that today. Only women coming off of welfare will have the opportunity, and that is why I call it the opportunity requirement, to plan for the additional 16 hours, working with the State, in such a way that they create for themselves the educational base from which they can develop their careers.

I would point out that in this bill there are employment achievement bonuses. Those will go to States that create career paths for their people; that help people coming off welfare get into minimum wage jobs, but then help them move up through education and through performance and through good recommendations to higher paid jobs.

So the vision in this bill for women is about hope and opportunity, planning one's own individual course of action, so that at the end of your time you not only will be in the workforce, but you will be earning a good living to support your child.

Make no mistake about it: The other bill has no vision for women on welfare now and no vision for our future. The waiver provision in this bill is the only hope of us breaking out of both a committee structure and a series of funding streams that were set 50 years ago. Fifty years ago. How many times have we had hearings that said that? And what did the workforce investment bill do? It block granted job training money so people could benefit more.

We need for States to integrate their systems so we treat people holistically. You have a problem; yes, you need a job, your children may need special assistance, you may need a special kind of food stamp help. We need to move States toward a more holistic approach, a more creative and visionary approach of how to help people in need in America.

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

Mr. Speaker, if you believe in vocational education, you do not restrict the States, you give them more authority, and that is what the substitute does.

Mr. Speaker, it is my pleasure to yield 2 minutes to my friend, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding me time.

Mr. Speaker, our conservative friends must have checked their compassion at the door when they put this bill together.

Make no mistake, government assistance is not a free meal. If you receive assistance, in my opinion, you have the responsibility to work, if you can. Work builds self-esteem, increases independence and strengthens our families, our communities and our society. That is why, Mr. Speaker, I strongly supported bipartisan welfare reform in 1996.

But this Republican bill is a step backwards. It sets up unrealistic requirements, it fails to provide necessary funding and it imposes an $11 billion unfunded mandate on the States.

This bill would double the number of required worker hours for mothers with children under 6. However, it would flat-fund assistance for child care even though 15 million eligible children today go uncovered. It is nice to talk about opportunity, but if you do not have the necessary child care, you will not be able to avail yourself of those opportunities.

This bill, in my opinion, discriminates as well against legal immigrants, prohibiting States from using Federal funds to assist them, not giving them the choice, the option, in Federalism.

It even would eliminate education from the list of activities that count toward work requirements, and it would flat fund temporary assistance to needy families. I ask my Republican friends, where is the compassion in that? You voted a few months ago to give Enron $250 million in corporate welfare and a handful of major corporations billions of dollars more, and now, now you want to crack down on a single mom who is trying her best to work and still take care of her kids.

That is not common sense. It is not compassionate. It is not even conservative. It is, however, shortsighted and punitive, and, therefore, may well be consistent.

I urge my colleagues to vote for the substitute and against the underlying bill.

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

Mr. Speaker, I would note that the gentleman from Maryland at the same time he urges that is telling the hard-working taxpayers of Maryland that he wants to create a $61 million stick for them to receive any of the proposals that he is talking about.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I want to make it absolutely clear that the opportunity bill is the underlying bill, and I strongly oppose this proposed substitute because it will truncate opportunity for women in our country and undercut the accomplishments in reducing poverty among children and helping women realize their potential that the current program has initiated.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. HERGER), the chairman of the Subcommittee on Human Resources.

Mr. HERGER. Mr. Speaker, I rise in strong opposition to the Democrat substitute. This substitute weakens work requirements, is fiscally irresponsible and ties the hands of States.

We have found from the successes of the 1996 welfare reform legislation that work is the best path from poverty to self-sufficiency. This substitute resurrects the failed AFDC program, which was weak on work and trapped recipients into a cycle of dependency.

This substitute would increase welfare dependency by allowing a recipient to work as little as 2 days a week and stay on welfare forever. Without work, recipients have no hope to leave poverty and support themselves.

Furthermore, the substitute is fiscally irresponsible. It would cost the working taxpayers about $20 billion over the next 5 years. Unlike the Republican plan, this amendment contains no offsets to pay for the additional spending.

My friends from the other side of the aisle speak of fiscal responsibility, but show none in this substitute. In addition to being fiscally irresponsible and weak on work, the substitute places more burdens on the States and actually limits their flexibility. Over the next 5 years, States would be forced to spend more of their own money on welfare, despite the fact that rolls are going down. States must establish complicated new regulations restricting their ability to place recipients in work experiment and community service programs. Also under the substitute, the States are restricted in enforcing the expectation that recipients work.

Mr. Speaker, I urge my colleagues to oppose this substitute, which represents a step back in welfare reform.

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

Mr. Speaker, I understand the Republican sensitivity on the dollars because the people of Maryland over the next 5 years will get significantly more Federal help for their $61 million investment. But under the Republican bill they have to lay out $144 million and they get nothing in return. I can understand the sensitivity that you might have on the other side of the aisle on our States.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

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

□ 1400

Mr. MENENDEZ. Mr. Speaker, today the Republican leadership, the party that wants to be known as the education party and that has gone to great lengths to win Hispanic votes, has proposed a welfare reform bill that proves their rhetoric does not match their reality.

Instead of providing and expanding educational opportunities for all, the Republicans deny poor people the opportunity to get an education, to get a better job, and to get their family out of poverty permanently. Instead of providing an equal opportunity for permanent residents who are here legally and who have worked hard, paid taxes, served in the Armed Forces of the United States in many cases, are veterans of our country, and who have fueled the economic boom of the last decade, Republicans refuse to give them the helping hand they need to get back on their feet. The current recession has not bypassed Hispanics, but the Republican welfare plan does.

It is ironic to me that less than a week before Republicans planned to pour millions of dollars into new Spanish-language infomercials to woo Hispanic voters, they refused to invest any money in helping poor Hispanic families get the education and training they need to lift themselves out of poverty. What family value refuses to invest the money needed to provide child care to those families who are making every effort to work, but still cannot afford the cost of child care?

Today we see the true meaning of ''compassionate conservatism,'' and there is nothing really compassionate about it. The Republicans' new marketing strategy should really be called ''la mentira grande'' or ''the big lie'' instead of forging new paths, because today's bill shows that Republicans really have no intention of helping people forge new paths. Their rhetoric simply throws up roadblocks on the highway of opportunity.

I will tell the gentleman before he gets up that Republicans have already left New Jersey with a $6 billion deficit.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume. I was prepared to yield the gentleman from New Jersey a little more time so that he could cover up his tracks, because 6 years ago he voted to keep people on the program, he was opposed to the program. Now, of course, what they want to do is outbid people with Monopoly money to show how compassionate they are and how people work. They were wrong then and they are wrong now.

Mr. Speaker, it is my pleasure to yield 4 minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Mr. Speaker, I appreciate the gentleman yielding me this time. I was not planning to get into the issue of legal immigrants, but I would think that some people might take from the last comments that somehow the underlying legislation takes benefits away from legal immigrants. No es verdad.

The truth is that there is no change with regard to illegal immigrants in this legislation. If anything, we have improved the benefits for legal immigrants because in the farm bill which was just passed we are now providing food stamps for legal immigrants. So I hope the gentleman is not trying to leave the wrong impression.

Mr. Speaker, the underlying bill I think is a great improvement to a great law. Since 1996, there are nearly 3 million children who have been lifted out of poverty. This has been a huge success. What the legislation does before us today, the underlying bill, is it builds on what works.

I had the opportunity last week to go visit one of our great organizations back in my hometown of Cincinnati that is taking the flexibility we gave them in 1996 and helping people move from welfare dependency to the kind of dignity and self-respect they get from work. They fix someone's car if it is broken, they help people with child care, they help people with medical bills. They provide that bridge, and they are flexible about it. They like this new flexibility built into the legislation. They are using this already, and they want more of it.

What has worked is requiring work. What has worked is strengthening families, and the underlying bill does that better, I would say, than the Democrat substitute. What works is protecting children, improving child care, and there is more money in child care in the underlying bill. In the Democratic substitute, there is more money, but it is not paid for. Creating additional opportunities, yes, for education and training, that is important and that is in the underlying bill and, finally, giving the States the tools to encourage self-sufficiency, and that is the flexibility.

I have heard some of my colleagues on this side say gee, to quote the gentleman from Maryland, not the gentleman from Maryland who is here, but the one who left, it fails to provide adequate funding, the underlying bill. Well, I do not know how they can say

that. We have had a more than 50 percent reduction in the welfare rolls; and yet we are continuing the Federal commitment. So we are going to be providing over $16 billion a year. We are not cutting the TANF funding, plus we are adding another at least $2 billion on child care. In 1996 we were paying $7,000 per family on average. In the year 2003, we are going to be paying $16,000 per family on average. How is that a cut? How is that not adequate funding?

Then I hear the debate over the unfunded mandate, and I was the author of the Unfunded Mandate Relief Act, and I have to tell my colleagues, I have the letter here from the Congressional Budget Office. This is not an unfunded mandate. The underlying bill is not an unfunded mandate. Why? Because as we all set out, and I know the gentleman from Maryland and my other colleagues voted for the unfunded mandate bill, we said that if you give States the flexibility to be able to move money, transferred monies from agency to agency and give adequate flexibility, then it is not an unfunded mandate, and that is what CBO says.

So with regard to this unfunded mandate, let us just be clear. We have a process here in Congress where the Congressional Budget Office, a nonpartisan part of our congressional organization here, decides whether something is an unfunded mandate or not, and they have told us there is adequate flexibility and adequate funding in here, and it is not an unfunded mandate.

So with all due respect to my colleagues on this side who I know have the best intentions to try to pull more people out of poverty and into work, I think the underlying bill is a better approach to it. I hope that my colleagues today will reject the substitute and stick with what we know works, and that is encouraging work and encouraging sufficiency and doing so, yes, with a compassionate edge and providing more funding per family than has ever been provided by the Federal Government.

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

Mr. PORTMAN. I yield to the gentleman from Maryland.

Mr. CARDIN. Mr. Speaker, I appreciate the gentleman yielding. I just wanted to correct the gentleman in that the caseload has actually gone up significantly. More people are now receiving noncash assistance than cash assistance, and that is good; and therefore the amount of money being spent is being spent on purposes such as job training and child care, which I believe your party supports.

Mr. PORTMAN. Mr. Speaker, reclaiming my time, that is why there is more funding being provided for each welfare family, because as we provide those additional services, there is additional funding needed; and the underlying bill provides that. Yet it sticks to the basic formula that we know works, which is, again, helping people to help themselves and believing in people and trusting people, and understanding that every person has the ability to get on their own feet and to be able to provide for themselves and their families, and that is what they want to do.

Mr. CARDIN. Mr. Speaker, normally the gentleman from Ohio's math is a little better than it was today.

Mr. Speaker, I am proud to yield 1½ minutes to the distinguished gentlewoman from California (Ms. PELOSI), the Democratic whip, formerly from Maryland.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Maryland for yielding me this time and for his leadership on this important Democratic substitute that is on the floor today.

Unfortunately, our Republican colleagues refuse to allow the Democrats to bring an amendment to the floor which would talk about child care, which is one of the most serious deficiencies in their bill. It is loaded with deficiencies; but if I could talk about one, it would be child care.

The Democratic substitute gives women and their families the tools to leave poverty behind. It gives women access to job training, education, and the chance to make better lives for themselves and their families. It gives the States flexibility to implement the best approach. It focuses on real work and helps families escape poverty and achieve permanent employment.

The Republican bill that is on the floor not only short-changes the important component of child care, which is essential to women lifting themselves out of poverty, it also foists on the States additional funding requirements to implement the requirements of H.R. 4737. In my own State of California alone, a $2.5 billion addition in costs to California, costs we can ill afford in a time of deficit, and that is required by this bill.

But I want to talk again about child care. The complete missing link in lifting people out of poverty and putting people to work is the answer to the question, Who is going to take care of the children? We all talk about family values here; and we are all committed, both Democrats and Republicans alike. But why is that not reflected in the Republican bill? The Democratic substitute puts five times more resources to really enable women to get educated, to work, to lift their families out of poverty. I urge a ''yes'' on the substitute and a ''no'' on the Republican bill.

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

Once again, as a Member from California, California currently, under the Democratic Governor, is $24 billion in the red and this would add another $1 billion over 5 years of an induced stick, if they want to receive the illusory benefits under the bill. Once again, as my colleagues can see in the well, I find it ironic that just 6 years ago, the gentlewoman from California said, ''I hope children throughout this country never have to feel the pain of this legislation. I hope it does not pass.'' Indeed, there was offered a substitute which would have saved money in an attempt to not have the legislation go forward. Of course, now that we know the process works, as the gentleman from Missouri (Mr. GEPHARDT) said it works, they are now offering a substitute which throws money at the problem.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, the gentleman is correct, I did not support it, because I thought the bill was harsh to newcomers to our country, and some of those provisions have been corrected over time due to the leadership on this side of the aisle. The gentleman's colleague, the gentleman from Ohio (Mr. PORTMAN), earlier referenced that in the farm bill there would be food stamps for immigrants, yes; again, an initiative from this side of the aisle. So there has been some of the harshness removed from the provisions of the earlier welfare reform bill and, I may say, during the Clinton administration, a thriving and dynamic economy that indeed lifted up our economy and lifted many people out of poverty.

Mr. THOMAS. Mr. Speaker, reclaiming my time, the gentlewoman well knows that the proficiency she just referred to in the farm bill for immigrants was signed by President Bush and moved out of this House. However, in an attempt to make sure that they do not agree with the fundamental thrust of this proposition, they have a substitute that spends $70 billion of money that is not covered in any budget to show that they rate higher on the compassion level, because they will never accept the proposition that Republicans care, Republicans are concerned, and Republicans have programs that work. They prefer illusory solutions to the real thing. Republicans offered the real thing in 1996, and they offer it today.

Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. BRADY), a member of the Committee on Ways and Means.

Mr. BRADY of Texas. Mr. Speaker, the facts show that the economy, as good as it has been, did not bring about the progress in reform and welfare that occurred. In fact, during the 1980s and even through the first 2 years of President Clinton's administration, we created some 18 million new jobs. That is great. But welfare rolls continued to skyrocket. It was not until 1996 when we put these reforms in place that we really started to have able-bodied people, able-minded people, those capable of working getting back to work, because we set such high standards.

I served in the Texas legislature when we did welfare reform just 2 years before Congress took it up. I am convinced this is one of the most successful reforms in history between governments and States working together. We

have come such a long way from the days where someone who is capable of working could not work for 15 years or more and still receive welfare benefits. That was giving up on them, and we no longer do that. It is important that as we debate this substitute we not go back to those failed experiments.

My concern is that we take in this substitute an AFDC program that was good in intent and just horribly unimpressive, to say the least, that exempted various recipients; it gave up on too many people. Let us not go back to this. This substitute provides partial credits toward work rates for adults who work very few hours during the week. Again, we are not insisting, not encouraging, not moving them to self-sufficiency. None of us work 10-hour workweeks, and we ought not expect that of those we are trying to help.

Education is so important, but we cannot reward people who will not get a job or cannot get a job by paying them to go to school. It actually ought to be the opposite. Those who make that extra effort to get a job, to learn that skill, and to go to school, we provide help and standards for both of those; and I think long term, that is the route to go.

Finally, I think when we look at the substitute, it is well intentioned; but it actually, I think, increases welfare dependency and poverty and seriously undermines the time limits that have been such a key part to, again, not giving up on any person capable of being self-sufficient and having a job.

My point is that our job is not finished. We have a lot more people that we can help get out of poverty and off of welfare, helping them get an education, helping them develop their skills, and insisting that they move toward what all of us hope to do, to work full time in a job that one can raise one's family and live on and move from welfare to work. The Republican bill does exactly that. It continues what works, invests in success; and that is what we should stick with.

Mr. CARDIN. Mr. Speaker, let me just point out that in the motion to instruct on the agricultural bill concerning food stamps, all of the Members and the Republican leadership voted against it to cover legal immigrants.

Mr. Speaker, I yield such time as he may consume to the gentleman from Rhode Island (Mr. KENNEDY).

(Mr. KENNEDY of Rhode Island asked and was given permission to revise and extend his remarks.)

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise in support of the Cardin substitute and against the leave-the-millions-of-children-behind act that is currently before the House of Representatives.

Mr. Speaker, I rise today to support the substitute legislation. We have done a good job with welfare reform in Rhode Island. Our program, one I would have supported implementing nationally, has promoted a steady decrease in our welfare caseload. Today, while other states' caseloads are growing, Rhode Island's continues to drop.

Our steady progress can be attributed to the policy decisions we made to invest in families to help them gain the skills to obtain and retain jobs. It also provides the resources for child care which enables people to work. But the biggest problem with this bill is that while increasing work requirements for recipients, it only provides a modest increase for child care, barely enough to keep up with inflation. Let's examine the logic here. Increase work requirements for mothers with children under six years old, yet not provide enough money to pay for care for their children while they're out working.

Since 1996, there have been tremendous advances in how we understand early childhood development. We know that the preschool years are critical to children's long term success, because that's where they learn the cognitive and social skills needed to succeed in life. Not only does this bill not improve accessibility to quality early childhood programs, it's going to add to the millions of children already on waiting lists who, as a result, are falling behind before kindergarten even starts.

I urge my colleagues to defeat this misguided legislation and support the substitute.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the delegate from Guam (Mr. UNDERWOOD).

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

□ 1415

Mr. UNDERWOOD. Mr. Speaker, I thank the gentleman from Maryland (Mr. CARDIN) for yielding me time.

Mr. Speaker, I am here to express my opposition to the base bill and to speak on behalf of inclusion, to speak on behalf of child care, to speak on behalf of true compassion, to speak on behalf of the Democratic substitute to H.R. 4737.

There is no compassion in requiring States and Territories to increase workforce requirements when 39 States and all of the Territories are struggling currently to meet work requirements.

In an atmosphere of recession, unprecedented unemployment rates and lack of available jobs, the base bill would create the scenario where precious resources are spent on fines and the safety net becomes full of holes. There is no compassion in continuing to restrict access to programs that are supposed to help all American families get help for work. The base bill denies the insular areas of Puerto Rico, the Virgin Islands, and my home of Guam, which have been required to meet all federally imposed TANF obligations, from accessing all the same TANF program resources available to State. The insular areas are not eligible for TANF supplemental grants for population increases, for many other programs, and the Democratic substitute does so.

I urge my colleagues to support the Democratic substitute.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. WATSON).

Ms. WATSON of California. Mr. Speaker, I am personally offended by the reference by the gentleman from California (Mr. THOMAS) to ''that California cesspool.'' Many of us in a bipartisan fashion worked for many, many months to come up with the California experiment. That was very, very successful.

Why do I support the Democratic substitute to welfare reform? Because the substitute provides the necessary funding to carry out needed revisions in welfare reform. The Republican bill imposes massive and costly new mandates on States that they cannot afford. The billions of new costs that States are being asked to burden will force many States to raise taxes and cut necessary services. Cutting services will include a reduction in welfare programs such as child care, transportation, and skills training to make recipients job ready.

Is this reform? No, it is not. Implementing the Republican proposals in California will cost the State an additional $2.8 billion over the next 5 years. I am expecting that apology.

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

Since the gentlewoman from California (Ms. WATSON) wants me to explain the reference about cesspools referred to by me, I referred to it as a cesspool of red ink. And if anybody does not believe $24 billion of State government mismanagement is not a red ink cesspool, then I do not know what you would call it.

Mr. CARDIN. Mr. Speaker, all I can point out to the gentleman is that in California they will be better off without an extra $2.5 billion mandate. They would be better off without that.

Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DELAURO), the assistant to our leader.

Ms. DELAURO. Mr. Speaker, I rise in strong support of this substitute. We hear much talk of compassion, but the underlying legislation does not address the needs or the aspirations of those who are trying in earnest to make the transition from welfare to work. Compassion is not eliminating education as an activity that counts toward work requirement. Compassion is not replacing the successful food stamp program with a program that puts the nutritional needs of 19 million people at risk. Compassion is not abandoning the 15 million children who are now eligible for child care assistance, but who are not covered because of inadequate funding.

This legislation shortchanges working mothers who need help affording child care. Democrats offered an amendment. It would have increased child care, enhanced child care quality, expanded the services to nearly 1 million additional working families. The Republicans barely increased funding for child care, and the leadership did not even allow us an amendment to consider this critical issue.

This legislation is anything but compassionate. It is disinterested, wrongheaded, and it puts at risk all of the

gains that we have made in moving people from welfare to work in the past 6 years. Vote yes on the substitute.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, I rise today in opposition to the Republican bill. I am deeply troubled by the terrible duplicity on display today. How can a Congress that speaks so eloquently on family values pass legislation that clearly threatens our neediest families?

By increasing work requirements, this bill forces parents to be away from their children for longer hours without providing adequate funding for the day care. The authors of this bill claim it fosters respect and responsibility, then coerces women into abusive marriages based in fear and distrust.

Furthermore, the President has been touting the important role immigrants play in both our economy and our culture. Yet this bill neither extends SSI eligibility for legal permanent residents nor ensures that adequate translation services will be provided for limited English proficient residents to advise them of what services they are eligible for.

It is time that this Congress live up to its compassionate conservatism and provide not just the promise of responsibility, work and family, but the tools to achieve it.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. CLAYTON).

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

Mr. Speaker, I serve as a co-chair of the Rural Caucus, so you should expect me to talk about rural America. But I want to say first I strongly support the substitute and believe it is more reflective to making people whole in not only rural America but all America.

This substitute nor the bill or the bills before really went to rural America. Let me tell you that rural America is not the same as urban and our suburban America. Not to say that urban does not have problems but, indeed, we are different.

Consider these facts: In the year 2000 the nonmetropolitan poverty rate exceeded the national rate by 20 percent. Two hundred and thirty-seven of the 250 counties that are the most poor in the Nation are in rural America. One-half of rural American children in female households live in poverty. Therefore, indeed we need different attention.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume to respond to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Speaker, we have engaged in this conversation before, but we wanted to make sure that as we address all issues we paid special attention to rural America. Each of a State's governors have to submit a plan to the Secretary stating how they are going to respond to poverty, how they will respond to economic opportunity and employment. I simply want inserted language that said that we would address the issue of rural America as well.

Mr. THOMAS. Reclaiming my time, in response to the gentlewoman I agree with her. Although we often talk about it, there is no reference in the legislation. Notwithstanding the fact the substitute will not pass, the underlying bill, I will pledge to the gentlewoman when we go to conference, representing one of the poorest rural counties in California.

Mrs. CLAYTON. Are there any poor counties in California?

Mr. THOMAS. There are, I can assure you, and I represent the poorest. And agricultural counties by nature of the cyclical work tend to be the poorest and have the highest unemployment and low literacy. Child care needs are very high. That is why we put the provisions in the bill. But we will emphasize that the States should respond with a rural program as well as an urban one. Rather than assuming that they will do that, that language will be in the bill.

Mr. CARDIN. Mr. Speaker, what time is remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. CARDIN) has 8 minutes remaining. The gentleman from California (Mr. THOMAS) has 2½ minutes remaining.

Mr. CARDIN. Mr. Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

(Ms. BROWN of Florida asked and was given permission to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, it is truly an outrage that we are here today debating how much money that we are going to spend on the weakest when the President and the Republican leadership want to make permanent tax cuts in this country to their country club friends to the tune of over $500 billion. And it is really worse for the poor people of Florida because we have a Governor, Jeb Bush, our own reverse Robin Hooder, deciding to spend the $6 billion on corporate welfare instead of making sure that the State can afford and look after all of its children.

Perhaps I should remind the Governor and the President of Ril-ya Wilson, the poor little girl from Florida. I have a picture here. Ril-ya Wilson, the poor little girl from Florida that has been missing for 15 months.

It is so sad that the Republicans can come up with all of these little slogans, Leave No Child Behind, well, my question is where is the beef? Where are the resources to make sure that this does not happen to other children in this country?

Mr. CARDIN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

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

Mr. RANGEL. Mr. Speaker, first let me thank the gentleman from Maryland (Mr. CARDIN) and his team for an attempt to put together a bill that would wipe out partisanship as we deal with this very sensitive issue.

It is tragic that when we talk about aid to needy families or children that need some assistance from their government, albeit State government, that it gets so political that we start talking about raising the standards, forcing people to work, increasing the hours of work, but we do not concentrate on putting the resources there to see that we can reach these laudable goals that we would want.

It is one thing to say that illegal immigrants and the kids are not entitled to assistance for shelter or for food or for medicine, but great States and great people like those in Florida and California and New York and Texas, somehow we cannot turn our eyes away from children who are in need, and that is why my mayor and my Governor would appeal, notwithstanding their Republican credentials, that more sensitivity would be involved.

They want people to work 40 hours a week, but they do not like the mandatory sense in working when the jobs are not there, when you do not provide the education and the training that the workers are not going to be productive. When you finally think about what we are trying to do is to create a better life for our children, who can do that better than a mother? And if you are saying that the mother with young children should go to work, well, politically we will say yes, but what about the child? Should we not have some concern about what happens to this kid as we feel good and we go to our town-hall meetings and tell the voters we were hard on welfare mothers today, but would anyone ask, what about the children? Did you provide money for day care for the kids? Can anyone really work a productive day not knowing whether their child is being taken care of?

If we said that we wanted to let the State work their will, how do we tell them what they cannot do when they are begging as my mayor and as my Governor for the flexibility to do it? Except when it comes to the money questions and you want the governors to be able to play chess with the money, when you want them to be able to do the things that normally the Committee on Appropriations should be doing, then you can go in the basement in the Republican rooms in the middle of the night and work out how you will do this while we do not legislate.

You know how to cook the books when you want to make certain it works for you politically, but it seems

to me if we are talking about a better America, more productive families, communities, that can have self-esteem, then when you talk about jobs you are not talking about just makeshift jobs, you are talking about making people feel good about themselves because they learned something, they have had training and they can be productive.

Please vote for the Democratic substitute and reject the Republican political plan and stick with something that you can go back home and be proud of. Not that you beat up on the mothers, that is easy to do in an election year, but you did something for the kids. You did something for the kids.

□ 1430

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

I would note that the gentleman from New York voted ''no'' in 1996; and as a matter of fact, quoted in the People's Weekly World, he said that if Clinton signs the bill, he would be, quote, ''throwing 1 million children into poverty.''

I have here the most recent edition of the Governor of New York's statement on welfare in New York. It says on page 33: ''Teen pregnancy rates and teen births have declined. Child support has increased and fewer children are living in poverty today than in 1994.''

What we did was right in 1996, and what we are doing is right today, notwithstanding the gentleman from New York's (Mr. RANGEL) vote against us apparently both times.

Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, what seems to be happening here is a political sock hop; but instead of listening to old Elvis records, we are listening to old Democrat rhetoric. We are hearing it over and over again, over and over again.

The ranking member of the Committee on Ways and Means, 1996: ''The only losers we have are the kids.'' The gentleman from New York (Mr. NADLER), 1996: ''I am saddened for today it seems clear that this House will abdicate its moral duty.'' The president of NOW, who I do not quote very often, again denounced the plan in 1996.

It is the same group over and over again saying not this bill, not this time. But look what happened. Much to their, I guess, chagrin, they are spending on TANF and child care up to $15,888 compared to 1996 where it was $6,900. The number of cases has dropped from 4 million to 2 million, cut in half; and the number of welfare caseloads has fallen from 14 million to 5 million.

Welfare reform works. Just ask Tanya who was on public assistance and now is buying her new home. I wish that we could get some good bipartisan support instead of the old Democratic rhetoric.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Maryland (Mr. CARDIN) has 4 minutes remaining. The gentleman from California (Mr. THOMAS) has 1 minute remaining.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 1¼ minutes to the gentleman from California (Mr. BECERRA), who is one of the co-authors of the substitute.

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

It seems that too often the 435 Members of this body forget about the real world. We, fortunately, are paid well. We are cared for by our government, and we all try to do the same for our constituents; but somehow this particular bill that is before us forgets about that, because somehow it talks about helping a woman who for the most part is short on education or short on training and expects her to go out to work and earn a wage that will compensate her so she can feed her family because she has got kids, because otherwise she would not be on welfare, and let her survive the daily grind of living well at $16,000, let me tell my colleagues, which is probably what most of these women will be making, $16,000, $20,000, who are going to be putting about a third of that money into day care and a third of that into housing and the rest in food.

They do not have money for health care, they do not have money for any expectancies of life, and what is going to happen is these women will be right back in welfare because this Republican welfare bill does nothing to deal with reality.

My colleagues need to have flexibility. If we had 50 votes here from the Governors of our Nation, they would vote against this bill. My colleagues need to pay for unfunded mandates, and they need to deal with the realities that children must be cared for. No mother is going to let her kid go out there and not be cared for. This bill should not pass. Vote for the substitute.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER), one of the co-authors of the substitute.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

I am from one of the States that was involved with welfare reform 5 years before the Federal action, and we made real progress. We made real progress, not with unfunded mandates from the Federal Government, which the bill would be, not with goofy work requirements that are rejected by virtually all the Governors, Republicans and Democrats alike, and not by underfunding child care. That is why there is no enthusiasm for the Republican alternative from our Nation's Governors, whether they are Republican or Democrat.

I strongly urge support for the Democratic substitute which speaks to continuing the strong parts, strengthening the opportunities for child care, rejects the notion of more unfunded Federal mandates, and does not play fiscal roulette with the program at a time when States are slipping into fiscal disarray across the country.

That is not a prudent step. I strongly urge support for the Democratic alternative.

Mr. CARDIN. Mr. Speaker, it is my pleasure to yield 15 seconds to the gentleman from New Jersey (Mr. HOLT), and I regret we do not have more time.

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

Mr. HOLT. Mr. Speaker, empowerment is a word that has become a cliche, but that is what this is about. The bill before us today does not empower people to become self-sufficient. This bill will result in more, not fewer, people ending up in poverty.

I support strongly the substitute amendment, and I urge my colleagues to oppose the underlying bill.

Mr. Speaker, the percentage of Americans on public assistance today—about 2.1 percent—is at its lowest since 1964. The percentage of working recipients is also at its highest ever—at about 33 percent—and according to the best figures available two-thirds of those who've left welfare since 1996 are holding down jobs. Despite those statistics, in many ways welfare reform is still an experiment in progress. We still do not know what happens to people who leave the welfare rolls. Are they working? Are they unemployed? Are they simply off the rolls? No one knows for sure. Another question is what are the factors that contribute to the ability of people to comply with the TANF work requirement?

There are good indications that the 1996 welfare reforms are helping disadvantaged individuals and society at large. We have an opportunity to build on the success of the 1996 welfare reform law, and to make it better; to do the things Congress should have done before. Congress should resist attempts to relax TANF's time limits and work requirements. That means continuing ambitious work and job retention goals while also increasing financial incentives and rewards for those who succeed. We must keep in mind that the goal of welfare is to create productive self-sufficient citizens. There are a number of things we must do to see that people on welfare can and do meet these stronger requirements.

As we go through this reauthorization process it is vitally important that we improve the research and data reporting in TANF. In order to make informed decisions on the direction that TANF and CCDBG should take we need more information on the issue. I offered an amendment in the Rules Committee to begin this process. However, they refused to make it in order.

While maintaining pressure on the states to move people from welfare to work, the renewed TANF should also help families move up the job and income ladders. We should consider a number of amendments to help do this. We should eliminate the caseload reduction credit and phase in an employment credit. For each 1 percent of the caseload that obtains employment, the work participation rate would be reduced by 1 percent. In addition, there would be extra credit for recipients who obtain higher paying jobs. That is a good step.

Another way of assisting families in moving up the income ladder is giving individuals the tools to get a good job. This should be a job with the potential for advancement not a dead-end make-work job. This is the best way to ensure that families will not return to the welfare roles. In order for them to obtain quality jobs we need to provide the training for individuals to qualify for them.

We must also provide the resources for parents to achieve these work requirements. First and foremost this means providing funding for quality childcare. A parent will not make a reliable employee if she is concerned about the quality of her child's care, or cannot get childcare at all. This cannot be over-emphasized. For a positive change in our society welfare recipients must have real jobs that uplift their self-sufficiency and if children are going to have the care and attention they need to grow positively, we must have programs of adequate childcare. The bill before us today does not have adequate programs.

Finally Mr. Speaker, I hope that we will provide the states with the kind of resources and flexibility that has allowed welfare caseloads to fall by 57 percent since 1996. It is not achieved by simply allowing states to do what they want or by eliminating a national safety net for people who need help. Our action on the floor today is not the end of the process aimed at having all Americans support themselves and contribute to our common economy.

I urge my colleagues to support the substitute of Mr. CARDIN, and if that should fail, I urge them to oppose the bill before us today. This bill likely will result in more not fewer people trapped in poverty.

And I must express outrage at how this has been handled. This afternoon the House will go into recess for an awards ceremony. Nearly everyone here has supported and does support that award, but no member should have the nerve to tell us or the public that there just wasn't time to debate and vote on amendments to his major bill on welfare reform, to improve education, childcare, or to gather data.

Mr. CARDIN. Mr. Speaker, I yield 15 seconds to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Speaker, I join my colleagues in urging support for the Democratic substitute in opposition to the base bill for one simple reason, and that is, we cannot ask of a single parent on welfare that they leave their children without adequate child care. Yes, we need to move them to work; and yes, we need to increase the level of that work, but we cannot leave their children out in the street.

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

Mr. Speaker, if I might, I am going to first urge my colleagues to support the substitute. If my colleagues believe in flexibility on education, if they believe States should have the resources and they think we should have fairness to our immigrants, our only opportunity will be this vote.

Mr. Speaker, I yield the balance of our time to the gentleman from Michigan (Mr. LEVIN), one of the co-authors of the substitute.

Mr. LEVIN. Mr. Speaker, I want to say a word about a difference in terms of the employment credit. What the Republican bill does is essentially ignore the important goal of welfare reform, and that is giving incentives to the States to help people move off of welfare into productive work. Instead, their focus is on keeping people on welfare, working even in makeshift jobs. That is a stark difference.

I want to close by saying a word about the very partisan nature of this discussion. My colleagues have forfeited the opportunity to work together to fashion a bipartisan bill, forfeited it. The employment credit is in the Senate bill on a bipartisan basis. They have thumbed their nose at every bipartisan effort. They have thumbed their nose at the efforts of the Clinton administration. They have twisted that legacy. My colleagues also twisted the efforts of Democrats 5 and 6 years ago to move ahead welfare reform in the right direction. Fortunately, there is a Senate to correct the hopelessly partisan effort of this majority.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield the remainder of the time to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on Agriculture, who with their contributions in terms of the food stamp component of this bill have made a significant contribution to make sure that Americans in need have those needs met.

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

Mr. GOODLATTE. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for his good work.

I rise in strong opposition to this substitute and in strong support of the bill.

In 1995, this is what the current Democratic whip said about welfare reform: ''I hope children throughout this country never have to feel the pain of this legislation. I hope it does not pass.'' It did pass. It was signed into law by President Clinton. Here is what happened.

Children in hunger went down from 4.5 million to 2.5 million since that time. Black children in poverty went from 42 percent. Of all black children in 1970, rose, rose to nearly 50 percent, and then when this bill was put into effect in 1995, dropped to about one-third of all children, black children.

Welfare caseloads dropped precipitously from 12 million to about 6 million. Welfare reform works: 4.2 fewer million Americans today live in poverty than in 1996; 2.3 million fewer children live in poverty today than in 1996, including 1.1 million African American children.

Build on that success by passing this bill which promotes work, improves a child's well-being and promotes healthy marriages and all families. This is a good bill. Support it.

This welfare reform bill includes provisions for additional state flexibility so that Governors may coordinate welfare programs. The food stamp program is one of the qualified programs under this state flexibility provision, which will allow the Secretary of Agriculture to waive portions of the Food Stamp Act as long as she maintains that all benefits are used for food, as in the current food stamp program. To ensure the integrity of the program states must also complete quality control reviews and cannot expand the food stamp program eligibility standards.

Additionally, the Secretary of Agriculture will be allowed to approve 5-year block grant demonstration projects for up to 5 states. The block grant will promote a competition for excellence among states. Eligible state plans must include a description of the eligibility rules to which a State would adhere when providing assistance. The competition among states would boil down to the selection of states with innovative management plans, quality of program proposals and maximizing benefits to people in need. As in the food stamp state flexibility portion of this bill, states must retain the current law that mandates that all benefits must be used for food.

The temporary assistance for needy families (TANF) program has shown that block grants work. Critics' assumed that the states cared less than people in Washington. States have proven the critics wrong with regard to their successful implementation of this program. The American Public Human Service Association has testified that the continued state success is contingent upon ''maintaining and enhancing the flexibility of the TANF block grant.'' The time has come for us to take the first steps in allowing the same successes to be made with the food stamp program.

This is a small stamp for the food stamp program because only 5 states will be allowed to operate a food stamp block grant. It is up to the Secretary of Agriculture to approve those states asking for a block grant. I expect that the Secretary will seize this opportunity to challenge states to design food stamp programs that will be effective, efficient and ease the burdens of families applying for food benefits and the people who administer the program.

States have proven over the past 5 years, even to the most hardened skeptics, that they can operate good public assistance programs that meet the test of providing what needy families need most—the ability to get and keep a job and provide for their families. We are asking that these same people in the states, at least 5 of them, are able to provide this same proof to skeptics of food stamp block grants.

In addition to these food stamp provisions, I support the bill's flexibility for states. This Bill offers our states more flexibility and allows them to make these welfare programs more efficient by allowing states and localities to combine certain program requirements so they would have to submit only one application. I urge my colleagues to support this bill as it continues welfare as a temporary alternative and not a permanent crutch for folks who are on hard times.

Mr. BENTSEN. Mr. Speaker, I rise in opposition of H.R. 4737, the ''Personal Responsibility, Work and Family Promotion Act,'' the Republican attempt at reforming the current welfare system. Since we enacted welfare reform in 1996, a number of issues have been brought to the forefront of the welfare reform debate including, job training, work requirements, funding, legal immigrant assistance,

and poverty reduction, all of which H.R. 4737 fails to adequately address. I believe the true measure of the success of welfare reform is in our ability to reduce poverty and to move recipients off of welfare and into long-term employment. The Cardin Substitute, which I strongly support, builds on the success of the 1996 welfare law by requiring welfare recipients to move toward employment, while providing the resources necessary to escape poverty, to move up the economic ladder.

H.R. 4737 places a huge unfunded mandate burden on the states, while at the same time significantly limiting the flexibility of states to develop their own approaches to moving people off welfare. If enacted over 80 percent of the states will have to implement fundamental changes to their current welfare program The provisions in this bill will cost states an estimated $8.3–11 billion dollars by 2007, almost four times what the Republican bill provides, at the same time states are facing large budget cuts and enormous budget deficits. Under H.R. 4737, the State of Texas alone, would have to provide over $688 million to support such mandates, ultimately forcing the state to either raise taxes or cut benefits.

Mr. Speaker, I also oppose H.R. 4737 because it jeopardizes our ability to protect America's children, by merely providing an additional $2 billion dollars for mandatory child care. H.R. 4737 also imposes major new work requirements on recipients, but made no progress toward reducing the severe child care shortage. The so-called ''increase'' that its proponents are touting provides only enough money to cover inflation, costing the states an additional $3.8 billion in child care cost. This bill also unfairly continues the existing ban on providing assistance to legal immigrants.

Since the enactment of the 1996 welfare law's, millions of previously dependent families joined the labor force in unprecedented numbers as caseloads fell by more than half and the percentage of working recipients rose to historic heights. However, as one who supported the 1996 reforms, I believe there is a point where we need to accept that those remaining on welfare are likely to be the hardest to place in jobs due to a lack of education, training, or available child care. Mr. Speaker, there is a better way. My colleague from Maryland, Mr. CARDIN has put forth an alternative that focuses on providing opportunity, demanding responsibility and reflect the approach that work itself is the fastest and most effective means of preparing recipients for self-sufficiency. Yet the H.R. 4737 fails to recognize this reality. The Cardin Substitute, provides states with the flexibility and freedom to develop programs which allow recipients to count education and training, including post-secondary training toward participation rates for up to 24 months. this bill raises the bar on the work requirement and provides the states with the resources to meet these challenges by providing an additional $11 billion for mandatory child care funding over five years to meet the work requirement. By requiring those who can work to do so, we recognize the dignity of all labor and the moral imperative of self-reliance. We should insist on work for it's instructional value—it is the only certain route out of dependence and poverty. Additionally, this bill removes the ban on states serving legal immigrants with Federal TANF funds, eliminates the ban on providing Medicaid to pregnant women and children, and it restores Supplemental Security Income (SSI) benefits for disabled legal immigrant children.

The Cardin substitute rewards self-sufficiency and gives families the help they need to successfully move from welfare to work. It is the responsibility of Congress to build on the successes of the 1996 welfare law's and to ensure that low-income families are given a legitimate opportunity to move out of poverty. For this reason, I urge my colleagues to support the Cardin Substitute.

Mr. NEAL of Massachusetts. Mr. Speaker, I rise today in opposition to the Republican bill.

My home state of Massachusetts has operated a successful welfare program, utilizing a waiver in order to focus mandatory work activities on families without major barriers to work. Through this, we have succeeded in moving most of these families into employment. The current caseload is barely half of what it was before state welfare reform began.

Despite this success, three-quarters of those remaining are families with serious barriers to employment, including a disability or the need to care for a disabled child.

Massachusetts and other states need the ability to decide what is the approximate mix of services and activities in order to move welfare families from poverty to self-sufficiency. Unfortunately, this bill reduces state discretion.

Further, I believe this bill falls short in helping teen mothers break the cycle of welfare and poverty. While only 6 percent of the caseload in my home state of Massachusetts consists of teen parents, historically about 50 percent of welfare mothers started parenting as teenagers. While the 1996 law set strong goals for teen parents, this bill fails to make some modest improvements which would help these families break out of welfare dependency.

I urge my colleagues to oppose the bill and support the Democratic alternative.

Mr. COSTELLO. Mr. Speaker, I rise today in opposition to H.R. 4737 and in support of the Democratic substitute. It is imperative that we provide families with the necessary ingredients to produce self-sufficiency and job stability. The Democratic substitute accomplishes this important goal.

I supported welfare reform under the Clinton Administration and these reforms have been effective in cutting our welfare rolls in half. In my home state of Illinois, the number of welfare recipients has been reduced by 74 percent over the past five years. However, H.R. 4737 will undo the successful strategies states now employ to move Temporary Assistance to Needy Families (TANF) recipients to jobs. While H.R. 4737 is well intended, I am concerned that we will undermine the law's stated goal of ending dependence on government assistance if we do not have adequate resources available for safe and affordable childcare, transportation, and healthcare. The legislation provides no help to states in implementing the new work requirements, which I support, and does nothing to extend childcare to the estimated 15 million children who are currently eligible for such assistance, but lack coverage because states do not have the necessary resources.

The Democratic substitute maintains state flexibility, focuses on real work, and helps families escape poverty and achieve permanent employment. It increases childcare funding by $11 billion over 5 years so that the tough work requirements can be met without harming the children of those receiving benefits. This substitute does not impose massive new mandates on states and work requirements on impoverished mothers without the assistance necessary to make welfare reform work.

Mr. Speaker, although I support responsible welfare reform, the Republican proposal is not sufficient. I do not want to see the federal government take a step backward in our effort to reduce the welfare rolls. For these reasons, I oppose H.R. 4737 and support the Democratic substitute.

The SPEAKER pro tempore. All time for debate on the substitute offered by the gentleman from Maryland (Mr. CARDIN) has expired.

Pursuant to the order of the House of yesterday, further proceedings on H.R. 4737 will be postponed until later this afternoon.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Evans, one of his secretaries.

COMMUNICATION FROM THE HON. 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,
Washington, DC, May 16, 2002

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, nor is it consistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to object to and to move to quash the subpoena.

Sincerely,

NANCY L. JOHNSON,
Member of Congress.

COMMUNICATION FROM THE HON. DAVID L. HOBSON, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DAVID L. HOBSON, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2002.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, nor is it consistent with the privileges and rights of the House. Accordingly, I have instructed the Office of

General Counsel to object to and to move to quash the subpoena.

Sincerely,

DAVID L. HOBSON,
Member of Congress.

COMMUNICATION FROM THE HON. PORTER J. GOSS, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable PORTER J. GOSS, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2002.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to rule VIII of the Rules of the House, that I have determined that the subpoena for documents and testimony issued to me by the United States District Court for the District of Columbia is not material and relevant, nor is it consistent with the privileges and rights of the House. Accordingly, I have instructed the Office of General Counsel to object to and to move to quash the subpoena.

Sincerely,

PORTER J. GOSS,
Member of Congress.

APPOINTMENT OF MEMBERS TO UNITED STATES DELEGATION OF CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, pursuant to 22 U.S.C. 276d and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the United States delegation of the Canada-United States Interparliamentary Group:

Mr. HOUGHTON, New York, Chairman
Mr. GILMAN, New York
Mr. LAFALCE, New York
Mr. SHAW, Florida
Mr. LIPINSKI, Illinois
Ms. SLAUGHTER, New York
Mr. STEARNS, Florida
Mr. MANZULLO, Illinois
Mr. DAN MILLER, Florida
Mr. SOUDER, Indiana
Mr. ENGLISH, Pennsylvania

There was no objection.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, pursuant to 22 U.S.C. 276h, notwithstanding the provisions of that section regarding the chairmanship, and clause 10 of rule I, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. KOLBE, Arizona, Chairman
Mr. DREIER, California
Mr. STENHOLM, Texas
Mr. BARTON, Texas
Mr. DOOLEY, California
Mr. PASTOR, Arizona
Mr. FILNER, California
Ms. ROYBAL-ALLARD, California
Mr. CANNON, Utah
Mr. REYES, Texas
Mr. TANCREDO, Colorado
Mr. UDALL, New Mexico

There was no objection.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–211)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2002, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 17, 2001.

The crisis between the United States and Burma, constituted by the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 16, 2002.*

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–212)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

GEORGE W. BUSH.
THE WHITE HOUSE, *May 16, 2002.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1516

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 3 o'clock and 16 minutes p.m.

PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, May 15, 2002, proceedings will now resume on the bill (H.R. 4737) to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

The Clerk read the title of the bill.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CARDIN

The SPEAKER pro tempore. Pending is the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The SPEAKER pro tempore. All time for debate on the amendment has expired.

Pursuant to House Resolution 422, the previous question is ordered on the bill and on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

The question is on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CARDIN).

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

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

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 14, as follows:

[Roll No. 168]

YEAS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Watson (CA)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—222

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Deal
DeLay
DeMint
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
McCrery
McHugh
McInnis
McKeon
McKinney
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barton
Buyer
Combest
Davis, Tom
King (NY)
Lampson
Mascara
Millender-McDonald
Murtha
Norwood
Pombo
Shows
Tanner
Traficant

□ 1540

Messrs. NUSSLE, OTTER, TIBERI, CUNNINGHAM, MORAN of Kansas, GARY G. MILLER of California, WATKINS of Oklahoma, COX and RUSH and Mrs. NORTHUP changed their vote from ''yea'' to ''nay.''

Mr. GONZALEZ changed his vote from ''nay'' to ''yea.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. SHOWS. Mr. Speaker, I was away from the House floor on official business on Thursday, May 16, 2002, and was unable to cast a recorded vote on rollcall 168, the Cardin substitute to H.R. 4737. Had I been present, I would have voted ''yea.''

Ms. MILLENDER-McDONALD. Mr. Speaker, I ask that the RECORD reflect that on rollcall 168, had I been here, I would have voted ''yea.'' I was detained by my constituents, and therefore, I was unable to get to the floor in time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read the third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MALONEY OF CONNECTICUT

Mr. MALONEY of Connecticut. Mr. Speaker, I offer a motion to recommit.

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

Mr. MALONEY of Connecticut. I am opposed, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MALONEY of Connecticut moves to recommit the bill (H.R. 4737) to the Committee on Ways and Means, with instructions to report the bill back to the House promptly, with the following amendment:

Strike section 208 of the bill and insert the following:

SEC. 208. ENTITLEMENT FUNDING.

Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(3) by adding at the end the following:

''(G) $3,967,000,000 for fiscal year 2003;

''(H) $4,467,000,000 for fiscal year 2004;

''(I) $4,967,000,000 for fiscal year 2005;

''(J) $5,467,000,000 for fiscal year 2006; and

''(K) $5,967,000,000 for fiscal year 2007.''.

Mr. MALONEY of Connecticut (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut is recognized for 5 minutes in support of his motion.

Mr. MALONEY of Connecticut. Mr. Speaker, I rise in opposition to H.R. 4737 in its current form. The bill the proponents have brought to the floor today is totally inadequate in regard to family child care.

H.R. 4737 puts families in an entirely untenable position between their desire and need to work, on the one hand, and their need for quality child care during their working hours on the other hand. In addition, the bill places very costly unfunded mandates on the States.

Currently there are 15 million children in America who are eligible for child care assistance but lack coverage because States do not have the financial resources. Many States are facing budget deficits arising from the recession of 2001–2002.

In my home State of Connecticut, for example, the government is already experiencing a deficit in excess of $500 million, and, accordingly, child care assistance for low-income families who have been off welfare for 2 years or more has already been frozen. Even worse, as of June 1, Connecticut will no longer be able to provide child care assistance to families just leaving welfare. Regardless of income, they will not receive any child care assistance at all.

The unfunded mandates created in this bill add to the States' child care burden without providing the resources required to meet this critical need. Indeed, the child care funding in H.R.

4737 is barely enough to keep up with inflation, never mind provide for the roughly 35 percent increase in work hours called for in this bill.

CBO estimates that the unfunded mandates in this bill will require States to spend an additional $11 billion over the next 5 years. Of that, $3.8 billion is mandated for child care, four times more than the proponents are willing to provide. Connecticut's share will be $66.5 million over 5 years, substantially adding to Connecticut's deficit.

The bill's proponents say that they support child care, but their rhetoric is meaningless when they do not provide the necessary resources.

□ 1545

Without providing more money for child care, this bill will actually keep families and States from meeting the new child welfare requirements and, most regrettably, keep families from getting off and staying off welfare, defeating the very purpose of this legislation.

I supported the original passage of welfare reform in 1996. Work requirements are not the issue. The issue is more work requires more child care. Yet what the proponents ask is more work without child care when every working family knows they need child care if they are going to work. My motion to commit would help more working families afford quality child care.

I support strengthening work requirements, but we must provide families with appropriate child care resources to allow parents to increase their time at work without leaving a child at home alone. I urge my colleagues to vote ''yes'' on this motion to recommit so that the bill can be returned to us containing the child care funding our families and our States so clearly need.

Mr. Speaker, I yield the remaining time to the gentlewoman from California (Ms. SOLIS).

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

Mr. Speaker, we need to send this bill back and report a new one out that really meets the child care needs of families struggling to escape poverty. The Republican bill ignores the fact that only one in seven of the children in this country who need child care are actually getting it. Their proposal sorely underfunds child care at a time when States are faced with huge deficits and waiting lists go on. In fact, I have a list here that says in my own State of California, 280,000 children are now awaiting child care services, and the list continues to grow daily. States are crying out for support and for help in this matter.

How can my friends on the other side of the aisle turn their backs on these children and these families? I urge them to recognize the child care needs of working families and increase child care funding by $11 billion over a 5-year period by voting for this motion to recommit. Voting for this motion will serve an additional 2 million children by the year 2007.

Let us be clear. Let us be clear. Caring for children is not a partisan issue. It does not matter if one has an R or a D behind their name. It is about the kids. It is about the future of our economy and getting these working mothers back on their feet. These mothers want to work. Let us help them get there.

In conclusion, I would just state that I would hope that my friends on the other side of the aisle would understand that the women that I see on welfare now want to have that dignity and respect. Will my Republican colleagues not allow them to have the courtesy to have funding so that when they do choose to spend 40 hours or 35 hours at a work site, that they do not have to leave those children with someone or somewhere that is not a qualified child care center?

Mr. Speaker, I think our children and our families deserve a break and I think now is the time to do it. In fact, many of our Governors across this country support the notion of providing more funding for child care.

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

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from California (Mr. THOMAS) is recognized for 5 minutes.

Mr. THOMAS. Mr. Speaker, I will tell my colleagues I will not take 5 minutes.

We have heard a lot of numbers thrown around. Let me provide my colleagues an accurate picture of exactly what is going on.

As of September of last year, granted it was September of 2001, there was $7.4 billion of TANF money under my committee's jurisdiction that had not been spent. In this legislation we said, you can use whatever is left for child care. As a matter of fact, if you examine this legislation and you utilize TANF money and if the comments of the gentleman from Connecticut and the gentlewoman from California are accurate and the States wish to use the TANF money for child care, they have available $170 billion for child care if they choose to make that decision.

Now, what my colleagues are saying is that they want to put $11 billion additionally in the bill. What my colleagues need to know is that there is $24 billion in this bill already. What we have advocated is taking it to $27.4 billion. They are advocating taking it to $35 billion.

The difference between our position and their position? Ours is paid for and theirs is not. If my colleagues want to fund a program that is not paid for, vote for their motion to recommit. If my colleagues want to have a responsible and appropriate program that is paid for, vote ''no'' on the motion to recommit and vote for the passage of the bill.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mr. MALONEY of Connecticut. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 207, noes 219, not voting 9, as follows:

[Roll No. 169]

AYES—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)

Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—219

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Buyer
Combest
King (NY)
Lampson
Mascara
Murtha
Pombo
Tanner
Traficant

□ 1609

Mr. GREENWOOD changed his vote from ''aye'' to ''no.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the passage of the bill.

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

RECORDED VOTE

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

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 229, noes 197, not voting 9, as follows:

[Roll No. 170]

AYES—229

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOES—197

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Hostettler
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOT VOTING—9

Buyer
Combest
King (NY)
Lampson
Mascara
Murtha
Pombo
Tanner
Traficant

□ 1620

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4737, PERSONAL RESPONSIBILITY, WORK, AND FAMILY PROMOTION ACT OF 2002

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Clerk have the authority to make technical and conforming changes in the engrossment of H.R. 4737, the bill just passed.

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

There was no objection.

PERMISSION TO INSERT CORRESPONDENCE FROM COMMITTEE ON WAYS AND MEANS AND COMMITTEE ON EDUCATION AND THE WORKFORCE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent to insert into the RECORD the correspondence from the Committee on Ways and Means and the Committee on Education and the Workforce regarding jurisdictional matters on H.R. 4737, the bill just passed.

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

There was no objection.

DEAR MR. SPEAKER: We are writing concerning H.R. 4090, the ''Personal Responsibility, Work and Family Promotion Act of 2002,'' reported by the Committee on Ways and Means, and H.R. 4092, the ''Working Toward Independence Act of 2002,'' reported by the Committee on Education and the Workforce. H.R. 4090 receives a sequential referral to the Committee on Education and the Workforce and H.R. 4092 receives a sequential referral to the Committee on Ways and Means.

As you know, the substance of H.R. 4090 and H.R. 4092 have been merged in H.R. 4737 along with provisions from the jurisdiction of the Committees on Energy and Commerce, Agriculture and Financial Services. H.R. 4737 will be proceeding directly to floor consideration without action by the committees of jurisdiction, while the Committee on Ways and Means and the Committee on Education and the Workforce will be discharged from our sequential referrals on H.R. 4092 and H.R. 4090 respectively. We are writing to confirm that this procedural course will not prejudice the jurisdiction of either Committee with respect to the appointment of conferees or jurisdictional prerogatives on this or similar legislation.

BILL THOMAS,
Chairman.
JOHN BOEHNER,
Chairman.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I take this time for the purpose of inquiring about the schedule for next week.

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

Mr. ARMEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. The House will next meet for legislative business on Monday, May 20, at 12:30 p.m. for the morning hour and two o'clock p.m. for legislative business.

On Monday, I will schedule a number of measures under suspensions of the rule, a list of which will be distributed to Members' offices tomorrow. Recorded votes will be postponed until 6:30 p.m. on Monday.

On Tuesday and the balance of the week, I have scheduled the following measures: H.R. 3994, the Afghanistan Freedom Support Act of 2002, and the Supplemental Appropriations Act for fiscal year 2002.

Conferees are also meeting today on H.R. 3448, the Bioterrorism Preparedness Act; and if they are able to complete the conference report, I will likely schedule it for consideration next week as well.

Mr. Speaker, I might add parenthetically, we have a couple of other conferences that seem to be making progress; and should they complete any of their work, we would be advising people as soon as possible for any scheduling of that work, and I want to thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, I thank the distinguished majority leader for that report, and I just would like to inquire more specifically about the timing of some of these bills on the floor.

When will the bioterrorism conference report and the Afghan assistance bills be considered on the floor, more specifically?

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for her inquiry, and if the gentlewoman would continue to yield, we would expect that, if it is all ready to go, on Wednesday morning.

Ms. PELOSI. Wednesday morning for the bioterrorism conference report and then after that the Afghan aid?

Mr. ARMEY. Mr. Speaker, if the gentlewoman would continue yielding, I must caution her that that, of course, is assuming it is ready and then, of course, we would try to do Afghan as quickly thereafter as possible.

Ms. PELOSI. And the Afghan bill, I am sorry I just did not hear the ending?

Mr. ARMEY. Mr. Speaker, we would try to do that on Tuesday. The Afghanistan relief bill would be on Tuesday.

Ms. PELOSI. On what day would the supplemental appropriations bill be considered?

Mr. ARMEY. Mr. Speaker, again, I thank the gentlewoman for her inquiry, and if she would continue to yield, I just spoke to the chairman just minutes ago, and he has assured me he will be ready on Wednesday. We would expect it to be ready and expect it to go on Wednesday.

Ms. PELOSI. Would the gentleman shed some light on the kind of rule that that supplemental might be considered under.

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for that inquiry; and quite frankly, I have no particular insight to share with her at this moment. This is an important piece of legislation. I am sure we are going to want to work with everybody regarding the rule, and I will try to find out more and advise her as soon as I can learn some more about it.

Ms. PELOSI. Mr. Speaker, the gentleman mentioned that there are some conferences going on now. Could the gentleman tell us what conference reports might also ripen by next week to come to the floor?

Mr. ARMEY. Mr. Speaker, if the gentlewoman would continue to yield, we have the State Department, bankruptcy, and there is one more from the Committee on Financial Services, the Ex-Im Bank; and I am told that it is likely the Ex-Im Bank might get completed.

Ms. PELOSI. Mr. Speaker, yielding further to the gentleman, I would like to know if there is any other legislation that the majority is considering for floor consideration next week.

Mr. ARMEY. Mr. Speaker, if the gentlewoman would yield, we are continuing to work with Members from both sides of the aisle on the Committee on Financial Services on the FDIC reauthorization bill. It does not seem to be controversial, and it is possible that could get scheduled for next week.

Ms. PELOSI. Would the gentleman tell us if there are going to be votes next Friday.

Mr. ARMEY. Mr. Speaker, I thank the gentlewoman for her inquiry. Friday being, of course, as the gentlewoman knows, the day we begin a very important district work period, insofar as we are capable of completing our week before that, we would expect not to. We must be prepared to work on Friday; but right now, I would attach a high probability to our completing our work on Thursday.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for that information.

ADJOURNMENT TO MONDAY, MAY 20, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 4163

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 4163.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 3295, HELP AMERICA VOTE ACT OF 2001

Mr. NEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3295) to establish a program to provide funds to States to replace punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections, and for other purposes, with Senate amendments thereto, disagree to the amendments, and agree to the conference asked by the Senate.

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

There was no objection.

MOTION TO INSTRUCT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to instruct conferees.

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

The Clerk read as follows:

Mr. HOYER moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendments to the bill H.R. 3295 be instructed to insist upon—

(1) the provisions contained in title I of the House bill (relating to a program to provide payments to States and units of local government for replacing and enhancing punch card voting systems); and

(2) the provisions contained in section 232 of the House bill (relating to the formula used to determine the amount of other payments made to States under the bill for carrying out activities to improve the administration of elections).

Mr. HOYER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to instruct be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY) each will control 30 minutes.

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

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

I want to continue to thank the gentleman from Ohio (Mr. NEY), the chairman of the Committee on House Administration, who has been so incredibly important in getting us to this point. We passed a very good bill through the House. The Senate has now passed a bill which also, in my opinion, has some very good aspects. It will now be necessary to put those two bills together so that we might in a timely fashion enact election reform.

The effort to correct the problems that surfaced in the 2000 election has been in some respects a long, lean one and often a difficult one; but then, of course, Mr. Speaker, most worthwhile efforts are.

Today, as this House prepares to go to the conference with the other body, I am pleased to say that we are closer than ever to enacting the most comprehensive voting reform legislation since the Voting Rights Act of 1965.

The motion that I am offering today is intended to ensure that as Congress enters this final critical stage of election reform we do not forget to correct the very problem that sparked us to recognize the need for reform in the first place. I am referring, of course, to the infamous punch card machines and their accompanying chads, which were used by approximately one-third of all voters in this country in 2000, more than any other voting system.

My motion would instruct House conferees to insist on title I of the House-passed version of H.R. 3295, which authorizes $400 million for the buyout of punch card voting machines. Numerous authoritative studies issued in the past year, including one by MIT and CalTech have only confirmed what we all knew was the truth in November 2000, that punch card machines must be retired and replaced by a new generation of more accurate, more accessible and more user-friendly voting technology.

H.R. 3295, the Help America Vote Act, which this House passed last December by an overwhelming vote, recognizes that obsolete, poorly maintained punch card machines are a prime threat to our democratic process. Recognizing this threat, title I authorizes a $400 million punch card buyout program that will be available to those States and political subdivisions that used punch card machines in 2000. For States like Florida and Georgia, they have already begun replacing their punch card machines. Title I authorizes assistance in that effort.

□ 1630

Under title I, States or their political subdivisions will receive conditional grants of up to $6,000 for each voting precinct in which punch card machines were used in 2000. The motion also instructs the House conferees to insist on section 232 of the Help America Vote Act, which creates a simple, common sense formula for distribution of funds.

Mr. Speaker, I believe that this is a motion which has been agreed on by the chairman and myself. It does not obviously deal with all aspects on which there is some controversy. I expect us to discuss that in the conference, but I am expecting, as our relationship has been, where not only has the gentleman from Ohio (Mr. NEY) and I worked closely together, but our staffs have worked closely together, that we will reach an historic reform piece of legislation to ensure that every American not only has the right to vote, not only is facilitated in that vote, not only is encouraged and educated as to how to vote, but is assured that their vote will count.

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

Mr. NEY. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this motion to appoint and the motion to instruct conferees on H.R. 3295, the Help America Vote Act of 2001.

An American citizen's right to vote is our Nation's symbolic cornerstone providing us with the solid foundation on which we built this country. When a person casts his or her vote at the polls on election day, there must be no question that it is counted properly and accurately and that no one is left behind.

As chairman of the Committee on House Administration, I want to commend the working relationship that began from day one when our ranking member, the gentleman from Maryland (Mr. HOYER), approached me about doing a bill. Of course, following a series of hearings, the ranking member and our chief deputy whip, the gentleman from Missouri (Mr. BLUNT), and members of the committee set out on a path together to craft a common sense solution to reforming the way Americans vote.

From the very beginning of the process, the ranking member and I, and the members of the committee and the staff, recognized that any legislative solutions must be bipartisan. The gentleman from Maryland set that tone, we agreed with it, and we all worked together, and that is what enabled what could have been an extremely horrific process to be something that had its give and take of debate but came out in a fair manner because the best interests of citizens in this country was the question that rose to the front of the table.

We worked with State and local officials, listened to experts, reviewed the work of commissions, including the National Commission on Election Reform, chaired by former Presidents Gerald Ford and Jimmy Carter. We then developed a legislative solution that included minimum Federal standards that each State must meet to ensure the integrity of our national election process. We also made certain that States be given time, flexibility and resources, which was a very important element in the discussion, so it did not become an unfunded mandate, to meet these standards. Last December, the House of Representatives passed H.R. 3295 by an overwhelming bipartisan vote of 362 to 63.

I would like to thank the National Association of Secretaries of State, the National Council of State Legislators, the National Association of Counties, the National Federation for the Blind, the Election Center, and the Ford-Carter Commission on Election Reform for their guidance support and endorsements during this process. The bill provides for $2.65 billion to implement provisional voting, statewide registration lists, new technical standards, and assurances that our overseas military

personnel have access to the polls, which they so greatly deserve.

Let me say something about the money. Some people at the beginning of the process would come to us and talk about the cost. I really do not think that $2.65 billion, or the $3.2 billion in the Senate version, is too much to ask for confidence in our democracy. I think, in fact, it is a small price to pay. And as I have traveled around different parts of the country, a lot of American citizens want to feel that their vote counts, they want to feel that they are not left behind or disenfranchised.

We have also spent more money, frankly, overseas in promoting democracy in the election process, and that is fine, I do not quibble with that, but we can spend the money here.

Now, the bill goes beyond just a money expenditure. It is a well thought out and crafted bill, but the money is an important part of it, and I think it is an amount of money that the American people will feel very good about to have this process work.

The other body passed their version of election reform. Although there remains some differences between the two bills, I am totally optimistic that we will be able to resolve those differences. At the conclusion of this process, I can assure everyone that there will be provisions to guarantee every eligible citizen the right to vote and that only eligible citizens will be able to vote.

I look forward to the conference committee. I think that with the principals involved we are going to be able to work together in the best interests of the people of this country.

I want to again thank the gentleman from Maryland (Mr. HOYER), the gentleman from Missouri (Mr. BLUNT), members of the Committee on House Administration on both sides of the aisle, also the staff from both sides of the aisle, and the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), for his unwavering support of the issue. We also met with the minority leader, the gentleman from Missouri (Mr. GEPHARDT), concerning the economic side of the language and also appreciate that cooperation.

As this bill moves through the legislative process, and I hope it moves quickly through the process, I look forward to working with every member of the general assembly to receive their input.

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

Mr. HOYER. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Michigan (Mr. CONYERS), one of the very senior Members of this House, a Member who has risked literally life and limb on behalf of the right of Americans to vote. This is a Member who, long before I got to this House but throughout the years I have been in this House, for over 2 decades, has been one of the strongest voices for the civil rights of all Americans, the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the ranking member, the gentleman from Maryland (Mr. HOYER), for yielding me this time, and I am delighted to join both the chairman and the ranking member in thanking both of them for this process.

My colleagues, we have come a long way. It has been a long road, many issues, many hearings, many ideas, lots of witnesses, and 17 months have gone by. But the Congress has worked its will in a very important and remarkable way, and I am honored to be named a conferee.

I wish to thank the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), who was working on this with me all the way, and the committee that did so much, under the leadership of the gentleman from Ohio (Mr. NEY) and the gentleman from Maryland (Mr. HOYER), to not only deal with standards and equipment and technical issues, but to determine that we needed resources and standards as well to go into this.

So what we are doing now is adding to the confidence that the American people, I think, were lacking in terms of the electoral process. It is important that we realize that a lot of people were disappointed and disgruntled, and that what we are doing now is adding to the constitutional basis for this very most singular voting right that a citizen has.

We are also filling in the Voter Rights Act of 1965 and a number of statutes that all complement it. What we have done is taken a problem and improved the process, and to that extent I am in complete agreement with Chairman NEY, who observed that the tone and objectives of the conferees make us all confident that we will be able to work this out and get it back to both bodies as soon as possible.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman for his comments and to tell him that I look forward to working closely with him for the strongest possible bill we can report back to the House and the Senate in a very short period of time.

Mr. NEY. Mr. Speaker, I yield 5 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, let me give strong commendation to the chairman and the ranking member, but particularly to Chairman NEY, who came to Congress with me in 1994. I am proud of his leadership of this committee and particularly of this bill.

As a Floridian and a Palm Beach County resident, we were embarrassed during the election. We were embarrassed because people felt that their ballots did not count. Whatever side of the coin a person was on, whether an Al Gore supporter or a George Bush supporter, no one's vote should have been called into question. No one should ever feel that their vote has been manipulated or denied. This bill brings us light-years forward in hoping to never revisit that time and that place again.

We are very proud that one of our own Floridians, a member of the delegation, the gentleman from Florida (Mr. DAVIS), was a proud working member and a participant in this product. Florida is thankful for his leadership. We are also particularly delighted that the chairman of the Committee on Appropriations, the gentleman from Florida (Mr. YOUNG), provided the $450 million provided under the supplemental bill.

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

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

Mr. HOYER. Mr. Speaker, I am glad the gentleman brought that up, because I want to share that not only the gentleman from Florida (Mr. YOUNG) but the gentleman from Illinois (Mr. HASTERT), the Speaker, both committed to the gentleman from Ohio (Mr. NEY) and I over 6 months ago that they understood the importance of this issue and they committed to put $650 million into the supplemental subject to the passage of this legislation.

There was only $450 million in this bill, but that was because we were so late in passing this bill. And I think $450 million is going to be sufficient certainly for certain portions of this bill. But I want to share the gentleman's view in thanking both Speaker HASTERT and Chairman YOUNG for their leadership and their support of getting that money in the supplemental. I thank the gentleman for yielding.

Mr. FOLEY. Mr. Speaker, reclaiming my time, I appreciate the gentleman's underscoring that, because as all of us know, it is easy to come up with an idea, but it is tough to come up with the money. And the gentleman just mentioned who was able to deliver for us: The appropriations process.

This is an important bill. It is a milestone effort in trying to create the inequities that were caused in the election. Florida felt put upon, but we were not the only State. There were many other jurisdictions that had similar voting irregularities. But because of the closeness in our State, all eyes and all attention were upon us.

This bill has the support of a wide bipartisan array of Members; 362 to 63 this bill passed in December. That is phenomenal in this process. National Association of Secretaries of States, Conference of State Legislators, National Association of Counties, I do not think there is a group that is involved with the recordation of votes that did not weigh in affirmatively on this unique product.

We also want to stress that it improves the integrity of the election process. It ensures voter lists are kept accurate and up to date. It ensures voters can correct errors in privacy. It ensures voters are not pressured by election officials. It requires every State to

improve its election procedures by providing provisional voting, fully accessible voting machines for the disabled, and this was a very important point to reconcile. That was a great effort on behalf of the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY). I want to salute them for recognizing that different people have different needs when it comes to the ballot box.

The legislation also safeguards and protects the voting rights of military voters and overseas citizens. This was another point of contention. We all, Democrats and Republicans, respect and revere those serving in our military and we equally share in wanting to see that every one of their votes counts. No party has a greater fundamental responsibility to ensure that, both parties do, and we have accepted that responsibility together.

We also have uniform standards for what constitutes a vote. That is a tremendous step forward. No longer will we assume a dimple, a hanging chad, a three-hanger, a two-hanger. There will be a standard so no one can question the validity of the outcome.

So again my high praise to both gentlemen, the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY), to all the members of the committee, particularly the Members of Congress who allowed us to pursue this dream of making voting rights and voting responsibility synonymous. This bill, the Help America Vote Act of 2002, will ensure integrity, responsibility and the utmost accuracy in the process.

Mr. HOYER. Mr. Speaker, I am pleased to yield 7 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), who has done such an outstanding job in working on election reform, recognizing the problem and working to solve it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me this time, and let me offer the compliment to both the chairman and the ranking member on this very momentous occasion.

Truly, I have seen in the efforts of this committee on election reform, from the chairman and the ranking member, the finest work product of bipartisanship, recognizing that out of great pain we had to plunge forward.

□ 1645

Many of us watched the results that might have generated this emphasis. I listened to the gentleman from Florida (Mr. FOLEY), who indicated no matter what position a person took, there was a degree of embarrassment and also a degree of hurt.

That is because we believe in this country we believe one person, one vote. We saw things from a different perspective. We view things differently, from the people in Florida; but in our encounters with individuals, the greatest point they wanted to make was they wanted to be heard.

Mr. Speaker, this opportunity we have to go to conference is particularly important because it says to the American people, we have heard them; and this legislation offers an opportunity to improve the communication vehicle, the vote, that will then emphasize one person, one vote.

Let me also commend the gentleman from Maryland (Mr. HOYER) for his motion to instruct, a very important motion to instruct that asks that we hold to the provision, the buy-out provision, the punch card buy-out provision of $400 million, an extremely important aspect of what we are doing here today, to get rid of what made us ill, and to begin to move us into the 21st century in voting technology. This is an important instruction that I hope we will not step aside from.

This legislation, as we go to conference, creates standards, evenhanded standards, so there are some guidelines to be able to formulate the structures to reinforce or rebuild our voting system.

Also, participating on the Democratic Caucus Election Reform Task Force in hearings around the Nation, I actually heard people crying that they went to the polls with good faith and good intentions to vote. They had voted in years past. They had no intention to commit fraud or vote without documentation; but when they got there, their names were not written. Those of us who adhere to the Christian principles, we know there is something important to having your name on the roll. It was not there.

As we go to conference, I hope we will be concerned about the question of purging, and ask our Secretaries of State in those election offices of the States to find a way to notify individuals that their name may not be on the roll because they have missed a vote.

Mr. Speaker, I yield to the ranking member, who knows that I have raised this issue with him, and I have also mentioned it to the gentleman from Ohio (Mr. NEY). I would like to inquire regarding the interest of the committee on this question of purging of voters.

Mr. HOYER. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, of course the Voting Rights Act, obviously, and the Motor Voter Act provides for the removal of people who have died or are not otherwise eligible.

On the other hand, the gentlewoman raises an absolutely critical issue. The committee and the gentleman from Ohio (Mr. NEY) and I were very concerned about that. There are a number of provisions in this bill that deal with that issue. First of all, while we provide under Motor Voter removal of voters who are ineligible under State law, we have a provision that says that the States must take care not to remove persons who are in fact eligible.

Number two, there is a provision in the bill which provides for the adoption of a state-wide registration system so that we have a uniform system of keeping people on the roll and/or removing them. Obviously, some smaller jurisdictions have great difficulty having the technological capability to keep current, and they make mistakes. We hope to move them in that direction.

The third critical provision included in our bill and the Senate bill is the providing of an opportunity for a provisional balloting. That is a critical provision so when someone goes into the polling place, as happens in every voting jurisdiction in America, and their name does not appear, but they say to the election official, we should be registered, we are supposed to be registered, the election official will provide them with a provisional ballot that they will fill out. It will be kept separate and apart, and then in the succeeding days they will check to see whether that person is an eligible voter. If so, they will count that vote.

In all of those different ways we are trying to deal with that, but the gentlewoman raises an area of great concern to the gentleman from Ohio (Mr. NEY), to myself, and to the Senate conferees as well. I thank the gentlewoman for focusing on that point.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Maryland (Mr. HOYER) and the gentleman from Ohio (Mr. NEY), the chairman, because he was certainly open to my concerns as I expressed them. I thank the gentleman from Maryland (Mr. HOYER) for enunciating those three points.

In conclusion, as we move to conference, if there is an opportunity to additionally talk about some form of a media campaign or announcement by our election officers to put people on notice as elections move forward for them to check, whether we say check to see whether you have been purged or check to see whether or not you are still on the roll, we may not get individual notice, and notice is so important so that people will not be surprised even though they have the right to provisional voting, which I think is excellent.

I will conclude by saying if the conferees will look to this whole question of notice as we move to conference, I think that will enhance the whole concept of the Voter Rights Act of 1965; and I will say, life is being added to that legislation through the process which has been made today.

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

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

Mr. Speaker, I thank the gentleman from Ohio (Mr. NEY). The gentleman is a delight to work with. He is open, fair, and wants to achieve the same objective that all of us do of having a system that works well, and as the gentleman from Florida (Mr. FOLEY) said, of every American's confidence that they have the right to vote, and their vote is counted accurately.

Mr. Speaker, I think this is a good motion, and I am looking forward to going to conference as quickly as possible so we can pass this legislation, which I think will be one of the hallmarks of the 107th Congress.

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

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Maryland (Mr. HOYER).

The motion to instruct was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees:

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference:

Messrs. NEY, EHLERS, DOOLITTLE, REYNOLDS, HOYER, FATTAH and DAVIS of Florida.

From the Committee on Armed Services, for consideration of sections 601 and 606 of the House bill, and section 404 of the Senate amendments, and modifications committed to conference:

Messrs. STUMP, MCHUGH AND SKELTON.

From the Committee on the Judiciary, for consideration of sections 216, 221, title IV, sections 502, and 503 of the House bill, and sections 101, 102, 104, subtitles A, B and C of title II, sections 311, 501, and 502 of the Senate amendments, and modifications committed to conference:

Messrs. SENSENBRENNER, CHABOT and CONYERS.

From the Committee on Science for consideration of sections 221–5, 241–3, 251–3, and 261 of the House bill, and section 101 of the Senate amendments, and modifications committed to conference:

Mr. BOEHLERT, Mr. BARCIA, and Mrs. MORELLA.

Provided that Ms. JACKSON-LEE of Texas is appointed in lieu of Mr. BARCIA for consideration of sections 251–3 of the House bill, and modifications committed to conference.

From the Committee on Ways and Means for consideration of sections 103 and 503 of the Senate amendments, and modifications committed to conference:

Messrs. THOMAS, SHAW and RANGEL.

For consideration of the House bill and Senate amendments, and modifications committed to conference:

Mr. BLUNT.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 15, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective May 16, 2002, I hereby resign my position on the Science Committee due to my permanent appointment to the Judiciary Committee.

Sincerely,

MIKE PENCE,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Judiciary:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, U.S. Capitol Building, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the House Committee on the Judiciary, effective May 16, 2002.

Sincerely,

ED BRYANT, M.C.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 16, 2002.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives, The Capitol.

DEAR MR. SPEAKER: It is with deep regret that I must resign my position on the Science Committee, effective immediately. Though I have greatly enjoyed the hearings and briefings during my short time as a member of Science Committee, another committee position has opened up and I have accepted it.

On a personal note, I would like to commend Chairman Boehlert. It has truly been an honor to work with a Chairman so committed to his panel's work. In closing, I would also like to commend the Science Committee staff. They do an outstanding job and reflect very well on Mr. Boehlert's leadership. I would like to thank you for the assistance you have given and courtesy you have shown me as a freshman member.

With Kind Personal Regards, I am,

J. RANDY FORBES,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. NEY. Mr. Speaker, I offer a resolution (H. Res. 423) and I ask unanimous consent for its immediate consideration in the House.

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

The Clerk read as follows:

H. RES. 423

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Government Reform: Mr. John Sullivan.
Judiciary: Mr. J. Randy Forbes.
Science: Mr. John Sullivan.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes.

PEACE TALKS IN CYPRUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to discuss the slow progress being made over the Cyprus conflict. Yesterday, United Nations Secretary-General Kofi Annan traveled to Cyprus to meet with both Cyprus President Clerides and Turkish-Cypriot leader Denktash in an attempt to speed up negotiations between the two leaders. Secretary Annan said he hopes an agreement can be reached between the two sides by the end of June.

Secretary Annan's pleas come during the same week that a high-ranking Turkish official said the time has come for Turkey to establish new proposals that would be based ''on parameters which are acceptable by Europe and the international community.'' Turkish Deputy Prime Minister Yilmaz was also critical of Turkish-Cypriot leader Denktash saying ''the proposals by Denktash are inadequate.''

□ 1700

Mr. Speaker, in the past I have come to the House floor to voice my extreme displeasure over the way Denktash negotiates. Last year when peace negotiations were at a standstill, I criticized the Turkish side's well-known negotiation tactics that can best be described as nothing more than delay tactics. The Turkish side would agree to peace negotiations on the Cyprus problem only for the purpose of undermining them once they began and then blaming the Greek Cypriots for their failure.

In recent months, however, Mr. Speaker, hopes have been raised that a just and durable solution to the Cyprus problem can be reached and Cyprus

President Clerides and Denktash have been meeting since the beginning of this year. The third round of these talks resumed last month. I am confident that the leadership of the Republic of Cyprus will continue to negotiate in good faith until a comprehensive settlement is reached as they have tried to do all along.

Mr. Speaker, I now hope the Turkish Cypriot leadership will listen to the statements of the Turkish Deputy Prime Minister and finally respond by putting aside its unreasonable and unacceptable demands and negotiate in good faith. The most effective way for Turkey to expedite its membership into the European Union is for the Nation to finally support Cyprus' own accession into the EU and to drop its threats of annexing the Turkish-occupied northern third of the island if Cyprus' accession occurs. Turkey could also help its cause with the European Union by listening to its own Deputy Prime Minister and undertaking new initiatives on Cyprus.

Mr. Speaker, given the instability in the adjacent region of the Middle East, now is a great time to heal the wounds in Cyprus that have been poisoning the relations between Greece and Turkey for nearly three decades. I am hopeful that the U.N. Secretary's visit to Cyprus and the statements of a high ranking Turkish official will move us closer to a just resolution of the Cyprus problem.

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

(Mr. FOLEY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

(Mr. HINOJOSA addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

(Ms. MILLENDER-MCDONALD addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. SHOWS) is recognized for 5 minutes.

(Mr. SHOWS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

CUBA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MCGOVERN) is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, the time has come for us to change our policy toward Cuba. Yesterday, 40 bipartisan Members of this House who comprise the Cuba Working Group, 20 Democrats and 20 Republicans, organized by the gentleman from Arizona (Mr. FLAKE) and the gentleman from Massachusetts (Mr. DELAHUNT), released a set of policy recommendations designed to encourage a more rational, mature and sensible policy towards Cuba. As a member of that working group and as a longtime critic of U.S. policy towards Cuba, I wholeheartedly endorse the recommendations. They are sensible, they are mainstream, and they are an achievable set of policy goals for U.S.-Cuban relations. Among other things, the group urges a repeal of the travel ban imposed by the U.S. Government, which denies Americans the right to travel to Cuba.

Mr. Speaker, freedom to travel is a basic right for all Americans. It goes against our values to tell Americans that they cannot travel to certain destinations.

Further, Americans visiting Cuba in my opinion can help promote democratic values more than all the high-voltage speeches that are regularly delivered on this House floor. The group also calls for more normal relations with regard to exports of U.S. agricultural and medical products to Cuba by eliminating U.S. procedures and restrictions that make such activity virtually impossible. The group also urges better cooperation between our two countries in terms of controlling migration and in terms of combating drug trafficking. We also call for an end to the restrictive and counterproductive Helms-Burton law.

There are other recommendations in this report designed to encourage a better relationship between our two countries. The recommendations in this report should be implemented and are in the best interests of both the American and Cuban peoples.

Mr. Speaker, U.S. policy toward Cuba today is about as relevant as a little piece of the Berlin Wall that you can buy in gift shops. It is a relic of the Cold War that no longer serves any meaningful purpose. Our policy undermines the values and goals the United States cares about, values like freedom and open markets. Thank God for Jimmy Carter. He deserves our praise for speaking the truth about human rights to the Cuban government and the Cuban people and he deserves our praise for advocating the end of the misguided and ineffective U.S. embargo on Cuba. It is frustrating, in my opinion, that the Bush administration does not get it. It is frustrating that for all the rhetoric about democracy, the will of this Congress and the will of the American people to normalize relations with Cuba consistently gets trampled on.

Right here in this Chamber, we have on a number of occasions voted overwhelmingly to lift the travel restrictions now imposed on U.S. citizens, preventing U.S. citizens from being able to travel to Cuba. We have voted numerous times to lift that restriction. Yet in each instance mysteriously these provisions get lost in conference committees. It is wrong. The leadership of this House and indeed the White House should respect the will of the Members of this Congress.

Mr. Speaker, I would hope that the President would engage us in a real dialogue about our policy. The time has come for honest and forthright negotiations between the Congress and the White House on this issue. I fear, however, that next week the President will rattle the same old dusty sabers. He will show the same old unhealthy obsession with Fidel Castro. But he should know, Mr. Speaker, that there is a bipartisan majority in this Congress and there is a bipartisan majority in this country that will continue to advocate for some common sense.

WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, sometimes it is necessary to reflect on the day's legislative agenda to frame for yourself and your colleagues and the American people just what occurred. I am disappointed today to have to announce that what occurred today was both unnecessary and, as well, misguided. Today, the House debated welfare reform. It debated it in a rushed atmosphere that was completely unnecessary. First of all, the legislation, originally called H.R. 4700, now called today 4737, does not expire until September of 2002.

There was much debate on what occurred in 1996, when the President of the United States was named William Jefferson Clinton and welfare reform came to light in a larger forum. All of the numbers suggest that it was a success and we should continue on, and there is no debate on that. Certainly there were a lot of strides that were made with transitioning individuals from welfare to work. They were proud of that. In my own district, I know that I attended a number of graduation classes of individuals who had the ability to be in training programs that allowed them to develop skills to move them from welfare to work.

What one would think that we would do today, of course, would be to build on that success story, not tear it down. But I heard someone today on the floor say, you know, this is about tough love, get them out working 40 hours and that is what this is all about. But then I heard someone come back and say, this is about tough luck and tough loss. It is about condemning poor people, that they have no intent to improve themselves, that everybody on welfare is there purposefully and does

not want to work and creates a deficit on society. That is not true. Many people have fallen upon hard times. Many people have had hard times in their early lives and the cycle is not broken.

I am so disappointed that we did not do something constructive today, that we did not increase the amount of dollars needed for child care. It is well known through a study that by the increased work that we are now requiring these young women to engage in, that there is a need for increasing child care dollars. In fact, in my own congressional district whenever I go home, young mothers will come to me and say that they are on the waiting list trying to get child care so that they can either go to school or go to work. We did not do that today.

In fact, in my own State, out of the passage of this Republican get-quick bill that did not need to be passed today, we are going to give the State of Texas, along with 50 other States, what we call unfunded mandates. In fact, the State of Texas will have $688 million over the next 5 years to fund this bill which is not funded. $344 million it is going to have to pay for child care, which it does not have, over the next 5 years, which is unfunded through this bill, and in the meantime in the State of Texas we are going to leave 37,000 women, parents, single parents, on the waiting list for child care. What a shame and what a sham.

If we had only been given the opportunity for those of us who are concerned about these issues to reasonably debate what these issues are about. Let me share with my colleagues some amendments that were cast to the side. First of all, if anyone is awake and alert they will know that the unemployment rate is going up. In many of our jurisdictions people are unemployed. That means the jobs, the makework jobs, the jobs that we used to have in 1996 really are being competed for by those that do not have any work. I should know because I am obviously a victim in our community, in Houston, from terrible tragedies that have occurred, Tropical Storm Allison and in fact, of course, the unfortunate circumstances with Enron where I have got 4,000 of my constituents still laid off. And around the country. So, therefore, this should have been a serious debate.

Did anyone concern themselves about inflation and whether or not the welfare payments are for individuals taking care of children? Remember, this bill used to be Aid to Dependent Children. This is not the promotion to work bill, which none of us are afraid of. I have worked since I was 16 and many others have, but this is about protecting our children. The inflation factor, they did not want to add it. What about teenage parents? Of course we want parents who are mature. Of course we do not want teenage parents. But if you have them and they resort to welfare, would you not want them to have parenting skills and financial skills?

How to manage money? Is that not a simple request to add to this bill? It was totally discarded by my Republican friends. Then of course I have already mentioned the concern for more child care. We had a bill on the floor today, an amendment that would have provided us $11 billion more in child care so that the parents cannot only go to work and therefore get off of welfare completely or go to school and get the kinds of skills that would allow them to get off of welfare and not look back. I cannot imagine why these amendments were not accepted.

Also we have never had a study, Mr. Speaker, as I close, to find out whether welfare parents and the support they get will diminish child abuse and whether or not it allows them to permanently stay off of the welfare system. We could have done a better job. We could have done a better job on behalf of the American people, Mr. Speaker. I am disappointed we have not. I hope that we will come back to this question again.

CONGRATULATING DR. CARLA HAYDEN ON HER ELECTION AS PRESIDENT OF AMERICAN LIBRARY ASSOCIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I rise today to congratulate Dr. Carla Hayden, a community leader and current executive director of the Enoch Pratt Free Library from my district in Baltimore, who has just been elected by a landslide to serve as the President of the American Library Association. She will be the second African-American woman to hold this very prestigious post in the association's 126-year history.

The American Library Association is the oldest and largest library association in the entire world. Dr. Hayden will serve as its President-elect beginning this July and then take over as President in July 2003. In this position, Dr. Hayden will lead an organization of more than 64,000 librarians, library trustees and library supporters. But what is most significant about this association is that it represents the hub of our communities. Libraries connect us to the world around us, help us reflect upon our past and open the doors to our future. All of us remember either visiting our local library or using the facility at school.

Libraries serve people in many ways. They enhance our quality of life by providing a quiet place to sit, read and learn. But that is not what libraries are all about. They are vital community centers that provide Internet access, family literacy classes, homework assistance, mentoring programs, English as a second language classes, job training and writing workshops.

In addition, today's libraries play a critical role in bridging the digital divide. Since Dr. Carla Hayden began to head the Baltimore Library System, which is known as the Enoch Pratt Free Library, the State of Maryland has stood as a national model for other libraries to build upon.

The Enoch Pratt Free Library has served Baltimore and the surrounding communities since 1882. In 1971, the General Assembly designated the Enoch Pratt Library as the Maryland State Library Resource Center because of its outstanding and diverse collection.

□ 1715

It was one of the first libraries that included all Members of the community. Today, Pratt Central Library is in the process of building an annex that will allow the library to be of greater service to the entire community. This new addition will house a Maryland Reading Room, an African American Reading Room, a public computer lab, and a SAILOR Operations Center, just to name a few.

Dr. Hayden was instrumental in establishing the SAILOR Project. The SAILOR Project is the Nation's first library data network with Internet access and an interlibrary loan system that provides Maryland residents access to information any time of the day from any location within the State.

Dr. Hayden is also known as a key player in advancing the E-Rate Program, which was included in the Telecommunications Act of 1996 and signed by President Clinton. This landmark legislation gave libraries access to Internet and information technology at discounted rates.

Dr. Hayden's nationwide experience will greatly contribute to her position as President of the American Library Association. One of Dr. Hayden's goals for the organization is to ensure equal access for all. After winning the election, Dr. Hayden said, ''All people who seek knowledge, from birth to college, deserve opportunities for growth and exploration.''

Prior to coming to Baltimore in 1993, Dr. Hayden served as the Chief Librarian of the Chicago Public Library System and taught graduate studies as assistant professor in the School of Library and Information Science of the University of Pittsburgh. Currently she is an adjunct faculty member at the College of Library and Information Services of the University of Maryland at College Park.

I continue to be especially impressed by Dr. Hayden's efforts to encourage minority students to enter the field of library science. Since the mid-1990s, she has chaired the American Library Association's Spectrum Initiative, a program that gives financial assistance to students working to obtain their Master's Degree.

Mr. Speaker, that is just one of the reasons that Dr. Hayden was recognized by Library Journal in 1995 as Librarian of the Year and was recognized as one of Maryland's Top 100 Women by

Warfield's Business Record in 1996. She also has received the Legacy of Literacy Award from the DuBois Circle of Baltimore, the Andrew White Medal from Loyola College, the President's Medal from Johns Hopkins University and an honorary degree from Morgan State University.

In the words of media celebrity Tavis Smiley, Dr. Hayden stands out because she shows a passion for her work. ''Life is too short,'' he says, ''to not do something that you are passionate about.'' Dr. Hayden exemplifies that passion.

Again, on behalf of all the citizens of the Great State of Maryland and this Congress, we congratulate Dr. Carla Hayden. Baltimore is proud to have her serve in the role she now serves the Nation and, indeed, the world.

SAYING GRACE

The SPEAKER pro tempore (Mr. JIM MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCDERMOTT. Mr. Speaker, people often have the opportunity to do things which bring attention to themselves that they did not really expect, and one such person is a woman named Barbara Kingsolver, one of the most eminent authors in this country.

During the days after 9/11, she wrote a number of essays about what was happening in the United States and was, in some instances, very poorly received by people, and I think that, having met her and listened to her at the Physicians for Social Responsibility 2 weeks ago, I thought it would be good for the House to have an opportunity to think about Ms. Kingsolver's words.

The speech she gave there was entitled ''Saying Grace,'' and it goes this way.

''I never knew what 'grand' really was until I saw the canyon. It's a perspective that pulls the busy human engine of desires to a quiet halt. Taking the long view across that vermillion abyss attenuates humanity to quiet internal rhythms, the spirit of ice ages, and we look, we gasp, and it seems there is a chance we might be small enough not to matter. That the things we want are not the end of the world. I have needed this view lately.

''I've come to the Grand Canyon several times in my life, most lately without really understanding the necessity. As the holidays approached I couldn't name the reason for my uneasiness. We thought about the cross-country trip we had usually taken to join our extended families' Thanksgiving celebration, but we did not make the airplane reservations. Barely a month before, terrorists attacks had distorted commercial air travel to a horrifying new agenda, one that left everybody jittery. We understood, rationally, that it was as safe to fly as ever, and so it wasn't precisely nervousness that made us think twice about flying across the country for a long weekend. Rather, we were moved by a sense that this was wartime, and the prospect of such personal luxury felt somehow false.

''I called my mother with our regrets and began making plans for a more modest family trip. On the days our daughters were out of school we would wander north from Tucson to visit some of the haunts I have come to love in my 20 years as a desert dweller, transplanted from the verdant Southeast. We would kick through the leaves in Oak Creek Canyon, bask like lizards in the last late-afternoon sun on Sedona's red rocks, puzzle out the secrets of the labyrinthine ruins at Wupatki, and finally stand on the rim of the remarkable canyon.

''I felt a little sorry for myself at first, missing the reassuring tradition of sitting down to face a huge upside-down bird and counting my blessings in the grand joyful circle of my kin. And then I felt shame enough to ask myself, how greedy can one person be to want more than the Grand Canyon? How much more could one earth offer me than to lay herself bare, presenting me with the whole of her bedrock history in one miraculous view? What feast could satisfy a mother more deeply than to walk along a creek through a particolored carpet of leaves, watching my children pick up the fine-toothed gifts of this scarlet maple, that yellow aspen, piecing together the picture puzzle of a biological homeplace? We could listen for several days to the songs of living birds instead of making short work of one big dead one, and we would feel lighter afterward too.

''These are relevant questions to ask in this moment when our country demands that we dedicate ourselves and our resources, again and again, to what we call the defense of our way of life: How greedy can one person be? How much do we need to feel blessed, sated and permanently safe? What is safety in this world, and on what broad stones is that house built?

''Imagine that you came from a large family in which one brother ended up with a whole lot more than the rest of you. Sometimes it happens that way, the luck falling to one guy who didn't do that much to deserve it. Imagine his gorgeous house on a huge tract of forest, rolling hills and fertile fields. Your other relatives have decent places with smaller yards, but yours is mostly dust. Your lucky brother eats well, he has meat every day—in fact, let's face it, he is corpulent, and so are his kids. At your house, meanwhile, things are bad. Your kids cry themselves to sleep on empty stomachs. Your brother must not be able to hear them from the veranda where he dines, because he throws away all the food he can't finish. He will do you this favor: He'll make a TV program of himself eating. If you want, you can watch it from your house. But you can't have his food, his house, or the car he drives around in to view his unspoiled forests and majestic purple mountains. The rest of the family has noticed that all his driving is kicking up dust, wrecking not only the edges of his property, but also their less pristine backyards and even yours, which was dust to begin with. He has dammed the rivers to irrigate his fields, so that only a trickle reaches your place, and it's nasty. You are beginning to see that these problems are deep and deadly, and you will be the first to starve and the others will follow. The family takes a vote and agrees to do a handful of obvious things that will keep down the dust and clear the water. All except Fat Brother. He walks away from the table. He says God gave him good land and the right to be greedy.

''The ancient Greeks adored tragic plays about families like this, and their special world for the fat brother was 'hubris.' In the town where I grew up, we called it 'getting all high and mighty,' and the sentence that came next usually included the words 'getting knocked down to size.' For most of my life, I have felt embarrassed by a facet of our national character that I would have to call prideful wastefulness. What other name can there be for our noisy, celebratory appetite for unnecessary things, and our vast carelessness regarding their manufacture and disposal? In the autumn of 2001 we faced the crisis of taking a very hard knock from the outside, and in its aftermath, as our Nation grieved, every time I saw that wastefulness rear its head I felt even more ashamed. Some retailers rushed to convince us in ads printed across waving flags that it was our duty, even in wartime, especially in wartime, to go out and buy those cars and shoes. We were asked not to think very much about the other side of the world, where, night after night, we were waging a costly war in a land whose people could not dream of owning cars or in some cases even shoes. For some, 'wartime' becomes a matter of waving our pride above the waste, with slogans that didn't make sense to me: 'Buy for your country' struck me as an exhortation to 'erase from your mind what has just happened.' And the real meaning of this I can't even guess at: 'Our enemies hate us because we are free.'

''I'm sorry, but I have eyes from which to see, and friends in many places. In Canada, for instance, I know people who are wicked cold in winter but otherwise in every way as free as you and me. And nobody hates Canada.

''Hubris isn't just about luck or wealth, it's about throwing away food while hungry people watch. Canadians were born lucky, too, in a global sense, but they seem more modest about it and more deeply appreciative of their land; it's impossible to imagine Canada blighting its precious wilderness areas with 'mock third-world villages' for bombing practice, as our Air Force has done in Arizona's Cabeza Prieta Range. I know how countries bereft of any wild lands at all view our planks for

drilling in the Arctic National Wildlife Refuge, the world's last immense and untouched wilderness, as we stake out our right to its plunder as we deem necessary. We must surely appear to the world as exactly what we are: A nation that organizes its economy around consuming twice as much oil as it produces and around the profligate wastefulness of the wars and campaigns required to defend such consumption. In recent years we have defined our national interests largely in terms of the oil fields and pipelines we need to procure fuel.

''In our country, we seldom question our right to burn this fuel in heavy passenger vehicles and to lead all nations in the race to pollute our planet beyond habitability; some of us in fact become belligerent towards anyone who dares to raise the issue. We are disinclined as a nation to assign any moral value at all to our habits of consumption. But the circle of our family is large, larger than just one nation, and as we arrive at the ends of our frontiers, we can't possibly be surprised that the rest of the family would have us live within our means. Safety resides, I think, on the far side of endless hunger. Imagine how it would feel to fly a flag with a leaf on it, or a bird, something living. How remarkably generous we could have appeared to the world by being the first to limit fossil fuel emissions by ratifying the Kyoto Agreements, rather than walking away from the table, as we did last summer in Bonn, leaving 178 other signatory nations to do their best for the world without any help from the world's biggest contributor to global warming. I find it simply appalling that we could have done this. I know for a fact that many, many Americans were stunned, like me, by the selfishness of that act, and can hardly bear their own complicity in it. Given our societal devotion to taking in more energy than we put out, it is ironic that our culture is so cruelly intolerant of overweight individuals. As a nation we're not just overweight, a predicament that deserves sympathy; I fear we are also, as we live and breathe, possessed of the Fat Brother's mindset.

''I would like to have a chance to live with reordered expectations. I would rather that my country be seen as a rich, beloved brother than the rich and piggish one. If there is a heart beating in the United States that really disagrees, I have yet to meet it. We are by nature a generous people. Just about every American I know who has traveled abroad and taken the time to have genuine conversations with citizens of other countries has encountered the question, as I have, 'Why isn't your country as nice as you are?' I wish I knew. Maybe we're distracted by our attachment to convenience.

□ 1730

''Maybe we believe the ads that tell us the material things are the key to happiness, or maybe we are too frightened to question those who routinely define our national interests for us in terms of corporate profits. Then too, millions of Americans are so strapped by the task of keeping their kids fed and a roof over their heads that it is impossible for them to consider much of anything beyond that. But ultimately, the answer must be that as a Nation, we just have not yet demanded generosity of ourselves.

''But we could, and we know it. Our country possesses the resources to bring solar technology, energy independence, and sustainable living to our planet. Even in the simple realm of humanitarian assistance, the United Nations estimates that $13 billion above current levels of aid would provide everyone in the world, including the hungry within our own borders, with basic health and nutrition. Collectively, Americans and Europeans spend $17 billion a year on pet food. We could do much more than just feed the family of mankind, as well as our cats and dogs. We could assist that family in acquiring the basic skills and tools it needs to feed itself, while maintaining the natural resources on which all life depends. Real generosity involves not only making a gift, but also giving up something, and on both scores, we are well situated to be the most generous Nation on earth.

''We like to say we already are, and it's true that American people give of their own minute proportion of the country's wealth to help victims of disasters far and wide. Our children collect pennies to buy rain forests one cubic inch at a time, but this is a widow's might, not a national tithe. Our government's spending on foreign aid has plummeted over the last 20 years to levels that are, to put it bluntly, the stingiest among all of the developed nations. In the year 2000, according to the Organization of Economic Cooperation and Development, the United States allocated just .1 percent of its Gross National Product to foreign aid, or about one dime for every $100 in its Treasury, whereas Canada, Japan, Australia, Austria, and Germany each contributed 2 to 3 times that much. Other countries gave even more, some as much as 10 times the amount we do; they view this as a contribution to the world's stability and their own peace. But our country takes a different approach to generosity. Our tradition is to forgive debt in exchange for a strategic military base, an indentured economy, or mineral rights. We offer the hungry our magic seeds, genetically altered so the recipients must also buy our pesticides, while their sturdy native seed banks die out. At Fat Brother's house the domestic help might now and then slip out the back door with a plate of food for a neighbor, but for the record the household gives virtually nothing away. Even now, in what may be the most critical moment of our history, I fear that we may seem to be telling the world we are not merciful as much as we are mighty.

''In our darkest hours we may find comfort in the age-old slogan from the resistance movement, declaring that we shall not be moved. But we need to finish that sentence. Moved from where? Are we anchoring to the best of what we've believed in throughout our history, or merely to an angry new mode of self preservation? The American moral high ground cannot possibly be an isolated mountaintop from which we refuse to learn anything at all to protect ourselves from monstrous losses. It is critical to distinguish here between innocence and naivete: The innocent do not deserve to be violated, but only the naive refuse to think about the origins of violence. A nation that seems to believe so powerfully in retaliation cannot flatly refuse to look at the world in terms of cause and effect. The rage and fury of this world have not notably lashed out at Canada, the Nation that takes best care of its citizens, or Finland, the most literate, or Brazil, or Costa Rica, among the most biodiverse. Neither have they tried to strike down our redwood forests or our fields of waving grain. Striving to cut us most deeply, they felled the towers that seemed to claim we buy and sell the world.

''We do not own the world, as it turns out. Flight attendants and bankers, mothers and sons were ripped from us as proof, and thousands of families must now spend whole lifetimes reassembling themselves after shattering loss. The rest of us have lowered our flags in grief on their behalf. I believe we could do the same for the 35,600 of the world's children who also died on September 11 from conditions of starvation and extend their hearts to the mothers and fathers who lost them.

''This seems a reasonable time to search our souls for some corner where humility resides. Our Nation believes in some ways that bring joy to the world, and in others that make people angry. Not all of those people are heartless enough to kill us for it or fanatical enough to die in the effort, but some inevitably will be, more and more, as desperation spreads. Wars of endless retaliation kill not only people, but also the systems that grow food, deliver clean water, and heal the sick. They destroy the beauty, they extinguish the species, they increase desperation.

''I wish our National Anthem were not the one about bombs bursting in air, but the one about the purple mountain majesties and amber waves of grain. It's easier to sing and closer to the heart of what we really have to sing about. A land as broad and as green as ours demands of us thanksgiving and a certain breadth of spirit. It invites us to invest our hearts most deeply in invulnerable majesties that can never be brought down in a stroke of anger. If we can agree on anything in difficult times, it must be that we have the resources to behave more generously than we do, and that we are brave enough to rise from the ashes of

loss as better citizens of the world than we have ever been. We've inherited the grace of the Grand Canyon, the mystery of the Everglades, the fertility of an Iowa plain; we could crown this good with brotherhood. What a vast inheritance for our children that would be, if we were to become a nation humble before our rich birthright, whose graciousness makes us beloved.''

Mr. Speaker, I hope all Members take the time to read this.

A TRIBUTE TO A WONDERFUL WOMAN

The SPEAKER pro tempore (Mr. JEFF MILLER of Florida). Under the Speaker's announced policy of January 3, 2001, the gentleman from Indiana (Mr. BURTON) is recognized for 60 minutes as the designee of the majority leader.

Mr. BURTON of Indiana. Mr. Speaker, I will not take the whole 60 minutes.

Mr. Speaker, every once in a while one of our colleagues here has a wife or a child or a husband that dies, and we express our condolences and we tell them how sorry we are; but our colleagues really do not know very much about those people who have passed on. If a Member dies, we have the flag on the Capitol that is lowered to half mast and Members fly out to the district for the funeral and there is a lot of attention paid to it. But behind the people in the Congress are husbands and wives and children that are never really known about, except when a tragedy occurs. They are there to help us get elected, to feed us, to bring us joy when we go home at night; but they do not get much attention.

Well, this is a picture of my wife. We were married 42 years. We laid her to rest yesterday morning. She was one of the most wonderful people that I ever met. I promised her before she died that I would make sure that she would at least be remembered as a footnote in history, if not a little bit more. I told her I would come to the floor and tell a little bit about her life, because it was a very interesting life.

She was born in Flat Creek, Kentucky, up in the mountains, the hills of Kentucky in a two-room shack. They had no water, running water, they had no plumbing, and they had no electricity. She and her grandmother and grandfather and her mother and her uncle lived in that two-room shack while she was a little girl. Her mother got pregnant and was not married, and her father would not marry her mother, so her uncle literally got on a horse, took the shotgun and went over to this guy's house and said, you are going to marry her or you are not going to come out of that house alive, so the proverbial shotgun wedding took place and he married my wife's mother, and he never lived with her again. He went to World War II and died while he was over there; not in combat, he died from some other kind of an illness. My wife's mother literally had a broken heart, because she was really in love with the fellow.

She contracted tuberculosis. When my wife was about 6 years old, her mother died of tuberculosis and then she was left to be raised by her grandmother and grandfather. Her uncle had gone to the war as well. Her grandmother, from taking care of my wife's mother contracted tuberculosis, and she likewise died.

So now my wife was about 7. She had a grandfather, and the uncle came back from the war and said, we cannot let this little girl stay in this house with just two men. So they took her to an uncle who was a superintendent of schools. He had a nice home in Kentucky, but his wife did not like the wildness of this little 7-year-old girl because she had never had any formal training or education, and she said she could not stand having her in the house, so they kept her for about 2 months and then they shuffled her off to another relative.

She went to the other relative who was called her Aunt Jackie who had two children of her own, and she lived there until she was about 17 years old, and she matured and she became a very pretty lady. She was very popular among her fellow students because she was very quiet and withdrawn. I think it was probably because of the toughness of her childhood. She became what was called the band sponsor. She was elected by her classmates, and she was very proud of that. But what they did not know was she had contracted tuberculosis from her grandmother, which had been in her body all of that time.

So in her senior year in high school, she had to go into a sanitarium in London, Kentucky; and she was there for about 6 months, pretty much by herself because they kept people pretty isolated in those days because they did not know how to cure tuberculosis. She did not do too well, so they sent her to Louisville, Kentucky, where she had half of one lung removed, and she was there for about another 3 or 4 months, and she was alone again. But she survived and she got better and then she moved to Cincinnati, Ohio, and lived with another aunt and went to secretarial school.

I was studying for the ministry at the Cincinnati Bible Seminary when I met her at the Westwood Cheviot Church of Christ, and I asked her out and we started dating, and 6 months later we were married. Marriages that take place in 6 months they say do not last too long. We were married 42 years. She was probably, if not the best, one of the best things that ever happened to me.

I ran for Congress four times before I got elected. If my colleagues know anything about spouses, they have to put up with the heartache, the pain, the financial losses and everything else when somebody runs for office. When you have a husband or a wife that runs and loses, you go through the pain with them. You go through the financial hardships with them. She did it once, twice, three times, and finally a fourth time.

I remember the last time I thought we were going to win and everything started going wrong, and I told her we would have to put some of our own money into the campaign, and I told her we would probably have to mortgage the little farm that I had bought and I sold my car and I took our savings in order to be competitive and ended up borrowing and everything else on my land and everything to the tune of $91,000. I never will forget what she said when I told her we were going to have to do that, because I said, I can either do that or get out of the race. She put her arms around me and she said, Don't worry, we can make more money. It was the fourth time.

Anyhow, we were successful; and now I have been in Congress 20 years, but I do not have her anymore. The thing that is interesting about it is, and I wish all of my colleagues were here to hear this, is one never really appreciates somebody like that until it is almost too late. Thankfully, we had the last year and a half together. We went to Germany and went to Florida and the State of Washington and every place we could to try to get her cured, but it was too late. She had metastatic colon cancer.

□ 1745

I would like to say to my colleagues, if you have not had a colonoscopy be sure to get one, because if we had done that earlier she probably would have survived. But nevertheless, we expect our spouse, our loved ones to be there when we go home at night. When we go away on a campaign trip we expect them to be there when we get back. We take them for granted, year in and year out, and we never think that one day we will come home and they will be gone.

Well, I would just like to say to my colleagues from one who knows there is a good possibility they will be gone. So whether you are in politics or whether you are not in politics, pay a little attention to your family and your kids and spend as much time with them as you can, because a car accident, cancer, something can come along real quickly and you will not have them any more and you will rue the day.

I remember I was talking to the gentleman from Illinois (Mr. HYDE), who lost his wife a few years ago. We did not talk about that much on the floor either. I was trying to console him and he said, I would give 2 or 3 years of my life just to walk around the block with her.

That is how hard it was on him, and that is how hard it is on me and my family right now. So I wanted to come down tonight and extol the virtues of a woman that I loved for 42 years. I did not treat her as well as I should have. She deserved a lot better but she was

the best, the very best, and she will be missed. I hope that everybody takes a little inspiration from her because she was an inspiration to me, and I think she would be an inspiration to anybody who met her.

On her tombstone we are putting the words, ''She was a wonderful wife and mother and an angel to everyone who knew her.'' And she really was.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. TANNER (at the request of Mr. GEPHARDT) for today after 2:00 p.m. on account of attending a funeral.

Mr. POMBO (at the request of Mr. ARMEY) for today through May 21 on account of attending an international conference in Japan.

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 Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. SHOWS, for 5 minutes, today.

Mr. MCGOVERN, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Member (at the request of Mr. FOLEY) to revise and extend his remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly an enrolled bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1840. An act to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until Monday, May 20, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

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

6863. A communication from the President of the United States, transmitting notification of the intention to reallocate funds previously transferred from the Emergency Response Fund; (H. Doc. No. 107–213); to the Committee on Appropriations and ordered to be printed.

6864. A communication from the President of the United States, transmitting a request to make the subsidy budget authority necessary to support a $429 million Federal credit instrument for America West Airlines; (H. Doc. No. 107–214); to the Committee on Appropriations and ordered to be printed.

6865. A communication from the President of the United States, transmitting a request to make available funds for the Disaster Relief program of the Federal Emergency Management Agency; (H. Doc. No. 107–215); to the Committee on Appropriations and ordered to be printed.

6866. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Space Based Infrared System (SBIRS) High program exceeds both the 15 percent and 25 percent Nunn-McCurdy Average Procurement Unit Cost threshold, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

6867. A letter from the Director (FinCEN), Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Anti-Money Laundering Programs for Operators of a Credit Card System (RIN: 1506–AA28) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6868. A letter from the Assistant General for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Manufactured Home Construction and Safety Standards: Smoke Alarms [Docket No. FR–4552–F–02] (RIN: 2502–AH48) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6869. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6870. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6871. A letter from the General Counsel, Frderal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–P–7608] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6872. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; San Diego Crew Classic [CGD11–02–100] (RIN: 2115–AE46) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6873. A letter from the Acting Chief, Policy and Rules Division, Federal Communication Commission, transmitting the Commission's final rule—Amendment of Parts 2, 25 and 97 of the Commission's Rules with Regard to the Mobile-Satellite Service Above 1 GHz [ET Docket No. 98–142] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6874. A letter from the Chief, Accounting Policy Division, Federal Communications Commission, transmitting the Commission's final rule—Fed. State Jt. Bd on Univ. Serv. [CC Doc. No. 96–45]; 1998 Biennial Reg. Rev. Streamlined Contrib. Rept. Req. Assoc. w/ Admin. of Telecomm. Relay Serv., N. Amer. No. Plan, Loc. No. Portability, & Univ. Serv. Supp. Mechanisms [CC Doc. No. 98–171]; Telecomm. Serv. for Indiv. w/ Hearing & Speech Disab., & the ADA of 1990 [CC Doc. No. 90–571]; Admin. of the N. Amer. No. Plan & N. Amer. No. Plan Cost Recovery Contribution Factor & Fund Size [CC Doc. No. 92–237, NSD File No. L–00–72]; No. Resource Opt. [CC Doc. No. 99–200]; Tel. No. Portability [CC Doc. No. 95–116]; Truth-in-Billing & Billing Format [CC Doc. No. 98–170] Received to the Committee on Energy and Commerce.

6875. A letter from the Acting Chief, Accounting Safeguards Division, Federal Communications Commission, transmitting the Commission's final rule—2000 Biennial Regulatory Review—Comprehensive Review of the Accounting Requirements and ARMIS Reporting Requirements for Incumbent Local Exchange Carriers [CC Docket No. 00–199] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6876. A letter from the Acting Chief, Policy and Rules Division, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Part 15 of the Commission's Rules to allow certification of equipment in the 24.05–24.25 GHz band at field strengths up to 2500 mV/m [ET Docket No. 98–156, RM–9189] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6877. A letter from the Assistant Bureau Chief, Management, Federal Communications Commission, transmitting the Commission's final rule—Establishing Rules and Policies for the use of Spectrum for Mobile Satellite Services in the Upper and Lower L-band [IB Docket No. 96–132] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6878. A letter from the Senior Legal Advisor to the Bureau Chief, MMB, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cheyenne Wells, Colorado) [MM Docket No. 01–250, RM–10273]; (Flagler Colorado) [MM Docket No. 01–251, RM–10274]; (Stratton, Colorado) [MM Docket No. 01–253, RM–10276] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6879. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Japan for defense articles and services (Transmittal No. 02–25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

6880. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Air Force's proposed lease of defense articles to France (Transmittal No. 04–02), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

6881. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 15–02 which informs the intent to sign Amendment Number Three to the Project Arrangement between the United States and Sweden concerning Trajectory Correctable Munitions, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6882. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 16–02 which informs of the intent to sign Amendment Number One to International Test And Evaluation Program For Humanitarian Demining (ITEP) Memorandum of Understanding (MOU) between the United

States, Belgium, Canada, the Netherlands, Sweden, the United Kingdom, and the European Commission (represented by the Joint Research Centre), pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6883. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 14–02 which informs of the intent to sign a Memorandum of Understanding (MOU) between the United States and the United Kingdom concerning Cooperation on the Future Development, Interoperability and Support of the CH–47 Chinook Helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

6884. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold under contract to Australia [Transmittal No. DTC 028–01], pursuant to 22 U.S.C. 2776(c)and 22 U.S.C. 2776(d); to the Committee on International Relations.

6885. A letter from the Executive Secretary and Chief of Staff, Agency For International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6886. A letter from the Secretary, Department of State, transmitting a report in response to Section 418 of Public Law 107–56, USA-PATRIOT Act of 2001; to the Committee on the Judiciary.

6887. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Liquefied Natural Gas (LNG) Tanker Transits and Operations at Phillips Petroleum LNG Pier, Cook Inlet, Alaska [COTP Western Alaska–02–007] (RIN: 2115–AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6888. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Port of Tampa, Tampa Florida [COTP TAMPA–02–024] (RIN: 2115–AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6889. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Bayou Boeuf, Louisana [CGD08–02–008] received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6890. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hutchinson River, Eastchester Creek, NY [CGD01–01–182] (RIN: 2115–AE47) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6891. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Lawson's Creek and Trent River, New Bern, NC [CGD05–02–012] (RIN: 2115–AE46) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6892. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Gulf of Alaska, Narrow Cape, Kodiak Island, AK [COTP Western Alaska–02–005] (RIN: 2115–AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6893. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Captain of the Port Chicago Zone, Lake Michigan [CGD09–02–008] (RIN: 2115–AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6894. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations Regulations; Youngs Bay, OR [CGD13–02–004] (RIN: 2115–AE47) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6895. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Chevron Conventional Buoy Mooring, Barbers Point Coast, Honolulu, HI [COTP Honolulu 02–002] (RIN: 2115–AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6896. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Lake Erie, Toledo, Ohio [CGD 09–01–136] (RIN: 2115–AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6897. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Patriots Weekend, Dockside Restaurant Fireworks Display, Port Jefferson, NY [CGD01–02–039] (RIN: 2115–AA97) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6898. A letter from the SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Administrative Procedure for Imposing Penalties for False or Misleading Statements (RIN: 0960–AF20) received April 24, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6899. A letter from the Under Secretary, Department of Defense, transmitting a report specifying the projects and accounts to which funds are to be transferred satisfying the requirement pursuant to Section 301 of the Emergency Supplemental Act of 2002 (Division B of P.L. 107–117); jointly to the Committees on Appropriations and Armed Services.

6900. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting additional legislative proposals for inclusion in the Foreign Relations Authorization Act for Fiscal Years 2002 and 2003; jointly to the Committees on International Relations and Government Reform.

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. 3717. A bill to reform the Federal deposit insurance system, and for other purposes; with an amendment (Rept. 107–467). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1877. A bill to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, and for other purposes; with an amendment (Rept. 107–468). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2054. A bill to give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those States, and for other purposes, with an amendment (Rept. 107–469). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 4466. A bill to amend title 49 United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes; with an amendment (Rept. 107–470). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 3253. A bill to amend title 38, United States Code, to provide for the establishment of emergency medical preparedness centers in the Department of Veterans Affairs; with amendments (Rept. 107–471). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4085. A bill to increase, effective as of December 1, 2002, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes, with amendments (Rept. 107–472). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4514. A bill to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers, and for other purposes; with amendments (Rept. 107–473). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. H.R. 4608. A bill to name the Department of Veterans Affairs medical center in Wichita, Kansas, as the ''Robert J. Dole Department of Veterans Affairs Medical Center''; with amendments (Rept. 107–474). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. RAHALL (for himself, Mr. SHAYS, Mr. GEORGE MILLER of California, Mr. MARKEY, Mr. KIND, Mr. INSLEE, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. PALLONE, and Mr. FALEOMAVAEGA):

H.R. 4748. A bill to modify the requirements applicable to locatable minerals on public domain lands, consistent with the principles of self-initiation of mining claims, and for other purposes; to the Committee on Resources.

By Mr. GILCHREST:

H.R. 4749. A bill to reauthorize the Magnuson-Stevens Fishery Conservation and Management Act, and for other purposes; to the Committee on Resources.

By Mr. FARR of California:

H.R. 4750. A bill to designate certain lands in the State of California as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Mrs. CAPITO:

H.R. 4751. A bill to amend title XVIII of the Social Security Act to provide for a voluntary outpatient prescription drug benefit program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDIN (for himself, Mr. WAXMAN, Mr. STARK, and Mr. BROWN of Ohio):

H.R. 4752. A bill to amend title XVIII of the Social Security Act to prohibit physicians and other health care practitioners from charging a membership or other incidental fee (or requiring purchase of other items or services) as a prerequisite for the provision of an item or service to a Medicare beneficiary; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself, Mr. BOUCHER, and Mr. JONES of North Carolina):

H.R. 4753. A bill to replace the existing Federal tobacco program with a federally chartered corporation to ensure the stability of the price and supply of domestically produced tobacco, to compensate quota holders for the loss of tobacco quota asset value, to provide transition assistance for active tobacco producers, to increase the competitiveness of domestically produced tobacco, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida (for himself, Mr. REHBERG, Mr. DEFAZIO, Mr. SKEEN, Ms. BROWN of Florida, Mrs. MEEK of Florida, Mr. FOLEY, Mr. LINDER, Mr. JEFFERSON, Mr. WEXLER, Ms. CARSON of Indiana, Ms. ROS-LEHTINEN, Mr. CUMMINGS, Mr. UDALL of New Mexico, Mr. WYNN, Mrs. WILSON of New Mexico, Mr. DEUTSCH, Mr. PASCRELL, and Mr. HAYWORTH):

H.R. 4754. A bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Agriculture, and Resources, 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. HOBSON (for himself, Mr. LATOURETTE, Mr. PORTMAN, Mr. TRAFICANT, Mr. HALL of Ohio, Mr. GILLMOR, Ms. PRYCE of Ohio, Mr. NEY, Mr. SAWYER, Mr. BROWN of Ohio, Mr. OXLEY, Mr. STRICKLAND, Mr. BOEHNER, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. REGULA, Mr. CHABOT, and Mr. TIBERI):

H.R. 4755. A bill to designate the facility of the United States Postal Service located at 204 South Broad Street in Lancaster, Ohio, as the ''Clarence Miller Post Office Building''; to the Committee on Government Reform.

By Mrs. JOHNSON of Connecticut:

H.R. 4756. A bill to amend the Internal Revenue Code of 1986 to impose a moratorium on the ability of United States corporations to avoid the United States income tax by reincorporating in a foreign country; to the Committee on Ways and Means.

By Mrs. MCCARTHY of New York (for herself, Mr. DINGELL, Mr. KIRK, Mr. CONYERS, Mr. MORAN of Virginia, Mr. GILMAN, Mrs. TAUSCHER, Mrs. MORELLA, Mr. ANDREWS, Mrs. ROUKEMA, Mr. PASCRELL, Mr. CASTLE, Mr. CAPUANO, Mr. FRANK, Ms. NORTON, Mr. MOORE, Ms. BROWN of Florida, Ms. WOOLSEY, Mr. BLAGOJEVICH, Ms. CARSON of Indiana, Ms. SCHAKOWSKY, Mr. LANGEVIN, Mr. MEEHAN, Mr. NADLER, Mrs. LOWEY, Mr. DAVIS of Illinois, Mr. HOEFFEL, Ms. RIVERS, Mr. WEXLER, Mr. MCGOVERN, Mr. WAXMAN, Mr. ENGEL, Mr. FORD, Ms. LOFGREN, Mr. HASTINGS of Florida, Mr. ISRAEL, Mr. WEINER, Ms. ROYBAL-ALLARD, Ms. WATERS, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. RUSH, Mr. CLAY, Mr. ROTHMAN, Ms. DELAURO, and Mr. SHERMAN):

H.R. 4757. A bill to improve the national instant criminal background check system, and for other purposes; to the Committee on the Judiciary.

By Mr. MOORE (for himself, Mr. DAVIS of Florida, Mr. ETHERIDGE, Mr. ISRAEL, Mr. MORAN of Virginia, Mr. PASCRELL, Mr. POMEROY, Mr. SANDLIN, Mr. SPRATT, Mr. STENHOLM, Mrs. TAUSCHER, and Mr. TURNER):

H.R. 4758. A bill to provide a responsible increase in the debt limit, restore fiscal discipline, and safeguard Social Security; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, 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. NADLER (for himself and Mrs. MALONEY of New York):

H.R. 4759. A bill to ratify the Governors Island National Monument and the boundaries thereof, and for other purposes; to the Committee on Resources, and in addition to the Committee on Government Reform, 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. OBERSTAR:

H.R. 4760. A bill to amend title 5, United States Code, to provide that service performed by an air traffic controller who is transferred or promoted to a supervisory or staff position continue to be treated as controller service for retirement purposes; to the Committee on Government Reform.

By Mr. OBERSTAR (for himself and Mr. FILNER):

H.R. 4761. A bill to reform the safety practices of the railroad industry, to prevent railroad fatalities, injuries, and hazardous materials releases, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE:

H.R. 4762. A bill to amend the Fair Labor Standards Act of 1938 to require payment of at least the minimum wage to certain drivers for all hours worked as a condition of exempting such drivers from overtime requirements; to the Committee on Education and the Workforce.

By Mr. ROGERS of Michigan (for himself, Mr. TOWNS, Mr. LINDER, and Mr. TOM DAVIS of Virginia):

H.R. 4763. A bill to amend chapter 55 of title 5, United States Code, to exclude availability pay for criminal investigators from the limitation on premium pay; to modify levels of special pay adjustments for Federal law enforcement officers in certain cities, and for other purposes; to the Committee on Government Reform.

By Mr. RUSH:

H.R. 4764. A bill to amend title XXI of the Social Security Act to require the Secretary of Health and Human Services to make grants to promote innovative outreach and enrollment efforts under the State children's health insurance program, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SHIMKUS:

H.R. 4765. A bill to reinstate the license and extend commencement of construction deadlines for the Carlyle Hydroelectric Project in the State of Illinois, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THUNE (for himself and Mrs. CUBIN):

H.R. 4766. A bill to declare the existence of a fire risk emergency for the Beaver Park Roadless Area and Norbeck Wildlife Preserve of the Black Hills National Forest in the State of South Dakota, to direct the Secretary of Agriculture to endeavor to use expedited alternative processes to address forest health conditions in these areas, and for other purposes; to the Committee on Resources.

By Mr. TOOMEY:

H.R. 4767. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2007; to the Committee on the Budget.

By Ms. VELÁZQUEZ (for herself, Ms. SCHAKOWSKY, Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Mr. KILDEE, Mr. ENGEL, Ms. MCKINNEY, Ms. SOLIS, Mr. BRADY of Pennsylvania, Mr. BONIOR, Mr. LYNCH, and Ms. LEE):

H.R. 4768. A bill to amend the Fair Labor Standards Act of 1938 to provide access to information about sweatshop conditions in the garment industry, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WATKINS:

H.R. 4769. A bill to direct the Secretary of the Army to convey a parcel of land located in Pittsburg County, Oklahoma, to the Choctaw Nation; to the Committee on Transportation and Infrastructure.

By Mr. NEY:

H. Res. 423. A resolution designating majority membership on certain standing committees of the House; considered and agreed to.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

245. The SPEAKER presented a memorial of the House of Representatives of the State of Florida, relative to House Resolution No. 9003C memorializing the President of the United States and the United States Congress to support and commit necessary funding for the continued development, permanent establishment, and future operation of the Center for Coastal and Maritime Security; to the Committee on Armed Services.

246. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No.

454 memorializing the United States Congress to sustain the President's affirmative decision on Yucca Mountain's suitability as a permanent Federal repository for used nuclear fuel; to the Committee on Energy and Commerce.

247. Also, a memorial of the Senate of the State of Vermont, relative to Senate Resolution No. 21 memorializing the United States Congress in fiscal year 2003, to conribute $1.2 billion to the United Nations' ''Global Fund to Fight AIDS, Tuberculosis and Malaria''; to the Committee on International Relations.

248. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 455 memorializing the United States Congress to enact legislation designing the September 11, 2001, United Airlines Flight 93 crash site in Somerset County Pennsylvania, as a National Historic Battlefield; to the Committee on Resources.

249. Also, a memorial of the Legislature of the State of Alabama, relative to House Joint Resolution No. 12 memorializing the United States Congress that both Houses thereof concurring ratify the Seventeenth Amendment to the United States Constitution; to the Committee on the Judiciary.

250. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 187 memorializing the United States Congress to fund the Great Lakes Basin with similar appropriations that have been afforded the Florida Everglades and the South Florida ecosystem; jointly to the Committees on Transportation and Infrastructure and Resources.

251. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 265 memorializing the United States Congress to increase protections for the Great Lakes and to affirm the authority of the Great Lakes governors on matters of the usage of Great Lakes waters; jointly to the Committees on Transportation and Infrastructure and Resources.

252. Also, a memorial of the Legislature of the State of Louisiana, relative to Senate Concurrent Resolution No. 20 memorializing the United States Congress to support the Act to Leave No Child Behind; jointly to the Committees on Ways and Means, Energy and Commerce, Education and the Workforce, Agriculture, the Judiciary, and Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 199: Mrs. TAUSCHER.
H.R. 257: Mr. RILEY and Mr. LEWIS of Kentucky.
H.R. 435: Mr. MCGOVERN.
H.R. 482: Mrs. MYRICK.
H.R. 510: Mr. ARMEY and Mr. TIAHRT.
H.R. 611: Mr. SKELTON.
H.R. 827: Mr. BISHOP and Mr. MASCARA.
H.R. 831: Mr. BOYD, Mr. NEAL of Massachusetts, and Mrs. CAPITO.
H.R. 858: Mr. MCNULTY, Mr. ROSS, and Mr. GUTIERREZ.
H.R. 912: Mr. CASTLE and Mr. BACA.
H.R. 951: Mr. CARDIN, Mr. RODRIGUEZ, Mr. ABERCROMBIE, Mr. KLECZKA, and Mr. HOBSON.
H.R. 954: Mr. OLVER.
H.R. 1167: Mr. SULLIVAN.
H.R. 1176: Mr. LAMPSON, Ms. LEE, and Ms. HOOLEY of Oregon.
H.R. 1202: Mr. LEWIS of Kentucky, Mr. UDALL of New Mexico, and Mr. CLAY.
H.R. 1220: Mr. BARTON of Texas.
H.R. 1305: Mr. WELDON of Pennsylvania.
H.R. 1400: Mr. LAFALCE.
H.R. 1452: Mr. MEEHAN and Mr. BENTSEN.
H.R. 1517: Mr. BISHOP and Mr. SANDERS.
H.R. 1520: Mr. INSLEE, Mr. SCHIFF, and Mr. BURTON of Indiana.
H.R. 1596: Mr. AKIN.
H.R. 1598: Mr. DOGGETT.
H.R. 1604: Mr. SANDERS.
H.R. 1701: Ms. JACKSON-LEE of Texas, Mr. KINGSTON, Mr. THORNBERRY, and Mr. LATOURETTE.
H.R. 1704: Mr. BARTLETT of Maryland.
H.R. 1795: Mr. COLLINS.
H.R. 1808: Mr. BONIOR.
H.R. 1810: Mr. SMITH of Washington.
H.R. 1987: Mr. MATSUI.
H.R. 2033: Mr. BACA.
H.R. 2037: Mr. DEAL of Georgia and Mr. GREEN of Wisconsin.
H.R. 2143: Mr. SANDLIN and Mr. CONDIT.
H.R. 2357: Mr. SULLIVAN.
H.R. 2422: Mrs. CHRISTENSEN.
H.R. 2442: Mr. LATOURETTE and Mr. UNDERWOOD.
H.R. 2484: Mr. HOYER.
H.R. 2570: Mr. HASTINGS of Florida and Mr. HALL of Ohio.
H.R. 2605: Ms. HOOLEY of Oregon.
H.R. 2649: Mr. JOHNSON of Illinois, Mr. OTTER, Mr. GILLMOR, Mr. HOEFFEL, Mr. ANDREWS, and Mr. ROGERS of Michigan.
H.R. 2662: Ms. MCKINNEY.
H.R. 2663: Mrs. MYRICK.
H.R. 2695: Mr. COX.
H.R. 2820: Mr. DIAZ-BALART.
H.R. 2829: Mr. STENHOLM, Mr. NORWOOD, Mrs. CUBIN, and Mr. DOOLEY of California.
H.R. 2874: Mr. SNYDER and Mr. BONIOR.
H.R. 2974: Mr. BORSKI.
H.R. 3109: Mr. TIERNEY.
H.R. 3253: Mrs. DAVIS of California.
H.R. 3285: Mrs. TAUSCHER.
H.R. 3320: Mr. SCHAFFER.
H.R. 3321: Mr. LANGEVIN.
H.R. 3358: Mr. BENTSEN.
H.R. 3414: Mr. SANDERS.
H.R. 3424: Mr. LANGEVIN, Mr. BERRY, Mr. HYDE, Mr. REGULA, and Mr. SKEEN.
H.R. 3430: Mr. SAXTON and Mr. BONIOR.
H.R. 3530: Mr. MATSUI.
H.R. 3553: Mr. WELDON of Pennsylvania.
H.R. 3561: Mr. BISHOP.
H.R. 3609: Mr. SULLIVAN.
H.R. 3619: Mr. HOUGHTON.
H.R. 3659: Mr. BONIOR, Mr. STUPAK, Ms. NORTON, Mr. BISHOP, Mr. STRICKLAND, Mr. JEFFERSON, Mr. HOEKSTRA, Mr. SHERMAN, Mr. JOHN, Mr. DEAL of Georgia, Mr. WU, and Mr. DAVIS of Illinois.
H.R. 3661: Mr. LARSON of Connecticut, Mr. DEAL of Georgia, Mr. YOUNG of Alaska, Ms. SLAUGHTER, Mr. MCINNIS, and Mr. HORN.
H.R. 3670: Mr. MEEHAN.
H.R. 3717: Mr. ADERHOLT and Ms. DEGETTE.
H.R. 3804: Mr. HOEFFEL, Mr. STARK, Mrs. MINK of Hawaii, and Mrs. JONES of Ohio.
H.R. 3831: Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. GOODLATTE, and Mr. CARSON of Oklahoma.
H.R. 3834: Ms. DELAURO, Mr. BERRY, Mr. JENKINS, Mr. BONIOR, and Ms. BERKLEY.
H.R. 3882: Mr. KENNEDY of Rhode Island, Mrs. MORELLA, Mr. BONILLA, and Mr. MURTHA.
H.R. 3884: Ms. EDDIE BERNICE JOHNSON of Texas, and Mrs. THURMAN.
H.R. 3887: Mr. BACA, Ms. PELOSI, Mr. TIERNEY, Mr. TOWNS, and Mr. HILLIARD.
H.R. 3900: Mr. HALL of Ohio.
H.R. 3911: Ms. LEE.
H.R. 3926: Mr. DAVIS of Illinois.
H.R. 3995: Mr. OSE and Mrs. MYRICK.
H.R. 4018: Mr. JENKINS and Mr. BERRY.
H.R. 4033: Ms. SCHAKOWSKY.
H.R. 4075: Mr. GEORGE MILLER of California and Mr. WAXMAN.
H.R. 4084: Mr. PASCRELL.
H.R. 4085: Mrs. DAVIS of California.
H.R. 4163: Mrs. JO ANN DAVIS of Virginia.
H.R. 4169: Mr. DEAL of Georgia, Mr. AKIN, and Mrs. EMERSON.
H.R. 4194: Mr. OWENS and Mr. CONDIT.
H.R. 4236: Ms. PELOSI.
H.R. 4446: Mr. HOBSON, Mr. REHBERG, Mr. HAYES, and Ms. SLAUGHTER.
H.R. 4514: Mr. EVANS, Mr. JEFF MILLER of Florida, and Mrs. DAVIS of California.
H.R. 4515: Mrs. EMERSON, Ms. BALDWIN, Mr. HASTINGS of Washington, and Mr. BOSWELL.
H.R. 4592: Ms. WATERS, Mr. DOOLEY of California, Mr. SERRANO, Mr. DOOLITTLE, Mr. HERGER, Mr. CONDIT, and Mr. OSE.
H.R. 4600: Mr. GEKAS, Mr. KIRK, Mr. SUNUNU, Mr. HOBSON, Mr. BURR of North Carolina, Mr. MCHUGH, and Mr. WICKER.
H.R. 4608: Mr. EVANS, Mr. JEFF MILLER of Florida, and Mrs. DAVIS of California.
H.R. 4614: Mr. PALLONE.
H.R. 4629: Ms. HARMAN.
H.R. 4635: Mr. STENHOLM and Mr. GOODE.
H.R. 4642: Mr. OTTER.
H.R. 4654: Mr. PASCRELL, Mr. CAPUANO, Mr. FROST, Ms. RIVERS, Mr. SANDERS, and Mr. TOWNS.
H.R. 4658: Ms. HOOLEY of Oregon, Mr. SOUDER, and Mr. OSBORNE.
H.R. 4660: Mr. DICKS, Mr. BRADY of Texas, and Mr. GRAHAM.
H.R. 4665: Mr. REYES.
H.R. 4667: Mr. OSBORNE.
H.R. 4668: Mr. NETHERCUTT, Ms. BALDWIN, Mr. SANDERS, Mr. HOEFFEL, Mr. SCHIFF, Mrs. THURMAN, Mr. FROST, Mr. PASTOR, Mr. BARRETT, Mr. WALDEN of Oregon, and Ms. MCCARTHY of Missouri.
H.R. 4687: Ms. DELAURO.
H.R. 4719: Mr. CAMP.
H.J. Res. 90: Mrs. THURMAN.
H.J. Res. 91: Mr. GEKAS and Mr. SHADEGG.
H.J. Res. 93: Mr. GOODE, Mr. VITTER, and Mr. PITTS.
H. Con. Res. 213: Mr. MALONEY of Connecticut, Ms. WOOLSEY, and Mr. ACKERMAN.
H. Con. Res. 314: Mr. ISRAEL.
H. Con. Res. 345: Mr. SOUDER.
H. Con. Res. 350: Mr. KOLBE.
H. Con. Res. 351: Ms. SCHAKOWSKY, Mr. SMITH of New Jersey, Mr. SMITH of Washington, Ms. BALDWIN, Mr. HOEFFEL, Mr. LIPINSKI, Mr. PAYNE, Mr. SCHIFF, Ms. VELAZQUEZ, and Mrs. MORELLA.
H. Con. Res. 385: Mr. QUINN, Mr. HOLDEN, Mr. MATHESON, Mr. GILMAN, Mr. BONIOR, Mr. TANNER, Mr. BOYD, Mr. WEINER, Mr. KING, Mr. DEUTSCH, Ms. PELOSI, Mrs. LOWEY, Ms. ESHOO, Ms. MILLENDER-MCDONALD, Mrs. BONO, Mrs. EMERSON, Ms. MCCARTHY of Missouri, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mrs. DAVIS of California, Ms. BALDWIN, Mrs. CLAYTON, Ms. CARSON of Indiana, Mr. MARKEY, Mr. PALLONE, Mr. BROWN of Ohio, Mr. ENGEL, Mr. RUSH, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RODRIGUEZ, Mr. CLYBURN, Mr. OBERSTAR, Mr. BECERRA, and Mr. BACA.
H. Con. Res. 394: Mr. BLUMENAUER, Ms. ROS-LEHTINEN, Mr. PITTS, Mrs. JO ANN DAVIS of Virginia, Mr. PAYNE, Ms. WATSON of Pennsylvania, Mr. NORWOOD, Mr. PENCE, Mr. SPRATT, Mr. HOLT, Mr. CRENSHAW, Mr. BLUNT, Mr. GARY G. MILLER of California, and Mr. SMITH of New Jersey.
H. Con. Res. 398: Mr. RODRIGUEZ.
H. Con. Res. 401: Mr. BAKER.
H. Con. Res. 416: Mr. CHABOT, Mr. JEFF MILLER of Florida, Mr. TANCREDO, Mr. OTTER, Mr. SAM JOHNSON of Texas, and Mr. TERRY.
H. Res. 418: Mr. BALLENGER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 4163: Mr. MCGOVERN.

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Senate

(Legislative day of Thursday, May 9, 2002)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

PRAYER

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

Almighty God, we humble ourselves and confess our need for You. You lift us up and grant us opportunities beyond our imagination. Yet, when we try to make it on our own, claiming recognition for ourselves, eventually we become proud and self-sufficiently arrogant. Keeping up a front of adequacy becomes demanding. Our pride blocks our relationship with You and debilitates deep, supportive relationships with others.

Help us accept our humanity. We need You, and life is a struggle when we pretend to have it all together. We honestly confess the times we forgot You went for hours this week, even days without asking for Your help, and endured life's pressures as if we were the source of our own strength.

In the quiet of this moment, we invite You to fill our depleted resources with Your Spirit. We want to allow You to love us, forgive us, renew us, and grant us fresh joy. To this end we admit our need and accept Your power for the work ahead this day. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JACK REED 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,
Washington, DC, May 16, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

SCHEDULE

Mr. REID. The Chair will shortly announce we will be in a period of morning business until 10 a.m. today, with the first half under the control of the majority leader and the second half under the control of the Republican leader. We expect Senator BOXER momentarily.

At 10 a.m. the Senate will resume consideration of the trade bill, with 90 minutes of debate in relation to the Gregg amendment, followed by a vote in relation to that amendment. I remind all Senators that from 2 to 3 p.m. today we will be in recess for the Reagan gold medal ceremony. President Reagan and Nancy Reagan will be recognized in the Rotunda today for their service to our country.

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.

Mrs. BOXER. 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.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. Under the previous order, half the time until 10 a.m. shall be under the control of the majority leader or his designee.

Mrs. BOXER. Mr. President, I ask to be advised when 5 minutes remain on our time.

The ACTING PRESIDENT pro tempore. The Chair will so advise.

THE ENVIRONMENT

Mrs. BOXER. Mr. President, I take to the floor this morning to talk about an issue that is very near and dear to the hearts of the American people. It is very near and dear to the hearts of Californians and very near and dear to my heart. That is a clean and healthy environment for our people. I know the Presiding Officer shares my view on this very important issue.

When I was a little girl, my mother would say you can have everything, but if you don't have your health, you

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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really don't have anything. She was right about that. The older I get, the more I realize that is true. You can have a wonderful home, wonderful family, but if someone is ill, someone has chronic problems, it takes over. That is what a clean and healthy environment means. It means clean air; it means clean water, safe drinking water; it means beautiful places to take your family.

In the old days, people used to say only the elitists were environmentalists. In other words, it was a movement about people who had everything. The truth is, it is quite the contrary because the people who have a lot of resources and a lot of money can buy their own environment. They can buy a big piece of property. It can have a lake on it, beautiful trees, and mountains. They can enjoy it forever, as long as they live. But ordinary families cannot do that. They need to rely on the environment that we all share.

Most of our people live in urban areas or near urban areas. In California, about 90 percent of our people live close to urban areas. In the rest in the country as a whole, it is almost 80 percent. The fact is, most of us live near businesses, and some pollute. We live in a shared environment. Sometimes it is an environment that is not as healthy as it should be. We know now what causes the pollution. It is no great surprise.

What brings me here? To say that I am distressed at the record of this administration on the environment. Almost every day we have something else to which we can say: Oh my God, what are they doing? We believe it is time to call attention to it. We think when we call attention to it, they may well change their ways. We have proof of that in one particular issue that I will discuss. But, also, the American people need to know the values of this administration compared to their own values. When so many of our children have asthma, this is not a time to turn away from the Clean Air Act and put up some phony proposal that you say is better but is worse. We have a leader on that issue, Senator JEFFORDS, very clearly saying that is the direction in which this administration is going.

When we have children who are suffering from too much lead in their blood and we know that leads to disability, sometimes coma, blindness, sometimes even death—certainly learning disabilities and mental retardation—it is not a time to float a proposal that says we should stop testing poor kids for lead in their blood.

What has happened as a result of this attack on the environment—and, by the way, I will go through more issues—is that our majority leader, TOM DASCHLE, has appointed what I call the E team, the environmental team. That team comprises several Senators: BILL NELSON, CANTWELL, CLINTON, REID, WYDEN, LIEBERMAN, TORRICELLI, and myself. We are examining on a daily basis what this administration is doing to us on the environment. We have created a Toxic Trophy Award to go to those particular agencies that are doing the most damage.

Two weeks ago, we gave that award to the Department of Health and Human Services for their proposal to consider not testing poor kids for lead in their blood. We pounded away pretty hard and we presented our Toxic Award in a ceremony. They were not there, but in absentia we presented the award. Guess what happened. Yesterday we read in the paper that they decided they are going to back away.

We are really glad. We see this happening all over. My friend is very involved in education issues. Senator KENNEDY and I know that the Presiding Officer, Senator REED, and others were there to point out the administration is going to make it more difficult for our young people to pay back college loans. You pounded on this administration, and guess what happened. They backed away.

We think this administration functions in a very interesting way. They do a lot of things in the dead of night. They hope nobody notices. The newspapers may write a couple of articles, but then they figure the publicity will die down. And the American people, frankly, are worse for it.

The E team and the other teams Senator DASCHLE has set up, be it for prescription drugs or Social Security, the many issues we are looking at, are not going to allow these policy changes to go unnoticed.

Today I want to put on record and share with you, Mr. President, since I see you are the one with whom I can share it, what has happened since this administration took over in terms of the environment.

We think the place to start is an organization called the Natural Resources Defense Council, the NRDC. This is a great organization. They are nonprofit and nonpartisan. They employ about 200-plus lawyers and scientists to follow what various administrations are doing with regard to the environment. As I say, they are very nonpartisan. They did not like a couple of things the Clinton administration did, and they went pretty heavily for it on a few issues. They are unrelenting in their pursuit of a clean environment for our families.

Most of the time they agreed with the Clinton administration because the Clinton administration, I would say, was probably the most pro-environmental administration we have seen in many years. But even then, when they believed the administration was wrong, they went after them.

They have kept a record of this administration's decisions on the environment. That is what I want to talk about. What they have found is that there are more than 90 separate actions this administration has taken that are bad for public health and the environment. Let me repeat that. They have not been in office that long—it seems like yesterday—and already 90 separate actions that this administration has taken are bad for public health and the environment.

I do not have time to put this entire list in, but let me show you the report. It is called ''Rewriting The Rules, The Bush Administration's Assault On The Environment.'' It has a picture of some beautiful land with a used tire in the middle. Everyone should get a copy of this. You can go on their Web site, nrdc.org, and find out what is happening.

I am glad one of the members of my E team is here, Senator NELSON of Florida. I am opening, and when I get to the Superfund, I would like to get into a colloquy with him, if he can.

Does the Senator have time to stay for about 15 minutes?

Mr. NELSON of Florida. Certainly.

Mrs. BOXER. Let's start from the beginning. The administration took over in 2001. One of the first things they did was to hold up proposed rules announced by EPA in December of 2000 that were designed to minimize raw sewage discharges and to require public notification of sewage overflows.

There is nothing more ugly than sewage overflows—without going into any detail. Why on Earth would they reverse the decision to minimize sewage overflows? You will have to ask them. Last year alone, there were some 40,000 discharges of untreated sewage carrying bacteria, viruses and, frankly, fecal matter into basements, streams, playgrounds, and waterways across the country. That rule is still delayed today.

On March 13, 2001, President Bush broke the promise he made during the campaign and he announced he would not regulate carbon dioxide, the chief contributor to global warming. He is not going to go after the powerplants. This is where Senator JEFFORDS is taking this administration on, and I am right by his side, as is the E team.

On May 22, the administration suspended the new standard for arsenic in drinking water. My friend Senator NELSON and I just went wild on that point. When we took to the floor and shined the light on this subject, they changed their mind and they decided to let the Clinton rule go into place: 10 parts per billion. We know the old standard that they seemed to want to have, because they delayed the new standard, causes cancer in 1 in 100 people. So we had to fight very hard on arsenic. By the way, the fight isn't over because now we are learning from scientists that 10 is too high, 10 parts per billion; we need to go down to 3. So we have a fight there.

On May 3, the administration reversed a 25-year-old Clean Water Act rule that restricted the disposal of mining and other industrial solid wastes in our waterways. The EPA then issued a new rule, making it illegal for coal companies to dump ''fill material,'' which includes waste material from mountaintop mining, into our

rivers, our streams, our lakes and our wetlands.''

I don't know whether the President really listens to the words:

O beautiful for spacious skies,
For amber waves of grain,
For purple mountain majesties
Above the fruited plain!
America! America!
God shed his grace on thee.

He doesn't seem to understand beauty that we have been given by God, to be honest. I don't see it. Either that or he has not taken an interest. But, either way, the decisions of this administration—I have just shared a few. There are 90 of them. Go up on the NRDC site and get the rest of them—would make you shudder. That is why Senator DASCHLE set up this E team—to take a light and shine it on what is happening.

I am going to get to the issue I know Senator NELSON is very upset about, and that is the Superfund. Before I yield to him in a colloquy, let me show, in a chart form, what is actually happening. I want to show how many strip mine sites there are across this great land of ours. This is the EPA's own Web site, and this is the NPL sites, which are the priority sites, the worst sites. You don't see much yellow here. Yellow indicates the places that have no Superfund sites. Purple represents the ones that have the sites. So we are talking about an issue that impacts our entire Nation.

The health effects of these sites are very real. What are they? When we say Superfund, it means these are the most toxic sites. When you live near a Superfund site, studies show there are increased birth defects, low birth weights, changes in pulmonary function—that is breathing—neurological damaging—that is the brain—and leukemia.

If you live near one of these sites, you have a better chance of getting really sick, and particularly your children because—what have we said here so many times—children are the most vulnerable when it comes to being exposed to toxins and pollution. Why is that? Their bodies are changing and growing in the midst of these toxins. And they are small, so when they breathe in the air in proportion to their body weight, it is much more of an important factor.

Now, I often say, children are not little adults. I am a little adult. I am stronger. If I lived near one of these sites, I could get sick because I am not as strong as a big 155-pound male, which is always the standard on which we measure progress. But little kids, they are the ones who get hurt.

So there are 1,200 national priority list Superfund sites, NPL sites. And nearly 70 million Americans, including 4 million children, live within 4 miles of a Superfund site. Let me reiterate: 70 million Americans live within 4 miles of a Superfund site. And we know if you live near a site, you are at greater risk of getting very ill. We know 4 million children live near Superfund sites.

Mr. REID. Will the Senator yield for a question?

Mrs. BOXER. I am happy to do so.

Mr. REID. One of the things I have been trying to do is tell people in Nevada we should not be afraid of Superfund sites. Let me give the Senator from California an example.

In northern Nevada, Sparks, which is a suburb of Reno, there was a huge gravel pit, much larger than the Capitol Building. It was huge.

One day, a number of years ago, somebody started seeing black rings around this pit. And months and months went by and the State simply was ill-equipped to handle the many problems involving a Superfund. I thought something might be involved.

So to make a long story short, the Senator from California and I have served on the Environment and Public Works Committee for a long time, and I sent a staff person to look at it.

We held a hearing, and within 2 weeks that was declared an emergency Superfund site because millions of gallons of oil had been spilled by the oil companies into the ground. It could have been extremely dangerous.

Again, I will make this story shorter than it probably should be, but that place now, after having been declared a Superfund site, is one of the most beautiful places in all of northern Nevada. It is called Sparks Marina. There are boats out in this beautiful area which used to be an ugly gravel pit. Now it is a marina with recreation.

They are now going to build some apartments and homes next to it.

So I say to my friend from California, I appreciate very much, as someone from Nevada, that Senators are here this morning talking about the inadequacies and fallacies of this administration relating to the environment. But I also want to pinpoint what Senators are talking about with regard to Superfund sites because we should be spending more money on Superfund sites so we can have, across this country, more Sparks Marinas rather than less Sparks Marinas.

So I appreciate very much the Senator from California bringing this to the Senate's attention.

Mrs. BOXER. I say to the Senator, that is the point. If we can clean up these sites, the Senator is so right—the same way with brownfields—they are then safe, productive land, good for the community. The reason we are on the floor of the Senate today—and the Senator is part of my E team, and he will understand this—this wonderful story occurred because the site was cleaned. If the site sat there, people would have been fearful, and should have been fearful. And that is why I want to get to this next point.

Mr. REID. Before the Senator does, let me make one additional point. That beautiful Sparks Marina was cleaned up without a single penny of taxpayers' money. It was paid for by the polluters who were forced into cleaning that up when it was declared a Superfund site because had they not come forward and then been found guilty, they would have been charged three times the actual damages.

Mrs. BOXER. My friend has now hit on the very two issues that we are going to talk about in the next few minutes. The first one is the importance of cleaning up the sites and what it means when you do that. The second point is the importance of ''polluter pays'' as a concept that is now being threatened.

So what is happening under this administration, I say to my friends, is this: This administration is going to cut in half the number of sites to be cleaned up. I should not say they are going to; they have so stated.

So we are going from the Clinton administration, where the last cleanups reflected in the year 2000 were 87 sites cleaned up, to now, under this administration, they are talking about cleaning up 47. They did 47 last year. So that means it has already been cut in half. And they want to continue to go down, down, down. So we see here a walking away from the Superfund Program.

I say to my friend from Florida, what is so stunning about this is the only way we found this out was by digging and digging through EPA documents. We have asked in the Environment Committee—I am the chair of the Superfund Subcommittee—for a list of which sites are not going to be cleaned up. They first promised to do 75, and they did 47. Then they said they would do 65, and now they have said they are going to do 40. So they are down, from a high of 88 to 40. We cannot get the list of what sites they will not clean up.

I have a chart in the Chamber showing NPL sites. We do not know where the sites are. Mr. President, they could be in your State. They could be in Florida. They could be in my State. I have over 100 sites—100 sites—in my State, and 40 percent of my people—and that is a big number; we have 35 million people—live within 5 miles of a Superfund site.

So we are all in this together. There is only one State that has no sites, and that is North Dakota. Lucky North Dakota. Well, there are not that many people there. But the people who are there do not live near a Superfund site. Every other State has a site in it, and no one knows where the sites are because the administration will not tell us. By October, they have to expend the money, and the administration says they don't have the list ready.

I believe at some point we are going to have to subpoena this information because how would you feel, Mr. President, if you were a property owner, and you anticipated a site near you was going to be cleaned, and suddenly you were told it would not be? You would want to have some advance notice so you could protest, so you could call your Senator and say to him or her: Fight for me. This isn't right.

We have a site in New Jersey where, honestly, the rabbits there have turned a horrible color of green because of the Agent Orange on the site, arsenic on the site.

The ACTING PRESIDENT pro tempore. The Senator from California has 5 minutes remaining.

Mrs. BOXER. I will yield to my friend some time to ask me some questions. But I will say this: We are in a mess. Half of the sites that we thought were going to be cleaned up will not be cleaned up.

The last point is the point on ''polluter pays.'' I have a chart I will show you, and then I will yield.

''Polluter pays'' has been a theory and a practice. Now what the administration is doing—we always had a situation where taxpayer funds only paid for about 18 percent of the cleanup, and 82 percent was paid by the responsible parties and other funds.

Now, under this administration, in 2003, because there is no Superfund fee in place anymore, 54 percent of the program is going to be paid by taxpayers.

So I ask a rhetorical question to this administration: Where have you been, when we have made a point that polluter pays is basic?

I yield to my friend for questions or comments, but I also ask unanimous consent for 5 additional minutes on our side.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

Mrs. BOXER. I thank the Chair.

Mr. NELSON of Florida. I thank the Senator from California for yielding.

I would like to talk about 1 of those 1,222 sites around the country, 51 of which are in my State, 111 in the State of New Jersey, 100 sites in the State of California. One of those sites is about 12 miles west of Orlando near Lake Apopka at a site called the Old Tower Chemical plant which was shut down in 1980 after a plug of witches' brew that had been created in a holding pond as a result of cooking DDT—I am not making this up; it sounds like a fantasy tale but it is true—after cooking this DDT in order to get a chemical byproduct, all of this residue flowed into a holding pond.

What they didn't know was that the holding pond was a sink hole that allowed that cooked witches' brew to go right into the water supply, the Floridian aquifer and, even with that sink hole, a plug escaped over the top of the holding pond and into a creek which flowed into Lake Apopka.

Lake Apopka is a huge lake west of Orlando. It has had quite a few environmental problems, not the least of which is a lot of agricultural runoff, and so forth. But this Tower Chemical plant was finally shut down by EPA when it found that some of this holding pond brew went into Lake Apopka.

Today Lake Apopka's population of 4,000 alligators is down to 400. And of those 400, they have found deformities in the alligators. You know how tough an alligator is. This site, the Tower Chemical plant, still sits out there, not treated, not cleaned up, and there are traces of these chemicals in the area in the water supply. There are eight residences right in the immediate vicinity. I am trying to get EPA to give filters for the water wells that tap the water supply right next door to the Tower Chemical plant, just for starters, not to speak of the underlying point.

If we don't have a trust fund that is filled with money for that principle that the ''polluter pays,'' there is not going to be any money. The money in the trust fund is going to run out next year. So how are we going to clean up the Tower Chemical site that could be threatening a huge water supply for the State of Florida? There is simply no way.

As to the Bush administration—I said this in Florida the other day—what has happened to them? Have they taken leave of their senses; to say that they are not going to fund, through the principle of the ''polluter pays,'' the trust fund so we can clean up these 51 sites in the State of Florida, the 1,222 sites around the country? If you don't do that, either you don't clean up the sites—and there is just too much environmental risk—ergo, witness the example I have just given you west of Orlando and the Floridian aquifer being threatened—or if you are going to clean them up, guess who is going to pay. The general taxpayer is going to pay instead of the polluter paying.

When we passed this bill in 1980—I was a Member of the House of Representatives, and I voted for it—it was with the understanding that there would be a tradeoff, that the oil companies would trade off their liability in future lawsuits by agreeing to the principle of the polluter paying, and they and the chemical companies over the years would pay into the trust fund. If we don't keep that same principle, then the oil companies get off scot-free. They don't have any lawsuit liabilities now because of their agreement in exchange for paying in to help us clean up these sites. Are we to let them completely off the hook so that they will not pay?

I wanted to bring that one case to the attention of the Senator from California as she is talking about the national implications of this. I thank the Senator for yielding.

Mrs. BOXER. I thank my colleague. We are not talking about theory. We are not talking about an academic proposition. We are talking about sites with horrible pollutants and toxins in them, close to people, that have to be cleaned up.

This is the first time I have taken to the floor on this subject. I intend to come back. Other members of the team include HILLARY CLINTON and RON WYDEN and JOE LIEBERMAN, and we think BOB TORRICELLI may join us. This is a big issue to the people of this country. We are all pulling together on the challenge that was handed to us on 9–11. We will pull together on that.

To me, the most important thing is to understand that there is a balance. On domestic issues, when we see this administration going the wrong way, repealing laws that reflect values of the American people, the value of a healthy environment, the value of a beautiful environment, we are going to be here.

Today we will with Senator SCHUMER give out another Toxic Trophy Award. Senator CANTWELL is also on the E team. I think I have covered then all of the members.

I know how strongly we believe in these issues. If we continue to shine the light on some of these outrageous proposals, we won't stop every one of them, but we will stop some of them. At a minimum, the American people will know what this administration is doing, sometimes in the dead of night when they are not watching. We intend to be here and call attention to these matters in the hope of winning this battle, when we consider that there has been a war waged on the environment. We will be here as soldiers in that war. We intend to win it.

I thank the Chair and 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. GRASSLEY. 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.

Under the previous order, the time until 10 a.m. is under the control of the Republican leader or his designee.

The Senator from Iowa is recognized.

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

SOIL CONSERVATION

Mr. GRASSLEY. Mr. President, I come to the floor to comment on an article that was in the Des Moines Sunday Register April 21 which speaks to the point of conservation of farm land. There is nothing in the article that is not accurate, but I think some things that are not included leave the impression that farmers of the United States are not good stewards of the soil. The premise of the article, according to the headlines ''Farmers' penalties rarely stick,'' is that under Federal law farmers must take certain action to conserve soil. If they do not conserve the soil and do it according to a plan, then they would be fined. And the article here is based on the premise that only a Government policeman from the U.S. Department of Agriculture is going to make the farmers conserve soil and that fines that might be imposed are the way of doing that because it says here that farmers' conservation fines rarely stick.

The bottom line of the article is that farmers are not conserving soil, that

Government regulation is the only thing that is going to make the farmers conserve the soil, and that there is not enough club on the part of Government because the fines in too many instances, according to the article, are forgiven.

As I said, there is nothing inaccurate in that, but I have prepared remarks in which I want to give both sides of the story. We do have a Government requirement for farmers to participate in farm programs they must take appropriate action to conserve soil. There has been tremendous progress made in the conservation of soil, and it has come not because of Government fines that might be imposed against farmers but it comes because it is in the farmers' best interests to conserve soil because, quite frankly, the soil is very valuable but in the process of growing crops you put tremendously expensive chemicals and fertilizers on the soil. And when you have soil erosion and that soil washes into the streams, then obviously that investment to produce a bountiful crop goes with it. So it is to the farmers' advantage to keep the soil on their land.

Over the past year, this body, along with our colleagues in the House, has engaged in a protracted discussion about the future of agriculture in the United States and how to best ensure a safe and stable food supply while providing an adequate safety net for farm families. The farm bill was passed and signed by the President very recently, which will be the safety net for the next 6 years.

Now that we have done that, I would like to take a step back and address a concern that has been raised by many people I represent. For those colleagues who have never had the good fortune to visit my State of Iowa, I would like to take a moment to talk about this State. While we in Iowa may not be able to boast about majestic mountains or white sands on beaches along the oceans, my State has one natural resource to which I daresay no other State can compare—our rich, abundant, fertile topsoil. This resource has given birth to a deep-seated agricultural heritage in every corner of my state. In fact, each year communities across Iowa take to the streets to celebrate our rich heritage that comes from this rich natural resource, our topsoil.

For example, the community of Conrad, IA, celebrates what they call ''Black Dirt Days.'' Gladbrook celebrates ''Sweet Corn Days,'' and the little community of Dike celebrates ''Watermelon Days.'' You can go on and on with examples of the people of Iowa worshiping our great natural resource. And no one in Iowa cares more about this rich heritage and our precious natural resources than the farm families who depend on the land for their livelihood and their way of life. That is why I was disturbed, as I already indicated to you, when the Des Moines Sunday Register on April 21 accused Iowa farmers of failing to take adequate steps to protect Iowa's soil and water. The article suggested that the U.S. Department of Agriculture's Natural Resources Conservation Service Program, as well as the Farm Service Agency, both failing to adequately enforce Federal conservation rules, often let our farmers off the hook when conservation violations occur.

The article suggests that the only way to achieve real conservation in rural America is for the Federal Government to carry a very big stick. Even more disconcerting, the article fails to address the significant conservation achievements that Iowa's farm families have already attained in terms of reducing soil erosion and reducing the use of nitrogen fertilizers by using it more efficiently.

The Federal Government first significantly increased the prominence of conservation as a national priority in the 1985 farm bill. For the first time, that Food Security Act of 1985 required farmers to implement sound conservation plans on their farms as a condition for receiving Federal farm subsidies.

We were not controlling the farmers' land, but we were saying in effect, through that bill, if they are going to benefit from the farm safety net, we expect everybody to be good stewards of their soil.

More importantly, the 1985 bill also recognized the desire on the part of farmers themselves to protect the land on which they live and raise their families from abusive farming practices. The bill created the Conservation Reserve Program, sometimes called CRP, which allows farmers to take our countryside's most highly erodible land out of production.

Since the 1985 farm bill, we have expanded the number of opportunities for farmers to voluntarily practice soil conservation programs. Today, farmers have a full arsenal of conservation tools at their disposal, including the Conservation Reserve Program, the Wetlands Reserve Program, the Emergency Watershed Protection Program, and the Wildlife Habitat Incentive Program, to name a few.

The response to these programs by farmers and landowners has been overwhelming. Today, in Iowa alone, the farmers have enrolled 1.8 million acres in the Conservation Reserve Program, including 337,000 acres in the Continuous Conservation Reserve Program, which allows farmers to remove our country's most environmentally sensitive land from production. The Continuous Conservation Reserve Program helps farmers make significant conservation improvements on their land, including riparian buffers, grass waterways, filter strips, and windbreaks.

In addition, Iowa farmers are aggressively working to restore our Nation's wetlands. Today, Iowa farmers have enrolled over 44,000 acres in the Wetlands Reserve Program. Wetlands provide a number of environmental benefits, as I am sure my colleagues understand.

These wetland reserves help filter out nitrates that leech into the surface water from nitrogen fertilizers used by farmers to improve yields, as well as from naturally occurring nitrogen in Iowa's highly organic soil. They filter herbicides that seep into the ground, and they provide valuable habitat for Iowa's wildlife.

As you can see, restoration of wetlands is important to all Iowans, both rural and urban. And that is not all.

Iowa farmers have enrolled more than 60,000 acres in the Watershed Protection Program, and nearly 2,000 acres in the Wildlife Habitat Incentive Program. These programs have proven to be very successful.

According to the Natural Resources Conservation Service, Iowa farmers cut soil erosion in half over the past two decades. We used to lose 10 tons per acre in 1982. By 1997, because of these conservation programs, we had cut that loss down to 5.3 tons per acre, and at 5 tons per acre, it is renewable.

Moreover, according to the Iowa Department of Natural Resources, over 92 percent of Iowa's public water systems meet Federal drinking water standards.

However, some critics of Federal conservation programs have asserted that the 1996 farm bill actually weakened conservation efforts. These critics may be interested to learn that throughout the duration of the 1996 farm bill, over 313,000 acres of conservation buffers have been built in the State of Iowa.

In addition, over 106,000 acres of wetlands have been created, and there continues to be a waiting list of farmers who are eager to enroll fragile cropland in these programs, only kept from doing so because of the amount of money Congress will appropriate for these programs.

It is important to keep in mind that sound conservation practices not only improve the environment in rural areas, but they also can play into the farmers' bottom line. Since 1996, Iowa farmers have increased the use of no-till planting. No-till planting leaves the residue from a previous crop on the ground, significantly reducing erosion. By not tilling the land, farmers reduce the number of trips across the field with their tractors, saving time, reducing the use of limited fossil fuels, and reducing harmful emissions into the air.

In addition, technological advancements have improved the farmer's ability to care for land while improving yields. Today, for example, many farmers have turned away from the old method of applying fertilizer at an equal rate throughout the entire field. In fact, because of global positioning equipment, we can apply variable rates of fertilizer in different parts of the field in different quantities to save money, but not to waste fertilizer as well.

One concern I have expressed about the 1996 farm bill is that it fails to incorporate effective payment limitations that would target Federal assistance to family farmers.

Mr. President, the Senate has now passed the successor to the 1996 farm bill. This legislation should be the incarnation of our principles and our vision for the role we see America's farm families playing in the future.

I was pleased that 64 Members of the Senate joined Senator DORGAN and me in a bipartisan fashion to ensure Federal payments are targeted to small and medium-sized family farmers who produce the food and fiber of our Nation. Our amendment would have helped curb the overproduction and target assistance to family farmers who live on the same land they farm. I am disappointed that the agreement reached in conference significantly weakens our provision.

In conclusion, this discussion raises the question of whether Federal farm program policy should require farmers to conserve through strict enforcement of Federal regulations or whether the Federal Government should encourage farmers to conserve through voluntary conservation programs. In my State, we have witnessed the numerous benefits of voluntary conservation to improving the quality of life and our environment.

It is in every farmer's best interest to conserve the soil, to eliminate excessive use of fertilization, and ensure that chemicals are applied in an environmentally sensitive manner. After all, the farmers live on the same land they farm. Farm families depend on the land for their livelihood and their way of life.

I have to say again, Iowa's rich topsoil is our most prized resource. Our economy and our rural heritage depend on it. We have heard much in recent years about sustaining agriculture. No one cares more about sustaining agriculture in America than our family farmers. Our rich soil is rivaled by only one other resource: the hard-working men and women who, day in and day out, work the land to feed the United States and the world.

Mr. President, I ask unanimous consent to print in the RECORD two articles.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Des Moines Sunday Register, Apr. 21, 2002]

FARMERS' PENALTIES RARELY STICK

(By John McCormick, Jerry Perkins and Perry Beeman)

In exchange for millions of dollars in federal subsidies, Iowa farmers promise to protect the soil and water.

But a Des Moines Sunday Register analysis shows farmers almost never lose their taxpayer subsidies, even when federal officials discover they have violated their conservation pledge.

Three percent of the $7.8 million in potential fines farmers faced for soil and water conservation violations were actually levied from 1993 through 2000. After appeals, farmers were allowed to keep the rest—about $7.6 million.

''You have to ask just how serious the enforcement effort is,'' said Kenneth Cook, executive director of the Environmental Working Group, an outspoken critic of U.S. farm policy. ''There is almost no chance that you'll lose a penny.''

With Congress poised to approve a new farm bill—legislation that among other things will provide about $46 billion over the next 10 years to supplement commodity prices paid to farmers—few changes are planned for enforcing soil conservation regulations.

That's probably best for Iowa farmers and agricultural land owners, who between 1996 and 2001 collected $8.7 billion in subsidy payments, more than any other state.

Federal agriculture officials maintain that they are doing the best they can, within the limits of time and personnel, to ensure that farmers do their part to preserve the environment. Looking merely at enforcement, they say, ignores the impact of effective voluntary conservation programs.

Though difficult to measure on a large scale, there is little argument that soil erosion has left Iowa with dirty water. There are 157 lakes and sections of river in Iowa on the federal government's list of critically polluted waters, and the state's waterways are known for having some of the world's highest nitrate and phosphorus levels.

Soil and fertilizer are Iowa's two biggest waterway pollutants. Much of the pollution comes from the runoff that's gradually washing away the state's greatest asset: its rich topsoil.

After promising starts, no-till farming has leveled off, and conservation tillage has declined. Silt and soil erosion also show few signs of slowing.

''Now we're going backward,'' said David Williams, a former soil and water district commissioner in Page County. ''We're seeing more and more black dirt in the fields and they're losing a lot of it, and that's hurting our water quality.''

Williams said conservation compliance requirements worked reasonably well until passage of the Freedom To Farm law in 1996. He said the law made it more difficult to take away farm payments from those who violated their conservation plans, removing the programs's teeth.

There are no national data available on conservation compliance, but environmentalists say enforcement is probably just as lax in other states.

''The problem we have in answering a lot of these questions is that there isn't any real enforcement trace record to base an answer on,'' said Craig Cox, executive director of the Ankeny-based Soil and Water Conservation Society, a national organization.

Sen. Tom Harkin, chairman of the Senate Agriculture Committee, has requested a review of the U.S. Department of Agriculture's conservation programs by the General Accounting Office, the investigative arm of Congress. He has asked specifically for a look at the enforcement of conservation practices.

''I've been hearing that, quite frankly, we've been backsliding,'' Harkin said late last week, between conference committee meetings on the 2002 farm bill.

Harkin has pushed for a new conservation initiative in the Senate version of the farm bill. The proposal would base payments to farmers on their level of soil stewardship, essentially paying more to those who voluntarily agree to work harder on conservation.

''They will actually get paid for doing these things,'' he said. ''I think that's a much better way of approaching it than the hammer kind of approach we've had in the past.''

ROOTS OF THE PROBLEM

Tying federal farm payments to sound conservation practices started in the depth of the 1980s farm crisis, when farmers agreed to new requirements pushed by environmentalists as part of a deal to secure a greater financial safety net.

In return for taxpayer subsidies, farmers were supposed to protect the land for future generations. That meant taking steps such as planting field borders or leaving corn stubble in a field after harvest. Both techniques can reduce erosion of soil by wind and water.

Farmers who work land prone to erosion are required to follow specifically designed federal conservation plans or risk losing their federal subsidies.

The loss of federal payments is meant to be a huge club to gain the attention of those few farmers who don't want to protect their land for the long run.

The Register's analysis, however, shows that 97 percent of the money Iowa farmers were at risk of losing because of conservation violations was restored through ''good faith'' and other exemptions often granted by county committees. Those committees are largely composed of neighboring farmers.

Farmers were given several ways to sidestep penalties under the Freedom To Farm law. For instance, they could point to financial problems that might have kept them from following their conservation plans.

Virtually any farmer was given a year to fix problems found by federal inspectors, who say they check about 2 percent of all farmland each year to see whether conservation plans are followed.

In addition to the new exemptions, there has been a dramatic decrease in the number of annual inspections since passage of the Freedom To Farm law, according to data provided to the Register by the Iowa office of the Natural Resources Conservation Service, a branch of the USDA.

In 1993, the agency checked 2,536 tracts of farmland in Iowa. The number rose to 3,407 in 1997 before dropping sharply to 1,430 by 2001. Officials blame limited budgets and other department responsibilities for the decline.

But over the years, farmers haven't been bashful about complaining to members of Congress if their payments were threatened, said Lyle Asell of the Iowa Department of Natural Resources, who also used to work for the conservation service in Iowa.

''If they are going to lose payments, they could lose the farm, and the first thing they do is call their legislators,'' Asell said, adding that he still believes the program has greatly improved soil conservation in Iowa.

A CARROT, NOT A STICK

Jan Jamrog, a program specialist with the Farm Service Agency in Washington, D.C., said enforcement statistics don't give a complete picture of what's happening to the environment. For example, they fail to take into account farmers who don't bother to apply for subsidy payments because they know they're in violation of conservation rules.

Given the massive undertaking of policing America's farms, federal farm officials say they've learned that encouraging voluntary conservation improvements can be more effective than dropping the hammer on violators.

''There was a move away from the time spent on compliance in favor of voluntary programs,'' said Larry Beeler, a conservation worker in the Natural Resources Conservation Service's Des Moines office. ''Conservation compliance is important, but so are the voluntary programs.''

Beeler said the move reflects a nationwide trend to encourage greater soil protection through voluntary programs such as the conservation reserve and wetland reserve programs. Such programs reward farmers for taking highly erodible land out of production and for protecting and enhancing wetlands.

Beeler said his agency's move toward greater voluntary efforts has not hurt compliance: The proportion of inspected farms found to be in violation in any given year has stayed at 5 percent or less.

Many farmers agree that increasing enforcement isn't the answer. They say most producers know it's in their best interest to practice sound conservation.

''If you don't, you're not going to grow anything,'' said Tom Kohn, who farms 3,000 acres near Cushing. ''It will all go down the river. . . . The farmers who haven't taken care of the land aren't in business anymore.''

Changes in 1996 that gave local officials broad discretionary powers can help and hurt a farmer, others say.

Glenn Marsh, who farms 550 acres near Mapleton, said he's found different conservation rules in neighboring Monona and Woodbury counties.

''It has to be the same all over,'' he said. Marsh called the linking of conservation inspections and farm subsidies ''the biggest joke there ever was.''

Other farmers expressed concern about enforcement.

''I've had some bad experiences with local, state and national farm officials,'' said Mort Zenor, who farms 900 acres in Woodbury County. ''They've got cold ears.''

Zenor, who received more than $225,000 in federal farm subsidy payments from 1996 through 2001, lost $17,000 in the mid-1990s for tilling 40 to 50 acres that conservation officials had designated as no-till.

''I didn't have a no-till planter, and we couldn't afford to buy a new one,'' he said.

Zenor tried to fight the fine. He hired a lawyer and appealed his case to a county committee, as well as district and state offices, but the fine was upheld.

''It's worse than an income-tax audit,'' he said. ''They're right and you're wrong.''

Woodbury County led Iowa for violations of approved conservation plans from 1993 through 2001, according to federal data. Sixty-four tracts of land were discovered to be in violation during those years.

Aster Boozer, a conservation worker for the Natural Resources Conservation Service, said western Iowa's Loess Hills make combining farming and conservation in the area more challenging.

''They are steep and highly erodible,'' he said of the hills. ''It means our conservation plans are very complex.''

Jamrog, the program specialist with the Farm Service Agency in Washington, said many violations are accidental.

''FSA's goal is to not penalize producers, if they are willing to get themselves into compliance,'' he said.

PROGRESS IS SLOW

Even critics of the 1996 changes acknowledge that the evidence that programs aren't working is largely anecdotal.

Measuring erosion is expensive and extremely technical. The Natural Resources Conservation Service tries to measure erosion every five years. Its last survey came in 1997, just a year after the farm bill changes cited by environmentalists. Results of the 2002 survey may not be available until 2003 or 2004.

Jeff Vonk, director of the Iowa Department of Natural Resources and a former top Iowa official for the Natural Resources Conservation Service, said that when he talks to Iowa's local soil and water commissioners, he receives conflicting signals.

''In some counties, they reflect some frustration on their perception of a lack of enforcement,'' Vonk said. ''In other counties, they say enforcement is maintained.''

As Vonk drives around Iowa, he can see the good and the bad. Some of the conservation programs begun in the mid-1980s have made a huge difference in soil conservation, but Vonk still sees muddy waters, fish kills and oxygen-robbing algae blooms created by fertilizer runoff.

Others suggest that changes should have been made in the farm bill currently under discussion to address conservation compliance enforcement.

''There seems to have been in this farm bill absolutely no interest in compliance provisions as a way to achieve better environmental progress,'' said Cox of the Soil and Water Conservation Society.

The answers will undoubtedly come too late for the 2002 farm bill, but Harkin is asking many of the questions that would have to be answered before significant changes can happen. His request to the General Accounting Office asks how the USDA monitors producers' use of conservation plans, how many exemptions are granted, and what the USDA does to ''ensure that violations are consistently identified.''

While he sees problems in the system, Cox and others say Iowa farmers have made great improvements in soil conservation since the policy was initiated in 1985.

''We're making progress, although it might be a little bit slower for some,'' said Art Ralston, a soil and water district commissioner in Woodbury County for more than a decade. ''We just have to keep plugging away.''

EROSION: WAITING FOR ANSWERS

The Natural Resources Conservation Service does an estimate every five years of total erosion on cropland and Conservation Reserve Program land. Environmentalists and farm officials are eagerly awaiting the 2002 results, due sometime in 2003 or 2004, because they might show whether total erosion has been affected by the changes in the 1996 farm bill.

[In billions of tons]

Year	Wind erosion	Sheet and rill erosion*	Total erosion
1982	1.38	1.69	3.07
1987	1.40	1.52	2.92
1992	.95	1.21	2.16
1997	.84	1.06	1.90

*Sheet and rill erosion is removal of soil by water runoff that is a fairly uniform, usually imperceptible thin layer of soil.

Source: Natural Resources Conservation Service.

COMPUTER PROBLEMS PLAGUE AGENCY

Part of the problem in evaluating whether farm subsidiaries are restored too easily for conservation violations lies with the federal computer system.

Flaws: The federal employees charged with monitoring conservation programs have yet to create a comprehensive record-keeping system. That means they can't determine what farmers on even what counties have lost the most money due to violations. It also means federal officials can't say whether the proportion of money returned to Iowa farmers found to be in violation of conservation rules is greater or lower than in other states.

Changes: ''We're in the process of developing a database that will allow us to do comparison statistics,'' said Jan Jamrog, a program specialist with the Farm Service Agency in Washington, D.C. ''I really don't know if that is similar to other states.''

SIGNS OF TROUBLE

It's hard to measure the impact of the 1996 changes in the farm bill. Since it passed, the percentage of acres using conservation tillage has started to decrease and while no-till farming seems to be leveling off:

Year	Conservation tillage in the United States (percentage of total planted acres)	No-till adoption in the United States (millions of acres)
1990	26	16.8
1992	31	28.1
1994	34.7	38.9
1996	35.8	42.9
1998	37.2	47.8
2000	36.6	50.7

Source: Conservation Technology Information Center.

REQUESTING RECORDS

The Iowa Farm Service Agency, which administers U.S. Department of Agriculture farm programs in Iowa, denied a Freedom of Information Act request filed by the Des Moines Sunday Register for the release of the names of Iowa farmers who have lost farm program payments because of a failure to comply with their conservation plans.

Next: The Register has appealed the denied to the USDA's general counsel. Tal Day, legal analyst in the USDA's appeals and litigants group, said the appeal was being reviewed by the general counsel's office.

Information: The state Farm Service Agency's Des Moines office did provide the newspaper with an electronic file of farm numbers and the proposed fines and dollars reinstated. That information was used to generate a statewide percentage of reinstated payments.

Appeal denied: Zenor adjust markers on his machinery for planting corn. He appealed the no-till fine to a county committee, as well as district and state offices, but it was upheld. ''It's worse than an income-tax audit. They're right and you're wrong.''

INSPECTIONS AND VIOLATIONS

The number of Iowa farms inspected by the National Resources Conservation Service, a branch of the U.S. Department of Agriculture, has gone down dramatically since passage of the 1996 Freedom to Farm legislation. As the number of inspections has dropped, so has the number of cases in which farmers have been found to be in violation of their approved conservation plan.

Year	Total inspections	Violations found	Percentage of farmland tracts found in violation
1993	2,536	102	4.0
1994	2,948	256	8.7
1995	2,946	120	4.1
1996	3,387	117	3.5
1997	3,407	63	1.8
1998	1,488	50	3.4
1999	1,517	67	4.4
2000	1,512	51	3.4
2001	1,430	39	2.7

Source: Des Moines Register analysis of data from the National Resources Conservation Service.

[From the Des Moines Sunday Register, Apr. 21, 2002]

CRITICS SEE LOOPHOLES IN CONSERVATION PROVISIONS

(By Blair Claflin)

Environmentalists and others say a handful of changes in the 1996 farm law, combined with the practical problems of turning federal employees into farm police, have undermined efforts to link farm subsidies to sound conservation practices.

''In 1996, Congress put in a whole second set of appeals when somebody got in the penalty box,'' said Kenneth Cook, executive director of the Environmental Working Group, an outspoken critic of U.S. Farm policy. ''There became lots of ways to get out.''

The changes included:

So-called good-faith exemptions for farmers who did not have a history of violating conservation provisions.

A one-year grace period for farmers to get into compliance.

An expedited procedure for producers to get variances to conservation plans because of problems deemed to be out of their control.

More authority for local officials to determine that conservation compliance plans included requirements that would cause ''undue economic hardships.''

''The conservation provisions of the 1996 farm bill simplify existing conservation programs and improve their flexibility and efficiency,'' said a U.S. Department of Agriculture summary of the legislation.

Craig Cox, executive director of the Soil and Water Conservation Society in Ankeny, says conservation advocates reached a different conclusion.

''The criticism has been that any one of these changes by itself was not a real cause for concern, but together they opened a number of loopholes for the enforcement of conservation provisions,'' Cox said.

Even critics like Cook, however, acknowledge that the concept of linking farm subsidies to conservation practices, which started in the mid-1980s, was in trouble well before 1996.

By the early 1990s, environmentalist were complaining that the concept wasn't being adequately enforced. USDA officials, in turn, complained they didn't have the staff or the time to monitor farm practices so closely.

And in small, tightly knit farming communities, many federal employees who ultimately were responsible for carrying out the new approach were not comfortable with policing their neighbors.

''Nobody wants to stick it to somebody who is demonstrating good faith,'' said Dan Towery, natural resources specialist with the Conservation Technology Information Center in West Lafayette, Ind.

Towery is a former farm official in Illinois who had to investigate compliance cases there. ''Determining what is 'good faith' is very subjective,'' he said.

No definitive studies have been done to determine whether erosion has increased significantly since 1997. The Natural Resources Conservation Service looks at that issue every five years, and its next study is scheduled for 2002.

However, survey work by Steven Kraft, chairman of the Department of Agribusiness Economics at Southern Illinois University in Carbondale, suggests farmers don't feel as threatened by the concept of linking conservation practices to subsidy payments.

Kraft, working with other researchers, surveyed farmers' attitudes about conservation between 1992 and 1996. the study looked at farmers in 100 different counties throughout the Midwest.

Producers were asked, for example, how fair they thought federal officials would be in implementing rules linking conservation to subsidies. In the fall of 1992, almost 29 percent said ''very fair.'' By the winter of 1996, the number had increased to nearly 38 percent.

HOW THE SYSTEM WORKS

Two branches of the U.S. Department of Agriculture play roles in enforcing conservation requirements:

NRCS: The Natural Resources Conservation Service helps farmers develop conservation plans for their farms. Then it polices their efforts to follow the plans.

FSA: If the conservation service finds that a farmer has violated a plan, it reports that to the USDA's Farm Service Agency, which can withhold a farmer's government subsidies.

Appeals: A farmer can appeal the penalty to Farm Service Agency county committees, which are composed of farmers elected by other farmers in the county. Adverse determinations by the county committee can be appealed to the state FSA committee and then to the national appeals division of the Farm Service Agency in Washington, D.C.

Mr. GRASSLEY. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). Will the Senator withhold his request?

Mr. GRASSLEY. Yes.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

ANDEAN TRADE PREFERENCE EXPANSION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 3009, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 3009) to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

Pending:

Baucus/Grassley amendment No. 3401, in the nature of a substitute.

Gregg amendment No. 3427 (to amendment No. 3401), to strike the provisions relating to wage insurance.

AMENDMENT NO. 3427

The PRESIDING OFFICER. Under the previous order, there will now be 90 minutes of debate on Gregg amendment No. 3427.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, as we go through the details of this debate, I think it would be well for us to take a moment at the beginning to look at the overall situation we face and try to put this debate into some kind of context.

A fundamental principle that we need to remember in all of these conversations and discussions is this: All money comes from the economy. It does not come from the budget. It does not come from the actions of the Congress. It comes from the economy. If there were no underlying economy, there would be no money for the Federal Government to allocate. We have seen governments around the world that have tried to create money with no economy by passing budgets, and we have seen the disaster that occurs.

So the fundamental principle that we need to address, to begin with, is what are we doing that will help the economy grow? What are we doing with trade promotion that will make the American economy stronger? If we can always keep that in mind as we address these various amendments, we will not do harm to our Government or what it is we are trying to accomplish for our citizens.

The next principle that follows from that one is this: The most significant thing we can do to help the economy grow is to increase productivity—increase productivity of capital, of labor, of our money, that it is invested in the right places, so that we do not do things that will cause the economy to be less productive than it would be otherwise.

These are two very strong fundamentals. We must keep the economy strong and growing. The way to keep the economy strong and growing is to increase productivity. That brings us to the Gregg amendment.

The Gregg amendment would strike out a wage subsidy program that is currently in the bill that is clearly antiproductive. That is, the bill as it currently stands, would decrease American worker productivity in ways that we have already seen historically demonstrated in other countries. We can go, particularly, to the European countries and discover that they have problems with productivity, and they have problems with new job creation. One of the reasons they have problems is that they have structurally built into their economy a subsidy for nonproductive worker activity. It sounds very benign—indeed beneficial—to say to a worker: well, you have lost your job and therefore we will tide you over to another situation until you can get back on your feet. We have unemployment compensation for that. We have other safety net provisions.

But the Europeans, by and large, have adopted the notion that we not only tide you over, we make you whole and keep you in your present income circumstance regardless of our employment circumstance. I had this brought home very dramatically when the company that I ran came into difficulties and lost some clients and had to face laying off some people—ultimately including me. One of my employees, who was in our European subsidiary, said this with a complete straight face, not understanding how America works: How many months do we get from the Government in terms of maintaining our present salaries when this company fails?

I said: None.

He said: In the country where I am working, they get a year and a half to 2 years of continuation at present salary.

I said: Sorry, you are working for an American company—and he had come back here from Europe—and you are here in America. You have to find another job.

He did. He not only found another job, he found a better job than the one he had with me. I had to find another job as my company failed. I did.

If we had been under the circumstances of the language that is in this bill, we could have said to ourselves that we did not have any pressure to find another job; we could be subsidized where we were. We did not need to move forward. We could go just

as things were, and the economy, as a whole, magnified from this example, would become less productive.

Putting it into context again, looking at it as a general principle, here are the principles: If the economy is not strong, we will not have any money to allocate. If the economy is not seeing increased productivity every year, it will not remain strong, and we can look at our European friends and say, if we do what they have done, in the name of compassion for our workers, we will end up hurting our workers, our economy, and our Government.

Sometimes it takes the spur of a little bit of pressure to keep Americans going. But our historic pattern has been that the strong economy helps not only the people at the top but, foremost, it helps the people at the bottom. Keeping them in a temporary position of stability ultimately produces long-term detriment to the economy and to the individuals themselves. For that reason, I support the Gregg amendment.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I rise today to oppose the amendment offered by Mr. GREGG.

Let me say, first of all, that this bill represents a very balanced compromise between Democrats and Republicans. I have worked hard to defeat some amendments that I view as killer amendments, I am disappointed that this amendment—which I also view as a killer amendment—has even been offered. This amendment would strike an important provision in the TAA bill—wage insurance. Wage insurance, as many now know, gives an incentive to displaced workers to find employment more quickly. It does this by cushioning them against income losses they might experience after losing a job and starting again in a new field. Now, there have been some misstatements about when wages insurance was added to this bill. I have heard some Members suggest that this was added after the markup. That is simply not true.

Wage insurance was included in the original bill introduced by myself and Senators BINGAMAN and DASCHLE last July. And it was open to debate at the Finance Committee markup last December. As a part of a compromise with Senators GRASSLEY and GRAMM, we have all agreed to make this program a pilot program to see if it works. If it does, I suspect we many want to broaden the program. If it does not, I expect that Congress will end this program. But it is hard to argue against, at a minimum, giving this widely-supported program a chance. So how does it work?

We have drafted this as a pilot program for older workers. Due to their long tenure in a single job or industry, older workers tend to be the hardest TAA participants to reemploy and the most likely to experience significant earnings losses in a new job. So, under our bill, any worker who is at least 50 years old and certified eligible for TAA can choose to participate in the wage insurance program.

To qualify for wage insurance, a worker must take a new job that pays less than the old one within the first 26 weeks of regular unemployment insurance. By opting for wage insurance, a worker agrees to forego the 18 months of additional income support the could get under traditional TAA. Wage insurance lasts 2 years and is capped at $5,000 per year. A worker would not be eligible for wage insurance if he made over $50,000 per year. Now, why should we try a wage insurance program as part of TAA?

First, I would note that this is an issue that has been championed by Both Republican and Democratic leaders, and by academics. A number of Republicans, including Secretary Rumsfeld and Ambassador Zoellick—as members of the Trade Deficit Review Commission—and former USTR Carla Hills, have supported wage insurance. Alan Greenspan has also expressed support for such a program. These prominent individuals support wage insurance because it uses market incentives to shorten the period of unemployment.

Second, this is an innovative way to get hard-to-employ people back to work faster. The idea behind wage insurance is that a worker will be more willing to take a lower paying job—and get back into the workforce sooner—if someone is making up part of the difference between the old and new wage. After a year or two of experience on the job, wages tend to rise, reducing the long-term wage losses.

Third, this program actually saves money. During the 26 weeks a worker receives unemployment insurance, they can choose traditional TAA benefits or they can get a job and opt for wage insurance. The choice is up to the worker, but on average providing wage insurance will cost less than providing traditional TAA benefits. By getting people back into the workforce sooner, wage insurance will reduce unemployment rolls, reduce traditional TAA participation, and reduce overall costs to the government. Basically, if a worker certified for TAA takes a job before the end of his 26-week unemployment insurance period, the money that would have gone to fund income support starting in week 27 is instead used to pay the wage insurance. The difference is that the total amount of wage insurance a worker could receive is much less than the cost of traditional TAA benefits. One year of TAA income support at an average of $250 per week is $13,000, while wage insurance is capped at $5,000 per year. There are additional savings because the government will also not be paying for training.

Fourth, on-the-job training works. Studies show that on-the-job training is better for both employers and employees. Wage insurance gives workers the incentive to take entry level jobs and train on the job and it gives employers more control over the kind of training that employees receive.

I would also like to respond to some of the criticisms raised last night about the wage insurance program. First, critics have suggested that wage insurance will give people an incentive to lower their productivity, that wage insurance will persuade workers to turn down good-paying jobs that use their skills in favor of underpaid dream jobs like a fly-fishing instructor or a Disneyland worker. That seems pretty far-fetched to me. Workers in their 50s have kids in college, retirement nest-eggs to build, and mortgages to pay off. Research shows that older workers are the most likely to have obsolete job skills that do not lead to well-paying jobs they need to meet these obligations. I expect that these workers will take the best job they can get.

We have an example in my own state of Montana. Last year the Asarco lead smelter closed in East Helena. Most of the workers have been with the plant many years and are in their late 40s or older. There are no more lead smelting jobs in the U.S. where they could match their wages and use their skills. Most ended up starting again in jobs that paid much less—if they could find jobs at all. This wage insurance program could have helped many of them get back on their feet faster. In any event, I would emphasize that this is a pilot. If it turns out that critics are right and wage insurance leads to a glut of fly fishing instructors, the program can be ended after the 2-year trial. But I don't think that is what we will see.

The second criticism made of wage insurance is that it is inconsistent with the purpose of TAA, which is to provide retraining. Nothing could be further from the truth. The purpose of TAA is not training for its own sake. The purpose of TAA is to get trade-impacted workers back to work as quickly as possible by helping them get new skills. Wage insurance serves that goal, because it encourages on-the-job training. And on-the-job training is the best way to learn new job skills.

Finally, we have heard that this wage insurance program is a form of age discrimination. Giving older workers first crack at an alternative to traditional TAA is not age discrimination. But if this is truly a serious concern, I would be happy to amend this provision, and expand wage insurance to workers of all ages.

Mr. President, in concluding, let me say that there have been several Members who have criticized TAA in the last several days. They suggest it does not work. Yet they reject new bipartisan ideas—like wage insurance—that are offered as alternatives to TAA. I don't understand that. This amendment puts at grave risk the bipartisan compromise that has been struck in this bill. I oppose the amendment and I hope my colleagues will work hard to defeat it.

The PRESIDING OFFICER. Who yields time?

The Senator from New Hampshire.

Mr. GREGG. Mr. President, in a few moments I believe there are other Members coming over to speak, but let me outline once again some of the problems of this language. Remember, the way this is structured is that if one loses their job as a result of trade activity, they can take another job that pays less, and then the taxpayers pay them $5,000 a year for taking a job that pays less if they are over 50 years of age. There is no training requirement language.

There is no requirement that if there is a similar suitable job that pays the same, you take that. Say you lost your job at a manufacturing industry which was trade affected, and there was another job down the street in the manufacturing industry, in the same business, but that company had been able to compete effectively. You can take a job there at the same amount. There is no requirement you must take that; you can work for your cousin, brother, anyone, take a less paying job, and get paid $5,000 from the taxpayer to do that.

There is no requirement to remain in the community. A key in the trade adjustment language is that workers remain in the community. The concept was to revitalize the community through the trade adjustment language. There is no requirement to do that. I can see a lot of people losing their jobs—hopefully not a lot—in the Northeast or the Chicago area or the northern part of the country. Say they are 50 years old. They will say: Hey, I'm out of here; I'm going south where it is warm. I will get a job being an assistant golf pro, which is what I always wanted to do, and I will get $5,000 from the taxpayers to do that. There is no requirement to remain in the community.

There is no requirement for economic damage. In other words, there is no requirement that you need the money. There is a $50,000 payment level, but if you have a lot of assets or your spouse happens to have a high income, you still can benefit from this program.

There is no arm's length requirement. I can see a situation where an agreement may have been reached in the small business just having tough times. They close the store and open across the street, and they get a $5,000 subsidy. Maybe it is just a family situation and you work the system so you can go to work for your son who is running a construction business. The chances to manipulate the system because there is $5,000 of taxpayer money pouring in to support you are very significant.

There are a lot of structural problems as well as philosophical problems that we as a society are going to begin to pay people to be less productive. That is a concept which goes against American entrepreneurship.

I would like to yield to the Senator from Missouri, but I believe we are going back and forth.

Mr. BAUCUS. Senator GRASSLEY and I have to go to a Finance Committee meeting in 8 minutes. I would like Senator GRASSLEY to have the floor.

Mr. GREGG. Obviously, the Senator is the leader on the floor, and we certainly recognize that right.

I reserve my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I thank the Senator from New Hampshire.

The Senator from Montana has laid out very clearly why this amendment must be defeated. This is a carefully crafted compromise. The year 2002 is not like previous years in the Senate when we have devoted a lot of bipartisanship to trade agreements. There is bipartisanship, but it is not as certain that we will pass a bill as in the previous 25 years when similar legislation passed.

I emphasize what Senator BAUCUS said: This is a carefully worked out agreement. It may not be entirely to the liking of Senator BAUCUS or perhaps not entirely to my liking, but we have to stick together to get this legislation passed. It is probably one of the most important pieces of legislation to be considered in the Senate.

Although the Senator from New Hampshire has some valid arguments, I cannot support an amendment that upsets the balance of the package by striking these wage insurance provisions. There are things in the package that Members on each side may not like. It is their prerogative to amend whatever they see necessary. I cannot support stripping out this section of the package.

Another reason is, wage insurance provisions in the legislation have not been tested, as some would say. Somewhere along the line, new ideas become law. Just because this is a new idea does not mean it is a bad idea.

I will read what Ambassador Carla Hills, former U.S. Trade Representative for President George Bush, said last year, a long time after she left her position as Trade Representative, when she appeared before the Senate Finance Committee:

> We should explore the concept of wage insurance to supplement the incomes of displaced workers—whatever the cause—who take an entry-level job in a different, more promising sector at lower pay. This would respond to workers' anxiety over near-term wage loss, encourage them to stay productive in the work force and obtain the training that has proved most effective—which is training on the job.

Carla Hills went on to say in a report called ''Getting Over the Fear of Free Trade'':

> The key goal of all of these ideas, as unconventional as they may seem at first, especially to the U.S. business community or the Republican Party, is straightforward. It is to educate and motivate more Americans to stand up in defense of open markets lest we lose the benefits that come from the free flow of ideas, capital, and goods.

We should listen to Ambassador Hills. I believe American anxiety about globalization stems in part from job instability. Wage insurance eases those fears.

As we consider voting on this amendment, I ask Members on my side of the aisle to keep their eye on the ball. The ball happens to be trade promotion authority, a contract between the Congress of the United States and the President of the United States, negotiated for 270 million Americans, a better world, a world that creates job opportunities. Trade creates jobs.

As President Kennedy said, trade, not aid, when it comes to helping the rest of the world. The United States has full responsibility to look out for our interests, the interests of the American people, but also to be a leader in the world. Being a leader in the world involves our participation in not only the economic concerns of the world but maintaining the peace. One of the tools of maintaining peace is economic opportunity. The cooperation comes to the world because of people trading. We often brag about political leaders and diplomats doing so much for world peace. We obviously create an environment for world peace, but there is nothing that works more for world peace than opportunities for individuals to interact with other individuals around the world in a commercial way. That does more to break down barriers and establish world peace than anything else.

Trade promotion authority is one of the three or four parts of this legislation. That is the 800-pound gorilla at which we ought to all be paying attention. It takes a carefully crafted compromise to get to that point. Some of the items in the Trade Adjustment Assistance Act that people on my side of the aisle might not like—and wage insurance could be one—are very small compared to the ball that I am asking Members to keep their eye on—trade promotion authority.

As the Chairman of the Federal Reserve Board said regarding trade promotion authority and freeing up trade around the world, as a result of the agreements we last endorsed in this body, the North American Free Trade Agreement, 1993, the Uruguay Round of Tariffs and Trades, 1994, those have helped reduce costs to the American consumer by $4,000 for a family of four.

That is equal to more than we have given in tax cuts in recent years to American families. Think of the good that comes to the economy because we have an opportunity to export and our consumers have an opportunity to import. We have an opportunity to reduce costs because of increased efficiency. That is all going to come in the future, as it has in the past, 50-some years under the GATT arrangements, because we are going to give our President trade promotion authority.

That is what we want our eye kept on. This compromise on trade adjustment assistance is part of that compromise.

Mr. GREGG. Mr. President, I will say this quickly and then I will yield to the

Senator from Missouri and then to the Senator from Tennessee, but I rarely disagree with the Senator from Iowa. I consider him to be one of the best Senators in the Senate. He is certainly a thoughtful and effective Member of the Senate and a strong leader, especially for free trade. I certainly support his commitment to the trade promotion authority, but the price of that trade promotion authority should not be the creation of a brandnew entitlement which has explosive potential and is regrettably not a new idea. In fact, it is a very old idea. It is a European industrial socialist policy idea which has failed in Europe, failed in the old countries. We should not bring it to the new country.

I yield to the Senator from Missouri 5 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my friend from New Hampshire. I say to my good friend from Iowa, I know he is a devoted, committed advocate of free trade. Coming from agricultural States such as his and mine, we know our farmers absolutely depend upon access to the world market to make sure they gain their return from the marketplace rather than from the mailbox. When we see trade decline, we see agricultural prices drop to terribly low levels.

I think the problems we have in agriculture are largely attributable to the collapse in Southeast Asia. We are only going to get the markets back and our income back and the costs of the farm bill down when we open up more trade agreements and see healthy trade with our partners throughout the world.

Having said that, I come to the floor as a very strong proponent of free trade. It is not just good for farmers; it is good for the people who work in the industries. The exporting industries pay 13 percent to 15 percent more than the nonexporting industries.

Our service sector is a leader in the world in exporting services of all kinds, and we benefit from that. When I go out to shop every day at home in Mexico, MO, or St. Louis or Kansas City, I have better priced goods and better quality goods because there is competition. I buy American-made goods every chance I can if they are available. But I know I am getting the best price and I am getting the best quality because they have to compete. So every one of us, as a consumer, benefits from the competition through increased choice and lower prices. That is why I think trade promotion is so important.

That is why I am so disappointed today to see the trade promotion bill has been hijacked. This is no longer a trade promotion bill; it is a welfare entitlement bill which talks about trade promotion, gives the President some authority, and then takes it away.

We failed to table the Dayton-Craig amendment. There were strong arguments made for that amendment: We can't give up our sovereignty.

Let me tell you what it does. It essentially says to any country that is even thinking about negotiating a deal with the President or his Trade Representative: Forget about it. Forget about it because whatever you negotiate with the President, the Congress can take it away when they come back. That essentially kills the authority of the President to negotiate a trade agreement, authority that previous Presidents have had in recent years as we made progress toward getting free trade.

I wish we would take the Andean Trade Promotion Act out of this bill. Everybody knows we need it. Today is the day one deadline occurs. We need to reassure our partners in the Andean region that we want free trade with them, to maintain it and not to see the tariffs come back. We ought to pass that and send this turkey back to get some wings and feathers on it so it will fly because this will not fly.

One of the amendments we have before us by the Senator from New Hampshire is just one step we ought to take to clean it up. As the Senator from New Hampshire has so eloquently stated, this is a brandnew subsidy without checks and balances. It does not guarantee that people will get the benefits and the economic opportunities that we should seek. There is no limitation based on necessity. The subsidy would go to an older worker who simply chooses to quit the rat race.

As the Senator from New Hampshire pointed out, you can get a wage subsidy for doing what you want—a former office worker could join her daughter's catering firm or a factory worker who treats a trade-related plant closing as an opportunity not to take an equal job in the community but to take early retirement, move to Florida, and maybe serve as a greeter at Wal-Mart or a groundskeeper at a golf course so he could have a couple of rounds of golf in and have a little wage subsidy.

I have nothing against that. I know some of my colleagues like to play golf, but I would sure hate paying them for their privilege of playing golf. My colleagues in this body who are good golfers do so on their own time, after they put in the 60-hour workweek, so it does not hold for them. But to encourage people without limit to do what they wish and take a subsidy along with the other entitlement programs is a bad precedent.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BOND. I thank the Chair and thank my colleague from New Hampshire. There are many other good arguments. I urge my colleagues to support the Senator from New Hampshire and help us go back to the job of cleaning this bill up to make it a trade promotion rather than an entitlement promotion bill.

Mr. GREGG. I thank the Senator from Missouri for his excellent thoughts, and I yield 10 minutes to the Senator from Tennessee.

Mr. THOMPSON. Mr. President, I strongly support the amendment of Senator GREGG. I think the debate on trade promotion authority is a classic example of something that used to be nonpartisan, as I understand it, and that is trade—as was the consensus I thought we developed that I believed was a good thing for our country. It is also an example of how often nowadays it seems we are asked to do some bad things in order to do something that is any good.

We are urged to keep our eyes on the ball, which is trade promotion authority, they say. I hope we all agree that free trade is good, that trade promotion authority is good. I think standing by itself it would pass overwhelmingly. But I am beginning to wonder what the ball is.

If, in fact, we are taking the first steps toward the Federal Government sending somebody a check for their insurance coverage, if we are taking the first step toward the Federal Government providing a wage differential for this group, that group, and then the next group—to me that is the ball. As important as trade promotion authority is, I am not sure I am willing to do that evil in order to do the other good.

If the idea is to load down something that is so clearly beneficial to this economy and this country such as trade promotion authority, the Andean trade agreement, with so many things that are so onerous that it is going to defeat the underlying bill—if that is the purpose, I think those who seek to carry that out are very close to accomplishing their goal.

It would be a pity, it would be a bad thing for this country, but I am afraid that is what we are looking at. Trade promotion authority and the Andean trade agreement are being held as hostages for a series of new entitlement programs, which really have nothing to do with trade but have everything to do with a social agenda which, as the Senator from New Hampshire pointed out, has failed in other parts of the world. While they are scrambling to try to be more like us, we are scrambling to try to be more like them, it seems.

If there is anything we ought to agree to in this body, it is the importance of trade promotion authority and the Andean trade agreement, at a time when our friends to the south of us, the Colombian Government, are about to be taken over by narcotraffickers, if they have their way, and have the first narcogovernment in our hemisphere instead of the democracy that is there now. Is anything more important than stopping that? I don't know.

We have a relationship with the Government of Ecuador where we have a forward operation location to assist us in drug eradication. Fighting drugs, terrorism, there is nothing more important than that. And everyone knows we need to have a trading relationship with these folks who are trying to do the right thing, trying to impose the rule of law and other beneficial things that we stand for in their countries,

and yet that is being held hostage to these new entitlement programs.

The amendment of the Senator from New Hampshire, of course, has to do with one of the more onerous ones, which is an open invitation to outright fraud and abuse. Every year we come up with new assessments of how many billions of dollars we pay out to people who are dead or who are defrauding the Government or whatnot. This is an open invitation to do that. It is a program that would make the European leftists blush, and yet we are trying to move in that direction. But it is only one part of the onerous provisions that have loaded up this trade promotion authority bill.

So in order to do something good for our country, good for consumers, good for folks in Tennessee, who go to the store and want to buy goods a little bit cheaper—in order for us to do that, we are being asked to sign off on a bill that would triple the cost of trade adjustment assistance. We all agree that we need some trade adjustment assistance, but now we are being asked, in a time of deficit, in a time of war, to triple this program for this 2 percent of workers.

For this constituent group, in this election year, we are being asked to do that, to give this group of people—this small group of people—an additional 6 months of unemployment compensation. The average guy who gets laid off gets 6 months. So now this 2 percent would get up to 2 years. So this group goes from 6 months to 2 years, and it expands the number of reasons they do not have to undergo any additional training.

Trade assistance was originally designed as a training program to help people get a new job. This bill has over a half dozen exceptions where people do not even have to take training, including a provision that says you do not have to take training if there is another comparable job. If there is another comparable job, why do you need trade assistance anyway?

This bill would expand coverage to secondary workers, double or triple the number of people eligible. It creates a new program to pay farmers when commodity prices are below 80 percent of the previous 5-year average and imports contribute in part to the decline in price.

We just passed $190 billion in entitlement spending for farmers in the farm bill. This, in large part, duplicates that. There is a new program, a new bureaucracy in the office of the Department of Commerce. This program duplicates existing programs that provide assistance for communities. And it is a new bureaucracy in the process.

All of this is at a cost of who knows what. Estimates have been all over the lot, but they are all based on assumptions that people would participate in this new program at the same level as they participated in the old program. This is a much more generous program. It stands to reason a much higher percentage of people are going to participate in it.

So you are probably looking at $1 billion, or between $1 billion and $2 billion a year for a 10-year period, something like that, for something that could never pass on its own, something that no one would have the temerity to put in a piece of legislation. It is only because you are trying to hold free trade hostage, the Andean trade agreement hostage to this new group of entitlement programs.

If this new wage guarantee provision, for example, really works out the way we are talking about—that it is open and rife with waste, fraud, and abuse—what are the chances of this new entitlement program being canceled? Zero. It never happens. It never will happen. What are the chances of it being expanded? Pretty good. It is up to $5,000 now for the wage differential. What are the chances of that coming in and getting more and more generous?

Look at where trade adjustment assistance has gone from when it was first passed to what is being proposed today. No one ever dreamed, when trade adjustment assistance was first passed, that somebody would be proposing that we would do things in terms of 70 percent of their COBRA or wage differential, or all these other things that are being proposed. The same thing will happen with this new list of entitlements.

So I strongly urge adoption of the Gregg amendment. It would make a bad bill a little better. There are many of us who are tussling and grappling with something—and that I think all of America should be grappling with—and that is the balancing off of something so important as giving the President authority to get into the 21st century a little bit, and become a leader in this country, as we are supposed to be, in free trade, put our money where our mouth is, giving him trade promotion authority that our Presidents have had up until President Clinton, and get on with it.

If we cannot compete in this world economy with all the advantages we have, I will be very surprised. We should not be afraid of it. As important as all that is, however, I am afraid there is an effort here to saddle it with things that are bad for this country, that are the camel's nose under the tent, things that would never pass on their own. I say we have to keep our eye on the ball.

We are going to hold free trade hostage. We are going to hold our friends in our hemisphere—whom we ought to be trying to do everything to help—hostage in order to get a new array of social programs and guarantees and things that are old and tired and have failed in other parts of this world and should never be started in this one.

I yield the floor.

Mr. GREGG. Mr. President, I yield 10 minutes to the assistant leader, Senator NICKLES.

The PRESIDING OFFICER. The assistant leader is recognized.

Mr. NICKLES. Mr. President, one, I compliment Senator THOMPSON for the speech he made as well as Senator GREGG from New Hampshire for this amendment.

I urge my colleagues to support this amendment. This amendment would strike the wage subsidy program. I am glad we are going to have an up-or-down vote on it; and I hope this amendment will be adopted overwhelmingly, because this wage subsidy program is a bad idea.

There are a lot of bad ideas floating around. The Senator from Tennessee just mentioned a couple of them. It bothers me that evidently the Democrats who put together this package—and I say that because the Trade Adjustment Assistance Program passed in the Finance Committee without adequate discussion. We spent all day on trade promotion authority, and trade promotion authority passed, 18 to 3 in the Finance Committee. Trade adjustment assistance was rushed through the Committee. The two hour rule was raised and some would even question whether we finished it in time because of this objection, and whether it passed too late. There was not enough discussion. I am on that committee.

Well, what is it? It is the Federal Government saying: if you lose your job, presumably because of trade, and you take another job, the Federal Government will come in and pick up half the difference if your second job is less money.

I would like to have colleagues who support this come and defend it. Why are we doing this for so many of people? I question the wisdom of the proposal.

I will just give you an example. What if you are a Senator whose wife just happens to work. Maybe it is a high-tech firm, which closes. Someone could say it was because of trade that it closed. And so she became unemployed, or became reemployed, and took a lesser paying job. So Uncle Sam is going to write my spouse a check for $5,000.

As the Senator from Tennessee said, this is just an opening round. Proponents will attempt to expand this program, should it pass. Why are we going to have the Federal Government setting wage rates? And guaranteeing these wage rates? How ridiculous of an idea can it be? How socialistic can it be? Maybe people don't not like to use that word, but socialism is the Government setting wages and prices. This is pretty socialistic.

I am embarrassed as to how bad this idea is. I compliment my colleague and friend from New Hampshire for raising this, pointing this out to the Senate.

There is no income test. We could be writing checks for people who could have $1 million in assets. Presumably, if they lost a job and then took a lesser job, Uncle Sam will write them a check for half the difference in many cases, even if they are millionaires. What kind of sense does that make?

I am embarrassed for the Senate. I am bothered by this process the majority leader has put in that says: To take up trade promotion, you also have to take trade adjustment assistance. Incidentally, when we are doing this, we will also put in a new wage subsidy program. We will have a brand-new benefit for trade adjustment assistance, including the Federal Government, for the first time ever, picking up 70 percent of health care costs not only for directly affected workers but for upstream workers as well, defined broadly enough to where no one knows how many hundreds of thousands of people might qualify for that benefit.

In addition, we will have a brand-new wage subsidy paid for by taxpayers. I have an interest. I have a son. I have three daughters. They are all taxpayers, and I am too. They don't want to pay for this benefit. Their taxes are plenty high. All of a sudden, we are talking about new entitlements for people. Where is the money coming from? We have a deficit now.

Somebody said: If passed, this new program is limited to $50 million. What proponents are trying to do is get this new entitlement started. Then we will see how much it costs 10 years from now, and supporters will probably try to raise the limit from $5,000 to such sums as necessary. You name it. Entitlements can grow like crazy. I would hate to think we would adopt this, and then 10 years from now find out we have a multibillion-dollar program and ask: Where did this come from?

This was a partisan proposal jammed in on top of trade promotion, basically extortion, saying, if you don't give us this, we will not give you trade.

The Senate needs to reject this proposal. This is a bad idea. When we talk about other countries, we encourage them to move to free markets. I am embarrassed that some of us are trying to move in their socialistic direction. Wow.

As a matter of fact, I had a constituent in my office a few minutes ago. He was listening to the Senator from New Hampshire. I told him I had to join this debate. I explained the amendment. My constituent's response was: I can't believe they are trying to do this.

This is about income redistribution where the Federal Government is paying wages, we will have a wage guarantee program. This is a wage subsidy program; that is exactly what this is. This is part of a very bad idea, a very bad process. It needs to be resoundingly rejected.

I urge my colleagues, Democrats and Republicans, to support the Gregg amendment and strike this brand-new entitlement program.

If there are proponents, I would love to have a dialog and find out how this will work and find out if a millionaire could benefit from this program; and find out if someone's spouse, who maybe is from a very wealthy family, if they could benefit from this program; or find out, if I was working for $50,000, and I happened to be over 50 and I decided to take a job for $40,000, if I can use that money to cover my golf bets. The Senator from Missouri mentioned maybe this is good for the golfers. I happen to be a golfer. I like that idea. But I have never thought of the Federal Government paying for my golf side bets.

I can't believe we are even considering this. What an embarrassment. This amendment should be passed, and it should be passed overwhelmingly.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Mr. President, I understand the other side is going to yield 2 minutes to the Senator from Texas, and then we will go to 5 minutes to the Senator from Arizona. We are alternating.

The PRESIDING OFFICER. The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, we yield 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, as many of my colleagues know, I was asked by the White House and by the Republican leadership to try to negotiate a package that would allow us to pass trade promotion authority. In the process, I found myself in a position of having to either kiss an ugly pig on the mouth or send it off to the barbeque.

Through our negotiations, we were able to drop the steel legacy provision. We also were able to dramatically reduce the proposed wage insurance program, cutting its funding level from $100 million to $50 million and its authorization from 5 years to 2 years. But I am not going to stand here today and argue on behalf of the principle of wage insurance. I can tell my colleagues that as a conferee, I am going to oppose this provision, and I hope it will be removed.

I believe that our leader and Senator GRASSLEY and I are in the position where we have made an agreement, and therefore we must stick to it. I could stand here and say I am very unhappy that those who have entered into the agreement on the other side of the aisle nonetheless have found it convenient to continue to load more and more and more onto this wagon, to the point where the axle is about to break. But in my book, when you give your word, when you try to work out an agreement, when you try to make compromise work, you give up the luxury of coming back later and picking and choosing which provisions to support. In fact, it is sort of like fast track: you make a deal and you must stick by the whole package.

This afternoon we are going to have several votes. First, we are going to have a vote on Senator DODD's amendment, which effectively is the same amendment as the one offered yesterday by Senator LIEBERMAN. If that amendment passes, I am off this wagon. We also are going to have a vote on adding back the steel legacy provision. If steel legacy costs are included in this bill, I am going to do everything in my power to kill this bill, even though I am for fast-track authority and believe it is critical. You simply reach a point where greed and irresponsibility so overwhelm the underlying cause that you just cannot tolerate it.

There's a bigger point to all this, and that is the question of taking ownership. Quite frankly, I don't believe the chairman of the Finance Committee and the majority leader of the Senate have taken ownership of this trade promotion authority bill. I think we have had a game of piracy to try to see what can be gotten in return for this bill since they know that the President wants this bill and that it is in the national interest. They claim to be for the bill, but at every step along the way, we are having piracy committed against this bill.

I gave my word when I signed on to the agreement. Had I been the principal instead of the negotiator, I am not sure I would have agreed to our agreement. In fact, I probably wouldn't have. But I did. However, if these other amendments pass, if the deal is not kept, if it is clear that this piracy is going to continue, then at that point I would feel free to vote my conscience.

The point is that we have made an agreement. As appealing as it is to me to go back and undo the wage insurance part of it—a rotten, stinking part of it—I don't think that that would be responsible. But I will fight to get rid of this provision in conference and I hope that it will be dropped.

I have taken some degree of ownership of this bill, and feel a responsibility for it. For this process to succeed, I believe that those of us who want fast-track authority—the majority leader, the minority leader, the chairman of Finance, the ranking member of Finance, and those Senators who want this bill—have to begin to show some ownership of and responsibility for the bill as negotiated.

If we do not, and instead keep seeing efforts to pile on, we are going to kill this bill. For example, if steel legacy is added to this bill, it is dead. If the Dodd amendment, which is effectively the same vote we had on Lieberman, is added to this bill, we won't have trade promotion authority and I therefore will be off the wagon and out of the deal.

Today, I am in the deal. As I said, I have taken on partial ownership of the bill. When you sign on to a compromise, when you take partial ownership, when you take responsibility, it means you have to stand up for the deal and vote against even those amendments that you otherwise would support.

The PRESIDING OFFICER. The Senator's time has expired.

The majority leader is recognized.

Mr. DASCHLE. Mr. President, the Trade Adjustment Assistance Program dedicates a very small piece of what we gained from trade to help those people who lose from trade, get back on their feet, and that is really what this amendment does.

The current TAA program helps some people but does not address some of the key problems people face; it leaves out too many other people altogether.

We fix some of these flaws. When a plant shuts down or moves overseas, workers lose their livelihoods and families face the uncertainty of not knowing how they are going to pay for food or a mortgage, or take their child to the doctor.

This bipartisan agreement will provide these workers with the opportunity to go back to community college to learn some new skills. They will receive unemployment insurance and subsidized health care to help them get through the difficult times and help them get a new job.

To a 35-year-old worker facing a difficult circumstance of a lost job, this sounds like a potential lifeline. But for a 53-year-old closer to retirement age, and less likely to be able to transition into a new job or field, those benefits are largely an empty promise. And we know it.

That is why we have worked so hard to keep the wage insurance provision in the bipartisan package we negotiated with Senators GRASSLEY, LOTT, GRAMM, and the White House. This provision was part of our agreement, and it must be retained.

Wage insurance is a pilot program—that is all it is—to test a very powerful idea. It says to older workers, if you take a lower paying job than the one you lost, some of the money that you would have received in unemployment insurance will go to offset a portion of the wage loss you will suffer.

By helping offset the loss of taking a lower paying job, wage insurance discourages dependency and encourages work. Wage insurance is not just compassionate policy, it is smart policy.

By getting people back into the workforce sooner, wage insurance will reduce unemployment rolls and the overall cost to Government. In reality, the provision will cost nothing more than what the Government would have been paying in unemployment insurance because people will have to give up their unemployment benefits to get the wage insurance.

This provision is prowork and it enjoys broad intellectual support on the left and on the right. In 1998, partly because of the unintended effects of trade, Congress established the U.S. Trade Deficit Review Commission. Among the key members of the Commission were President Bush's Trade Representative, Robert Zoellick; Defense Secretary Donald Rumsfeld; and George Becker, former President of the Steelworkers.

This group doesn't agree on much. But wage insurance was one clear area of agreement. Here is what they had to say—a bipartisan commission:

> We recommend that Congress consider new ways to address the broader cost of job displacement. Such consideration should include assessing ways of filling the earnings gaps created when new jobs initially pay less than previous jobs. As discussed, wage insurance is one such option. It has the advantage of encouraging displaced workers to accept new jobs as quickly as possible.

Here is another voice:

> It would be a great tragedy were we to stop the wheels of progress because of an incapacity to assist victims of progress. Our efforts should be directed at job skills enhancement and retraining . . . and, if necessary, selected income maintenance programs for those over a certain age, where retraining is problematic.

That is not a Democratic Senator speaking. That is Federal Reserve Chairman Alan Greenspan. In case my colleagues missed the translation, ''income maintenance programs for those of a certain age'' is wage insurance. Alan Greenspan is talking about wage insurance. Wage insurance for older workers is exactly what we are talking about this morning.

Finally, from a think tank:

> The proposed wage insurance program would strongly encourage workers to quickly find new jobs.

I will repeat that because it may resonate with some of my colleagues on the floor.

> The proposed wage insurance program would strongly encourage workers to quickly find new jobs.

That quote comes from the Heritage Foundation, and it comes as yet another endorsement of this amendment.

Older workers who lose their jobs and are struggling to find a new one have enough uncertainty to worry about. They should not also have to worry about whether they can afford to take a new job. The wage insurance provision gives workers something more than an empty promise.

We already scaled this proposal back from $100 million for each of the next 5 years to $50 million for 2 years. But we cannot afford to lose it entirely. It is a central component of the bipartisan agreement we made with Senators GRASSLEY, LOTT, GRAMM, and the White House.

I urge my colleagues to keep this agreement intact and reject this amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I yield 5 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, I urge my colleagues to support the amendment of the Senator from New Hampshire to strike this wage subsidy provision from the bill. In my view, if it stays in the bill, it could well sink it. It would be difficult for me to support the bill on final passage if this provision is in it, notwithstanding my support for the bill. I admire the Senator from Texas because he was part of a group that negotiated portions of this bill that would be on the floor before us. He feels committed to supporting the version that was negotiated which includes this provision. Of course, he should do that. I think he also makes a good point to suggest that others who may be supporting other amendments need to keep their commitment in mind.

But the statement here reminds me a little bit of the old politician that said that it is important for us to always stand on principle and, in certain situations, to even be able to rise above principle. That is what is involved here unfortunately. The principle is to have a free market with labor and capital, people freely able to be hired. And it is possible sometimes through government decisions that people lose their jobs, through competition that people lose jobs. It is even possible that if there is a tariff reduced as a result of a free trade agreement, that could result in somebody losing their jobs.

People lose jobs for all kinds of reasons. The question, though, is whether or not we should make an exception and provide that certain people who work have rights more than others and are entitled to certain kinds of subsidy benefits in their wages as a result.

If we decide that is a good idea, how are we going to explain to other workers that we are leaving them out in the cold? The reality is that this is a foot in the door that will create an argument for everybody, regardless of their circumstance, to have a wage subsidy like certain other countries in the world of GATT, competitors of ours who cannot compete as well because they have these kinds of government subsidy programs for wages. In fact, it is a transfer of payment from hard-working Americans, middle income Americans, to those who are more wealthy. It is blatant discrimination against hard-working Americans, an invitation to fraud and abuse. As I said, it is a very dangerous step toward Government control. It is theoretically capped, but we know the initial expenses will be a drop in the bucket compared to what it will cost over the years.

Other constituencies will soon demand their own form of wage insurance, whether subsidies or other wage controls, and I think it would be virtually impossible to say no to them once we have established the principle. That is what I am talking about here—principle. There is no limitation in this program based upon necessity. It is available to dislocated workers who simply choose to quit the rat race and take an easier job. There is no training requirement, and that was always a component of the program that has been supported here in the past by the Senate. The Trade Adjustment Act has always included a training component to train displaced workers for new and better jobs.

But this wage subsidy program circumvents that and allows certain workers essentially to opt out.

There is no consideration in this provision of whether there are suitable jobs available in similar circumstances. The older displaced worker is free to take the job, earn an entitlement, regardless of whether equivalent work is readily available. For whatever reason, family health or personal preference, the individual is free to pull up stakes and move anywhere in the country, take a job, and receive the subsidy.

There are some who suggest that would benefit my sunshine State of Arizona. It would be pretty nice to quit the job in the Rust Belt and move to Arizona because of the subsidy provided in this bill.

There is no protection against fraud and abuse. There is a perverse incentive in this provision for employers to reduce the wages they pay knowing the Federal subsidy will supplement their workers' income and make up the difference.

There is no requirement the new employer and employee be at arm's length. This is a very critical provision rife for potential fraud and abuse. There is no inquiry permitted as to whether the new job, perhaps with a family member or friend, is a legitimate consequence of the displaced worker having to leave his former employment. Because the U.S. Government makes up the difference in wages, it is, as I say, rife with potential for fraud and abuse.

We ought to go back to principle and not politics.

The PRESIDING OFFICER. The Senator from Arizona has used 5 minutes.

Mr. KYL. I suggest my colleagues support the amendment of the Senator from New Hampshire.

The PRESIDING OFFICER. Who yields time?

The Senator from Arkansas is recognized.

Mrs. LINCOLN. Mr. President, I yield myself 6 minutes.

Mr. President, I thank Chairman BAUCUS and Ranking Member GRASSLEY for their superb work so far on the trade bill.

These are complex matters of policy, with potentially far-reaching consequences, that we are dealing with on this bill, and our two leaders on the Finance Committee have led us with foresight and wisdom. It is so important, as always, that we carefully balanced both the positive and the negatives of the legislation at hand.

As a member of the Finance Committee, I have taken our role, as Americans, in the global economic picture very seriously. Our leadership is crucial to the success of any efforts to open markets, whether in a multilateral forum such as the World Trade Organization, or in a regional context, such as a proposed western hemispheric arrangement. And let us make no mistake about the absolute need to open markets, to ensure the freer mobility of capital, to guarantee everyone a chance at a more prosperous and more stable future.

The underlying trade bill helps us meet this need, helps us fulfill our vital role as the global economic leader, by extending to the president the trade negotiating authority he needs to undertake more effectively the multilateral and other important negotiations that a stable global economy will require.

Once the President has negotiated an agreement, he brings it back to us for our consideration. If we support the agreement he has negotiated, then we take another step into the future by opening more markets and further growing our economy.

But the underlying trade bill also meets another highly important need: it gives us the resources and the authority to respond to those workers and those firms that will inevitably be displaced by the growing, changing economy.

The wage insurance provision of the trade adjustment assistance package helps us do just that. It offers a helping hand to older Americans who have lost their livelihoods to the inevitable dislocations increased trade creates. It does so by recognizing the obvious reality that a time consuming return to school for job retraining may not be in the best interests of older workers who are close to retirement age. It also recognizes the reality that older workers have a much harder time than younger workers re-entering the job market, particularly at the same income level they enjoyed previously. It meets the needs of these older workers by allowing them to insure wage loss. To receive the benefits of wage insurance, the older worker foregoes the additional income support he could otherwise receive if he or she went back to school. Thus, the worker receives benefits while he or she re-enters the job market and without having to go back to school, which, again, for this worker may not be the best option given his or her age.

I strongly support the wage insurance provisions of this bill, and I would also have supported an even more generous version of this provision.

Yet, with this trade bill, we have all made compromises, for the sake of getting a good, comprehensive piece of legislation to send to the President's desk. Wage insurance is a much needed part of the TAA package. It is fair and it is responsible.

I urge my colleagues to vote against the Gregg amendment as we proceed to that vote and remember that there is not a one-size-fits-all, but that all of our workers need the special attention and the ability to move within the workforce in a way that is conducive to them, to their lifestyle, and particularly to their age. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GREGG. Did the Senator yield back the remainder of time?

Mrs. LINCOLN. Yes, I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I will make my statement and then we can go to the vote.

First, I thank the many Members who have come to the Chamber and supported this amendment. There have been a number of points made that I think have been extremely appropriate as to the failure of the language in the bill and the need to have this amendment to correct it.

I want to respond to a couple points made by the Democratic leader. First, this issue of the deal. A number of Members spoke and said this is a lousy idea. It is really not a very good policy, the concept of paying people to take less productive jobs, having the taxpayers pay people to take less productive jobs. This is not good policy, but I have to be for it because there was a deal agreed to.

As far as I can tell, there were only six people in that room at the most. So maybe those six people have reached an agreement, and around here, if you give your word, you have to stand by it. I respect the people who came to the Chamber and said they are going to stand by their word.

For the rest of us, we should look at the policy of whether or not this is a good idea, and it is not. It is called a pilot program, and the Democratic leader said it was a pilot program for which they wanted $100 million, and they agreed to $50 million over 2 years. As he described it, it is a central component of the understanding they reached.

Mr. President, $50 million is a lot of money, but around this building, it does not even deserve an asterisk. So there is something more at work. We are not talking about $50 million if it is a central component of the agreement. We are talking about something people expect to expand radically over the years. This is a brandnew major entitlement which will expand dramatically. It is not some benign little pilot program. If it was, it would not be a central component of this agreement. Thus, this attempt to dismiss it is as something marginal clearly does not fly, even though it is alleged to be a pilot program.

There was also a statement made that this is an attempt to benefit older workers. Actually, the language of this bill does the exact opposite. We have on the books the age discrimination language which says you cannot discriminate against somebody in their job who is over 50 years old.

We have on the books laws which say that older workers should be given deference and should be allowed to retain their jobs and should be allowed to improve their position in the workplace and should not be discriminated against because of their age.

This amendment says exactly the opposite. It says to the older worker: When you lose your job due to trade, we are going to say you are not capable of getting a better job; we are going to tell you go find a lesser job, and then

we will pay you from the other taxpayers of America $5,000 to do that.

It takes the theory of ''you cannot teach old dogs new tricks'' and says: Not only can you not teach old dogs new tricks, but we are going to pay you $5,000 to forget everything you have learned and take less of a job.

It makes absolutely no sense in the context of the other laws which we have on the books relative to age discrimination. In fact, it flies in the face of years of attempts to make sure that as people get further into the workforce, they are not discriminated against.

Of course, as has been outlined, it has no structure to it, no controls to it. Under the trade adjustment concept, the whole idea is to train people who lose their jobs as a result of trade activity, to train them to get a better job, to give them opportunities to get a better job. This language says you should get less of a job. It reduces your employment capability. There is no training language in this bill. In fact, you cannot train under this bill. It basically rejects the training language of the trade adjustment language.

There is no requirement that you take a similar and suitable job. So if you have the ability to do something that is unique and you can take it across the street after you lose your job somewhere and get paid just as much or maybe even more, there is no requirement that you do that. If you would rather do something that maybe pays you a lot less because it is more socially acceptable to you, it is more in tune with your lifestyle—the example has been used of going and becoming an assistant pro at a golf course because you would rather play golf rather than work in a steel factory—you can do that; that is your right; you should be able to do that. Pursuit of happiness is part of our culture, but you should not get $5,000 from the taxpayers who are still working somewhere on the line to do it, which is what this bill tells you.

If there is a similar and suitable job, you are not required to take it. You are not required to remain in the community, which means it undermines the community. I talked at length about that last night. You are not required to have a need for the job. Your spouse could be making $100,000, $200,000, or $300,000. If you had a job where you earned $50,000 and you take a lesser job, you still get $5,000 from the taxpayers of America, even though your spouse may have a huge income.

There is no test relative to the manipulation of the system. An employer may be closing down one plant on trade adjustment language, opening up another facility in a different area, moving people into there, and getting a $5,000 payment. There is no language about that. There are no controls.

There is no control in the area of meeting the needs relative to, as I said, staying in the community. And there is no arm's length control. You could work within the family, for example, move from one job to another. Maybe your son runs a construction company and you are working for a steel mill and the steel mill goes out of business; you go to work for your son's construction company and the taxpayers of America would have to pay you $5,000. Those are the technical issues that lie with this question.

The bigger issues are these: No. 1, it is a brandnew entitlement with immense potential. No. 2, and most importantly, it undermines our basic philosophy of how we have had our economy structured the last 200 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Therefore, I hope people will join me in supporting this amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is not a sufficient second.

The Senator from Montana.

Mr. BAUCUS. On behalf of myself, Senator GRAMM of Texas, and Senator GRASSLEY of Iowa, I move to table the Gregg amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Virginia (Mr. WARNER), and the Senator from Mississippi (Mr. LOTT) are necessarily absent.

I further announce that if present and voting the Senator from Virginia (Mr. WARNER) would vote ''no.''

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

The result was announced—yeas 58, nays 38, as follows:

[Rollcall Vote No. 114 Leg.]

YEAS—58

Akaka	Edwards	Miller
Baucus	Feingold	Murray
Bayh	Feinstein	Nelson (FL)
Biden	Graham	Nelson (NE)
Bingaman	Gramm	Reed
Boxer	Grassley	Reid
Breaux	Harkin	Rockefeller
Byrd	Hollings	Sarbanes
Carnahan	Inouye	Schumer
Carper	Jeffords	Shelby
Chafee	Johnson	Smith (OR)
Cleland	Kennedy	Snowe
Clinton	Kerry	Specter
Corzine	Kohl	Stabenow
Daschle	Landrieu	Torricelli
Dayton	Leahy	Voinovich
DeWine	Levin	Wellstone
Dodd	Lieberman	Wyden
Dorgan	Lincoln	
Durbin	Mikulski	

NAYS—38

Allard	Campbell	Domenici
Allen	Cantwell	Ensign
Bennett	Cochran	Enzi
Bond	Collins	Fitzgerald
Brownback	Conrad	Frist
Bunning	Craig	Gregg
Burns	Crapo	Hagel
Hatch	McCain	Smith (NH)
Hutchinson	McConnell	Stevens
Hutchison	Nickles	Thomas
Inhofe	Roberts	Thompson
Kyl	Santorum	Thurmond
Lugar	Sessions	

NOT VOTING—4

Helms	Murkowski
Lott	Warner

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that immediately following the last vote today, May 16, the Senate proceed to the consideration of Calendar No. 282, H.R. 3167, the NATO expansion bill, and that it be considered under the following limitations: that there be 2½ hours for debate, with the time divided as follows: 60 minutes under the control of the chairman, Senator BIDEN, and ranking member or their designees, 90 minutes under the control of Senator WARNER or his designee; that no amendments or motions be in order—I understand there has been a change in plans. I withdraw that proposed request.

Mr. President, I ask unanimous consent that in the sequence of the amendments to H.R. 3009, the next three Democratic amendments be Nelson of Florida regarding dumping, Corzine regarding services, and Hollings regarding TAA expansion.

The PRESIDING OFFICER. Is there objection?

The Senator from North Dakota.

Mr. DORGAN. Mr. President, reserving the right to object, might I inquire of the Senator from Nevada, are these the three amendments that you would put following the list of amendments that were agreed to yesterday?

Mr. REID. The Senator from North Dakota is correct.

Mr. DORGAN. Mr. President, I want to try to understand also, the previous unanimous consent request of the Senator from Nevada, which he has withdrawn—is it the Senator's intent, with the subsequent unanimous consent request, that we move off the fast-track bill and on to NATO expansion? And if so, what would be the length of time we would be off the fast-track bill?

Mr. REID. It is my understanding, I say to the Senator from North Dakota, that we will do 2½ hours on this tonight and return to the fast-track bill tomorrow.

Mr. DORGAN. With votes, Mr. President? I inquire, will there be votes tomorrow?

Mr. REID. The majority leader announced yesterday there likely will be votes tomorrow. So I say to my friend from North Dakota, I know his concern is we have a long list of amendments and are we going to get to all the amendments.

I say to my friend from North Dakota, we are doing our very best to

work our way through these. And the majority leader has said publicly, and on a number of occasions, he wants to allow people to have the ability to amend this. I have not heard the leader say at any time that he is contemplating, in the near future, a motion for cloture.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, if I might continue to reserve my right to object, yesterday, we created a sequencing of amendments. I was not consulted in that. I was on the floor expecting to be recognized following the Gregg amendment. And then the Senator brought to the floor a sequencing of amendments that has me somewhere following some very big, lengthy amendments that are going to take a lot of floor time.

I was surprised by that and not consulted about it. So if we are going to sequence amendments—I regretted it all the way to work this morning that I did not object yesterday. I think the way for us to do this, of course, is to consult with each other. Since I was on the floor expecting to be able to offer an amendment, and talked to the appropriate staff about doing so, I was very surprised about the sequencing that came yesterday. But I don't believe it is the fault of the Senator from Nevada. It is not my intention to suggest that. But if we are sequencing things, let's consult with everyone first.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend from North Dakota, he is not alone. There are a number of other people who have come to me today asking why they are not higher than the rest. But I do say, we have a lot of amendments, and certainly there was no intent to, in any way, discourage or prevent the Senator from North Dakota having his amendment heard. In fact, it is my understanding that the Senator from North Dakota has other amendments that he wishes to offer. I apologize to him, and others, that perhaps we could have done more consulting with others, but we didn't, and we are now in this posture. We will try to do better in the future.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, this is not about being higher on the list. It is about, if there is going to be stage management here, then there should be consultation on how we are going to manage the stage. I was expecting to be, and was told I would likely be, recognized following the Gregg amendment.

Look, I am where I am at this point because of the unanimous consent request that I should have objected to yesterday and did not. I only point out, as we proceed, it would be helpful to consult with the rest of us. If not, I will be constrained to object on future unanimous requests.

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, the Senator from Connecticut is recognized to offer an amendment.

AMENDMENT NO. 3428 TO AMENDMENT NO. 3401

Mr. DODD. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for himself and Mr. LIEBERMAN, proposes an amendment numbered 3428 to amendment No. 3401.

Mr. DODD. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To clarify the principal negotiating objectives of the United States with respect to labor and the environment)

Section 2102(b)(11) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) to ensure that the parties to a trade agreement reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, and strive to ensure that such labor principles and the core labor standards set forth in section 2113(2) are recognized and protected by domestic law;

''(D) recognizing the rights of parties to establish their own labor standards, and to adopt or modify accordingly their labor laws and regulations, parties shall strive to ensure that their laws provide for labor standards consistent with the core labor standards and shall strive to improve those standards in that light;

''(E) to recognize that it is inappropriate to encourage trade by relaxing domestic labor laws and to strive to ensure that parties to a trade agreement do not waive or otherwise derogate from, or offer to waive or otherwise derogate from, their labor laws as an encouragement for trade;

''(F) to strengthen the capacity of United States trading partners to promote respect for core labor standards and reaffirm their obligations and commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;''.

Mr. DODD. Madam President, I offer this amendment on behalf of myself and my colleague from Connecticut, Senator LIEBERMAN.

Before I get into the details of the amendment and why I think it is an important amendment, let me state what I think many of my colleagues may have been aware of over the years.

I have been a longtime advocate of promoting free and fair trade throughout my tenure in this body of more than two decades. I have historically supported the granting of fast-track authority. I voted for trade agreements that have resulted from that authority. So the Member who offers this amendment is one who has a strong record over the years of advocating and supporting expanding trading opportunities.

I come from a State that has been tremendously dependent over the years on export markets for the health and well-being of the people who live there.

I say that as a background so you understand what my thinking is about this amendment, and why I think this amendment is so important to people such as myself who have been supporters of trade agreement. The adoption or the defeat of this amendment could have a profound effect, I say to my colleagues, on someone such as myself, who likes to believe that we have progressed, over the years, in trade agreements, expanding and fighting for the rights that we demand not only for our own citizenry but in trying to expand around the globe to benefit and improve the quality of life for people elsewhere with whom we have trading agreements.

What I have observed over time is that the evolution and the content and scope of these agreements, their depth and their breadth have grown dramatically since I first arrived in this body more than 20 years ago. No longer are we simply dealing with tariffs and duties and quotas to be levied on tangible goods. That was the case when I arrived. But because good people in this body, of both parties, over the years have fought to expand what would be a part of these agreements, we have improved dramatically these trading accords.

We now deal with virtually every facet of our economy. The process has evolved. And matters once totally outside the realm of trade agreements no longer are. And that is good news for America.

I am thinking, for example, of the NAFTA agreement, which I supported and which passed the Congress only after the Clinton administration negotiated side agreements related to labor and the environment. Those side agreements were controversial to some in this body, but they were so essential to the passage of NAFTA.

Throughout my 20 years in the Senate I have been a strong supporter of trading agreements and fast track.

I am very proud of my record of support for these agreements. It has been a critical issue for my State and the country. You are not listening to a Member who historically has objected every time a trade agreement or fast-track authority has come up. Quite the contrary, I have been one who has stood in support of these agreements because I believed they were in our country's best interest.

Over time there has been an evolution in the content and scope of these trading agreements—that has been wonderful news for the United States—as their depth and breadth have grown dramatically. It used to be we just negotiated agreements that dealt with tariffs, duties, and quotas on tradeable goods. That was it. You didn't consider anything else.

Those days are long since past. We now deal with virtually every facet of

our economy in the context of trade negotiations. The process has evolved, and matters once considered totally outside the realm of a trade agreement no longer are. I am thinking of NAFTA, which I strongly supported, which was an important agreement that passed the Congress only after the Clinton administration negotiated side agreements relating to labor and the environment. Those side agreements were controversial to some in this body, but had they not been included, we would never have passed NAFTA.

That is a fact.

What I am saying about the amendment I am proposing—I will get to the details in a minute—for people such as myself, the adoption of this kind of an amendment is critically important to our votes when it comes to final passage. Maybe they are not necessary, but I would hate to think as we begin the 21st century that we would take a step back from exactly the progress we have made in the latter part of the 20th century when it comes to trading agreements. That is all I am suggesting we do here: To maintain this progress as we go forward.

More recently, both the House and the Senate unanimously endorsed the United States-Jordan Free Trade Agreement. The Bush administration in fact urged Congress to do so. The Jordan agreement broke new ground and set a standard, a floor by which other agreements will be judged as they relate to the support and protection of core internationally recognized labor standards.

The United States-Jordan Agreement also contains a mechanism to resolve disputes related to violations of the terms of the agreement, including violations of labor rights equal to violations that in the context of commerce and other economic transactions between our two nations. The Jordan agreement was very forward looking, dynamic, and supported by 100 percent of the Members of the Senate. As part of that agreement, the United States and Jordan pledged not only to uphold existing domestic labor laws in conjunction with the trade agreement, but we also recognized that ''cooperation between them provides enhanced opportunities to improve labor standards'' in the future.

Last week, King Abdallah of Jordan was in Washington. Many of my colleagues had an opportunity to see him. The Middle East crisis was foremost on his mind for obvious reasons. He also took the time to mention that the implementation of the United States-Jordan Free Trade Agreement was working very well. For those who may say this places onerous burdens on developing countries, Third and Fourth World countries, and this is too difficult a task, King Abdallah of Jordan made the point that the United States-Jordan Free Trade Agreement was working extremely well.

No one expects every country with which we will be entering into negotiations to have the same standards and protections the United States has with respect to protection of workers' rights, just as they don't have as well developed patent and copyright laws or environmental standards. We know that. But we do believe that if every country had identical standards and practices, negotiations would be unnecessary.

The purpose of engaging in negotiations and reaching comprehensive trade agreements is to encourage other nations to stretch themselves to do more in these areas. Trade agreements should be viewed as a dynamic process for ratcheting up global standards across the board.

The Jordan standards, unanimously adopted by Members of this body, are a mechanism for making that happen in the labor sector.

One of the reasons I am offering the Jordan standards as a part of this bill is that they passed 100 to nothing here. There was no debate about whether or not these standards ought to be included in that agreement. My concern is, if we don't raise the level on this trade authority, we will be taking a step back.

My amendment merely takes three provisions of this agreement and incorporates them in the underlying bill. I commend the committee because they took three of the provisions of the Jordan free trade agreement included them in the legislation. But in the absence of these three I will discuss shortly, this is a flawed proposal.

For those reasons, my amendment ought to be adopted. We don't expect everyone to have the exact standards we do. But we think these rights are not just unique to this country. We think the people's right to collectively bargain, the people's right to be protected against child labor are good standards. These are standards we want the rest of the world to try to reach.

We don't want the world to hire children to produce products that are sold in America. We want the environment to improve not just in our own country but around the globe as well. By including the standards in the Jordan agreement in this agreement, we advance the very cause of those ideals which we have championed as a people, regardless of party. In many ways it has been the bipartisan insistence on these inclusions that has made them so important and so dynamic for the rest of the world.

Is there any doubt that it is in the economic and foreign policy interests of the United States to encourage respect for workers' rights, abolish child labor, or to protect the environment? Those ought not belong to a party, they belong to a Nation. Is there any doubt that governments that treat their workers with respect, that allow them to freely associate, that have adopted laws against child labor, that have established minimum wage standards, are governments that tend to be strong and stable democracies, or that governments that don't value and protect their citizens are generally tyrants who are not only a threat to their own citizens but to their neighbors as well?

President John Kennedy once said that a rising tide lifts all boats. The growth in international commerce can certainly be that rising tide. But it will only lift all boats if we ensure that increased trade goes hand in hand with respect for internationally recognized labor rights and have a shared commitment to making the lives of working people better. That is why I believe it is so critical that we send a clear signal that we truly are seeking to get our trading partners to adopt standards that our friends in Jordan readily agreed to and find are working extremely well.

What an irony it would be that we demand it of Jordan, a country with all of its difficulties, with a remarkable leader in King Abdallah who finds he can live with it, and we turn around, after a unanimous vote in the year 2001, passing the United States-Jordan agreement, and adopt a trade accord here that would allow us to take a walk away from the very standards that only months ago we applied to the nation of Jordan.

The Jordan Agreement is living well with the agreements and standards we applied there. To now take a hike on the standards we agreed to under Jordan, and to say to everyone else that they get to adopt a lower standard would be a tragedy. This agreement ought not to be adopted if we exclude these provisions that we have already adopted 100 to nothing in the Senate only a few short months ago.

Let me explain what the amendment does. It is not complicated. It is very straightforward. My colleagues will understand this is not an exaggerated, new idea. I am merely taking the language that already exists, that was adopted unanimously in the year 2001.

The amendment, for those who want to follow the details of this, would modify section 2102(b)(11) of the underlying managers' amendment as it relates to the principle trade negotiations with respect to labor by adding language drawn from the United States-Jordan Free Trade Agreement. The language proposed in my amendment is an addition to the language included in the managers' package.

I commend the managers. They did include language, very specifically, from the United States-Jordan Free Trade Agreement in this bill. That is very helpful.

But we are missing some language here. Let there be no doubt. When you are dealing with traders around the world, they will make clear note that the absence of language was not a mistake, not some oversight; the intentions are quite clear that all of a sudden we are changing the rules of the road. I don't think we want to send that message.

So I know there will be arguments that the United States-Jordan Free

Trade Agreement is included entirely in this bill. It is not at all. I commend the managers for what they have done. The managers were working, of course, from the House version of this bill. That placed certain constraints on them in committee. I hope that the full Senate will act on this matter now, so we can be more flexible and fully reflect the important precedent set by the United States-Jordan Free Trade Agreement in the areas of labor and the environment.

I have prepared a chart that replicates article 6 of the United States-Jordan Free Trade Agreement. It relates to the obligations of the United States and Jordan with respect to labor. Let's look to the provisions of that agreement and compare it with the text of the bill and the additions my amendment would make to that text.

Article 6.1 of the U.S. Jordan Agreement, is reflected in section (C) of the pending amendment. This amendment would establish as a principal negotiating labor objective, the reaffirmation by parties of their obligations and commitments as members of the ILO—International Labor Organization—in the context of labor negotiations and in the context of future trade agreements and a commitment to ensure that domestic labor laws are consistent with the ILO Declaration on Fundamental Principles and Rights at Work.

What does that mean? It is a lot of language. It means, in the context of the negotiating process, that governments that are members of the ILO, of which there are 163—virtually everybody we are trading with—must be mindful of the obligations that have already been assumed as members of that organization. That is a radical thought, isn't it? It was signed on to by 163 countries.

We are saying, if you want to trade with us, we want you to live up to the commitment you made when you signed on. That is what we said to Jordan. We said: Look, you are a member of the ILO and we are going to say if you want to have a trading relationship with us—and we want it with you—we want to have clear language in the agreement that says you must live up to those obligations that you already signed on to. That is not exactly a radical point in this context. What are those obligations? To respect, promote, and realize fundamental labor rights, such as freedom of association, elimination of forced labor, abolition of child labor, and the elimination of discrimination with respect to employment.

I hope I will not have to debate in this Chamber, as we begin the 21st century, whether or not it is in the interest of the United States, when we enter trading agreements, that somehow we are going to sit back and remain silent when it comes to discrimination, child labor, and the right to promote respect or fundamental rights and the elimination of forced labor.

I don't think that is terribly radical for the U.S. in this century to be talking about having or advancing those standards in future trading agreements. So if you are going to defeat this amendment, understand we are going to step back to what we agreed to 100 to 0 a few months ago and to say to every trading partner we have, you can disregard this—disregard forced labor, child labor, and the notions of free association and the elimination or discrimination with respect to employment. I don't know of a single Member of this body, Republican or Democrat, who wants to be associated with a trading agreement that retreats from those very principles we have adopted in this body already. We are not asking these countries to do anything more than they are obligated to do as members of the ILO. That is all. This provision is not currently included in the managers' principal negotiating objectives, and I think it should be.

Let's look at the next provision. Article 6.2, embodied in section (E) of my amendment, namely, that the parties recognize it is inappropriate to seek a competitive trade advantage by relaxing or waiving domestic labor laws. I hesitate to even explain this one. We are saying we don't want you to step back in your own domestic laws in order to create a more favorable trade environment. That would be so damaging to our own country. We are saying, if you want to have an agreement with us, if you want to sell your products in America, you cannot start retreating on your own laws and putting American workers and American companies at a disadvantage.

We included this provision in the United States-Jordan agreement. We said we want a guarantee that you are not going to slip back and undo the laws you already adopted. You don't have to trade with us, but if you want to, we insist that you live up to the laws you have already written. That is not a radical thought.

Certainly, it seems to me that by excluding specifically that language from this agreement, having specifically ratified the trading agreement only a few short months ago, that we would be sending a signal with which I don't think many people in this Chamber would want to be associated. So it is extremely important.

What is the harm in including this provision? Do we support other countries gaining a competitive advantage over U.S. industries, businesses, and manufacturers by ignoring their own laws? I don't think so. And I certainly hope not.

Article 6.3 of the Jordan agreement is embodied in section (D) of my amendment; namely, to recognize the rights of parties to establish their own labor standards, but also the commitment to strive to ensure that their laws are consistent with the core labor standards, and that we should be trying to, over time, improve working conditions. Again, this doesn't seem terribly radical to me.

Articles 6.4 and 6.5 of the Jordan agreement are already contained in the underlying bill, as is 6.6, the definition of labor laws. Again, I commend Senators BAUCUS and GRASSLEY, and other members of the committee, for already taking the United States-Jordan Free Trade Agreement and including the provisions I have just mentioned.

So we have already set the precedent of taking the exact language of the United States-Jordan Free Trade Agreement and explicitly included some of the language in this bill. The obvious omission of the articles I have just mentioned, involving the points I have raised, I think, would be glaring in terms of our retreat from those principles we think are extremely important.

My comparison of the agreement with the underlying bill and with the provisions of my amendment show that this bill does not incorporate all of provisions in the United States-Jordan agreement. I believe that only with the adoption of this amendment Senator LIEBERMAN and I have offered can we fairly assert that there is parity between this bill and the United States-Jordan accord. Let's assume for the moment that you agree with the managers of the bill, that they have already accomplished Jordan parity. I might ask, what is the harm of accepting this amendment, which I clearly have shown is no more or less than what is in the United States-Jordan agreement? It seems to me by taking this additional language, we have done nothing to damage the statements made by the authors of this bill. I fail to see what great damage could be done to this bill or to the President's negotiating authority with the addition of a few additional negotiating objectives. There are currently 27 pages of principal negotiating objectives in the pending managers amendment, covering 14 areas, such as trade barriers, services, investment, intellectual property, e-commerce, agriculture, labor, environment, and dispute settlement.

I don't think we believe that U.S. negotiators will be successful in delivering on every single one of these objectives. But the point of including them is to encourage U.S. negotiators to pay attention to the issues of discrimination in employment, forced labor, and child labor. We think those are worthwhile objectives that should be payed attention to. If you can pay attention to e-commerce, to investments, to intellectual property, tell me what your rationale is for taking a hike and walking away when job discrimination, child labor, and forced labor ought to be on the table as well as part of our standards.

If it is OK to watch out for the banks, for the high-tech companies, how about watching out for people who have no one else to watch out for them and to insist that if you want to trade with America, sell your goods in Nevada, or in Connecticut, or in Texas, or anywhere else, at least you have to put these standards on the table.

So we urge adoption of an amendment to incorporate these standards, to encourage our negotiators to pay attention to these objectives that have been delineated, and send a signal to our trading partners that we care about them—at least the Senate does. Republicans and Democrats care about these issues. We care about trade, but we also care about working people. We care about them at home and around the globe. If you are going to have the luxury of selling your products and services here, for the Lord's sake, please pay attention to some things that go to human decency.

That is all we are talking about. That is why we truly believe our negotiators should be attempting to achieve standards that already apply. I suspect if I were offering this language for the first time, people would say I am breaking new ground. I am not breaking new ground.

In the year 2001, this Senate unanimously voted for the agreement. This body, at the urging of President Bush, adopted the United States-Jordan Free Trade Agreement, and the very standards written here are written into that law. Should we say to other countries we insist Jordan do something, but the rest of you can just ignore these important standards?

As I said earlier, our partners in negotiation are not foolish; they are not naive; they are not stupid. They are going to know there is a difference between this bill and the Jordan agreement. They are going to assume rightly—or, more importantly, wrongly—that there is a message sent by that difference. If we do not want to send such a signal—and I do not believe the managers of this bill do—then I think we should be careful with the language we incorporate here.

I believe, without the adoption of this amendment, the Jordan standards will not be fully on the table for discussion, and we will have missed a unique opportunity to insist they be a part of all future agreements.

Madam President, I urge the adoption of this amendment. It is not complicated. It is very straightforward. It is not precedent setting, and I think it is where America is. These are American values. If we can add standards in every other imaginable area to protect every financial interest one can think of, should we not also try to do something about kids who get hired to produce some of the very clothes people are wearing every day; shouldn't we see to it that job discrimination and forced labor are not going to produce the products we sell on the shelves of our small communities and large cities of this country? I do not think that these ideas are radical. They are about as American as it can get. I hope my colleagues will think likewise and support this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, for the benefit of Senators, we likely will not have a vote on the Dodd amendment until about 4 o'clock today. The President, if not on the Hill, will be here shortly. A number of people are going to be meeting with him.

Of course, at 2 o'clock we are going to be in recess for the awards ceremony for President Reagan and Nancy Reagan, and we will not be able to vote until 4 o'clock.

I hope that when debate is completed, within whatever period of time it might take, we can have a vote at 4 o'clock, and if Senator KYL, who I understand is going to offer the next amendment for the Republicans, can debate his amendment for whatever time is left until 2 o'clock, and then from 3 to 4, and we can have two votes at 4 o'clock. That is what we would like to do.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I welcome the opportunity to discuss the Dodd-Lieberman amendment. The amendment is very similar to the Lieberman amendment yesterday in terms of its impact, though the approach is very different, so I will not belabor it. But I do want to make several points that I think are relevant to the amendment.

The first point is in response to Senator DODD's argument that the language he wants to impose on all future trade negotiations is identical to the language included in the Jordan free trade agreement approved unanimously by the Senate.

That argument assumes that one size fits all. It is similar to the argument I might make if I were going to try to buy a tire manufacturing company after buying a set of its tires. I might argue: You were willing to sell me a set of tires on credit without collateral. Now that I want to buy your whole company, how come you want collateral?

What worked for Jordan does not necessarily work elsewhere. I want to remind my colleagues that we rushed to approve the free trade agreement with Jordan because it was an important foreign policy action regarding a friend in one of the most unstable and difficult parts of the world in a time of emergency. It was in effect a foreign policy decision, not a trade policy decision. Indeed, our imports from Jordan are twenty-five one-thousandths of 1 percent of all imports coming into the United States. Trade, while not unimportant, clearly did not drive this agreement.

Yet Senator DODD's point is that if this language was good enough for Jordan, why is it not good enough as a general principle for all trading partners? That question kind of answers itself. If a signature on a note to buy a set of tires at a car dealership is good enough, why isn't the signature good enough to buy a car, or the car company? Because the situations are different.

The point is that a trade agreement with, say, Europe would be very different than a trade agreement with Jordan. In terms of trade, a trade agreement with Europe would be shooting with real bullets in terms of trade, jobs, and economic growth, because we already have a well-established economic flow between the United States and Europe. Such a trade agreement would not simply be about foreign policy. In contrast, we are just starting to increase our economic flow between the United States and Jordan, and the agreement quite clearly had a critical foreign policy component. Of course trade with Jordan is not solely about foreign policy. But to say that the principles we set forth in the Jordan agreement ought to be the principles that dictate every agreement we enter into in the future simply is not a valid analogy.

My second point is that the document before us is the result of long hours of labor by the Finance Committee. Now, I am not saying that the Finance Committee has cornered the market on wisdom or is infallible, but I will say that the Committee held numerous hearings and had days of debate. Eventually, we worked out a bipartisan compromise on these issues, and the bill was reported 18 to 3. The trade promotion bill approved by Finance is the bill that is supported by the administration and is broadly supported by every major element of the American economy.

In that bill, we achieved a balance that preserves the flexibility of the administration to negotiate different trade agreements depending on the particular circumstances. To suggest that somehow we do not deal with child labor is simply not valid. Labor issues are a factor through this bill. For the first time, we have an extensive negotiating objective in a fast-track bill dealing with labor and environmental issues. In addition, we have included language that refers to ILO conventions both those we have ratified and those we have not—on forced labor, minimum employment age, and similar matters. However, the bill as reported provides flexibility, rather than assuming that one size fits all.

I do not think there is one size that fits all in almost anything that government does, which is why so many of our programs fail. But even if there were one size that fits all, to suggest that the Jordan Free Trade Agreement, an agreement with a country that produces twenty-five one-thousandths of 1 percent of the products that we import, should serve as the mandate for all future agreements simply does not stand up to scrutiny.

In the Finance Committee bill, we have dealt with labor. We have dealt with the environment. And in both areas we have set standards higher than we have ever set before. To suggest that we ought to go back to one particular trade agreement approved in the midst of a crisis in the Middle East with a country that sells twenty-five one-thousandths of 1 percent of all

items we buy from the rest of the world, and make it the ironclad standard for every trade negotiation we enter into again from now on, seems to me to be putting us in the kind of straitjacket that we would not want to put any administration in. That is why the Dodd-Lieberman amendment is opposed by a broad cross-section of American business. It is opposed by the administration. It is opposed by the chairman and ranking member of the Finance Committee.

It is one thing to try to add to the bill a totally new matter that we have not dealt with before. But it is another thing altogether to come in now, on the floor of the Senate, and try to rewrite heart of the bill based on one agreement entered into largely for foreign policy reasons with a key country who happens to sell us just twenty-five one-thousandths of 1 percent of all imports that we buy. Given the current trade flows between the United States and Jordan, any error in the agreement probably would not cause profound economic damage to either country. Our trade flows are just not large enough. Our overall relationship was and is important enough to approve that agreement. It was a good thing to do, and I supported it. But that agreement cannot become the ironclad standard for every trade agreement from this point on.

A few points to sum up. This amendment is unnecessary and undoes the bipartisan compromise on labor issues. It is not as if we do not deal with labor issues in the bill before us. In fact, we dealt with them in great detail. They were negotiated extensively, and as a result we now have strong bipartisan support for the bill. To come in now and rewrite the labor section based on one trade agreement we approved during a foreign policy crisis with a country whose sales to the United States are minimal relative to total world sales is just not sound public policy.

Secondly, the amendment proposes a one-size-fits-all approach that takes the smallest size as the base. The fact is that right now, there are few countries in the world from whom we buy as few goods as we do from Jordan. More imports are bought by some cities in Texas in a month than are bought by the whole Nation from Jordan in a year. We all hope that the agreement will promote greater trade with Jordan. But the fact is that its sales to us will remain relatively small compared to the sales by the rest of the world. To use the Jordan Agreement as the standard and override the bipartisan compromise in a bill written to be as coherent and flexible as possible does not make any sense.

We are not in the welfare business when it comes to trade. It is one thing for a trade agreement to help a government in Jordan. But when we are negotiating trade agreements with the Europeans, or the Japanese, I want the agreements to help us. I want them to benefit from a trade agreement too, but my first concern is to make sure that we benefit. In this case, the negotiation with Jordan was for Jordan. But any negotiation with Europe or Japan should be for America. To apply a foreign policy-driven standard to such negotiations just would not be sound policy.

It boils down to one point: different negotiations require different approaches. Any negotiations with China, for example, would be very different from our negotiation with Jordan, just as buying a set of tires on credit is a little bit different than buying the tire company. When you're buying the tire company, you should expect standards that are vastly different in terms of obtaining credit.

I hope we will defeat the Dodd-Lieberman amendment. It basically tries to change the very heart of the bipartisan trade promotion authority bill through an amendment offered on the floor. This is the second time we are seeing such an effort. Yesterday, we had an effort by Senator LIEBERMAN to undo the bill. Today, we have a second effort by Senator DODD and Senator LIEBERMAN to undo the bill. I hope the same people who voted against the effort to undo it yesterday will vote against undoing it today.

I am proud of the Jordanian agreement, and I gave it my support. But it should not be the be-all, end-all standard for all future trade agreements. I do not think anybody thinks that it should. It may very well be that some colleagues with a certain bent on some issues like the language of the amendment better than the language of the bill. But the language of the bill is something that has been very carefully negotiated. So I would urge those who want a trade bill to vote against this amendment.

Let me conclude by stressing one point of concern. One of the things that has disturbed me for most of this year, and that has become very clear on this trade bill, is that increasingly people are not taking a proprietary position on issues that are of vital national importance. Certainly I am not trying to judge anybody else's motives, but it seems to me that we are seeing votes cast on this trade bill where, from the outside, it looks as if nobody is taking ownership of this critically important bill.

In the 24 years I have served in the Congress, I do not think I have ever witnessed a Finance Committee that could not defend its own legislation on the floor. We are seeing efforts to make wholesale changes that would undo the entire agreement. We have what is close to piracy where people are trying to load one more item on this wagon, and the wagon is now rickety and on the verge of running into the ditch.

Anybody paying attention to this debate knows that trade promotion authority at this point is almost dead. Now we have an effort to rewrite the heart of the bill's bipartisan language on labor, and impose a standard that we negotiated with a country whose trade with the United States is a fraction of the trade we have with the world. Under such circumstances, I will not be willing to pay the already great tributes of health insurance for unemployed that is paid by workers who do not have health insurance, and wage guarantees that are higher for the beneficiaries than the average wage of working people in the country.

If we truly want this bill to become law, then we are going to have to begin to take some ownership of the bill. We can start by defeating this amendment. Well intended though it may be, it is harmful because it makes the assumption that one size fits all, using a standard applied in an agreement driven by foreign policy to a nation whose sales by any measure are minor in the context of overall United States trade.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I ask unanimous consent that once the debate concludes on the Dodd amendment—we are attempting to have a time set for this vote on the Dodd amendment. As I indicated earlier, we will be out of session from 2 to 3 because of the President Reagan and Nancy Reagan award, and other things will take place at 3 p.m. We will vote at 4 p.m.

Mr. GRAMM. On this matter or any motion related to it?

Mr. REID. Yes.

Mr. DODD. While we are waiting, my good friend from Texas and I have worked on a lot of things together. We disagree on this particular point.

For clarity purposes, we are talking about 27 pages of standards that are part of this trade promotion authority. We are talking about the addition of three principle negotiating objectives. It is not one-size-fits-all any more than it is one-size-fits-all on the other 27 pages of standards. We are taking, what is already partly in the bill, to the credit of the manager of this bill, several provisions in the United States-Jordan Free Trade Agreement. My colleague said this was a foreign policy document, not a trading agreement. If that were the case, why did we add provisions that expanded the concerns about child labor and discrimination in the workplace, forced labor, the rights of free association? If we merely wanted to do a foreign policy document, we would have had a barebones agreement with Jordan, if it was just to send a message that we wanted to be of some help. But, no, we incorporated collective wisdom and included the dynamic principles we care about into the Jordan Agreement.

This is about America. It is not fair to Americans who lose their jobs because of a trading agreement, where some other country can hire children, discriminate in the workplace or disregard the rights they signed on to in the International Labor Organizations. That gives them a tremendous advantage at the expense of America.

Jordan may be small; these principles are not small. They may represent twenty-five one-thousandths of 1 percent, but forced labor, child labor, discrimination in the workplace, and the right of association are not twenty-five one-thousandths of 1 percent of what Americans care about. We care about these principles. And we fight for them. We eliminated them in our own country years ago. We struggle every day to make them work, even in the 21st century. We are saying if you want the right to sell your goods in America, these are principles and objectives we think you ought to try to achieve. They are objectives.

The idea that we would exclude these objectives—I just don't understand the rationale of that. With 27 pages of objectives in this bill, that include objectives on e-commerce, investment, and many other standards—how about including some standards that apply to working people? How about that? Is that so radical a thought?

We have already adopted by 100 to zero a United States-Jordan Free Trade Agreement establishing principles, adding 3 more principles, to a 27-page set of negotiating objectives. Not every country is America. We are not foolish. We do not say you must absolutely meet the standard of the United States when it comes to job discrimination, child labor, forced labor. It would be ludicrous if I were to write and say you must absolutely achieve the same standards we have. That is unrealistic. We have not done that.

If I cannot write this into a trade promotion authority, where do I write it? Do I have to do it agreement by agreement by agreement? Why not just make this part of the principles of our negotiators? These are not radical ideas. All that I am saying is that as part of the principal negotiating objectives, including the provisions you already added from the free trade agreement with Jordan, these three Jordan standards ought to be included. It is not too much to ask.

I appreciate my colleague from Texas and his colleagues on the Finance Committee spending time getting their ideas incorporated into the bill. I am chairman of the Rules Committee, and a bill recently came out of the Committee. I had 100-some-odd amendments; 43 were dealt with on the floor. I was not offended. I prefer that everyone did everything I wanted them to do. I don't know a Senator who doesn't feel that way. The reason we have 100 Members representing 50 States is, people have a right to raise concerns and offer amendments. We are doing that.

I commend the committee for what they have done. The Finance Committee, under the leadership of Senator BAUCUS and Senator GRASSLEY, have done a terrific job. It is not easy. They have incorporated parts of the United States-Jordan Free Trade Agreement. But they left out three that I think are important. I am merely suggesting, and I regret this requires a recorded vote. These are objectives, that is all. My Colleague from Texas mentioned Europe. We are worried about trading with Europe? Is this such a difficult job in Europe, with forced labor, child labor, and employment discrimination? I don't think so. The problems arise with smaller countries that are still emerging where the problems exist.

If, by requiring our negotiators to raise these principles, we might improve the quality of life of people in these developing countries, is that such an outrageous suggestion? Is that something that America should retreat from as a nation that takes pride in the fact we try to recognize the rights of all people? When our Founding Fathers wrote the cornerstone documents of this country, they didn't talk about these rights, those inalienable rights, only occurring if you manage to make it to America. Those inalienable rights are rights that are endowed by the Creator to all people. In the 21st century, to try to slow down the abolition of child labor, forced labor, job discrimination, and to suggest we ought to keep it out of this bill, this trade promotion authority, I don't think reflects who we are as a people. It is a step back from where we are as a people.

This is not one size fits all. We know fully well as we enter trading agreements, there will be nations that will do a better job or not as good a job in the areas I have mentioned. I don't think it is so radical to ask our negotiators to have these, along with the other 27 pages of standards. Every business interest in America is guaranteeing their interests are going to be negotiated when it comes to reaching agreements. What about working people? Why can't they be on these 27 pages, as they have in many places? I don't think it is a lot to ask by adding these three.

I urge my colleagues to support this effort. The role of the full Senate is not to be a rubber stamp. What I am offering I think is more of an oversight. The managers were dealing with a House version of the bill, and they added the three provisions of the Jordan agreement, and they left these three out. I think it is the intent of the managers to include the principal negotiating standards of the Jordan agreement. And really denouncing this because the country we negotiated with was small—these principles are not small; the fact we negotiated with a small country does not mean the principles are not large in the minds of the American people. We ought to make them principles, regardless of the size of the country with which we negotiate. It is a great tribute to the nation of Jordan, a small struggling country, one of the most crisis-ridden areas in the world, that they could live with these standards as part of the negotiation we entered with them. If a small, struggling country can accept this, representing one tiny percentage of our trading partners, then certainly larger countries should do no less.

Therefore, the very argument of my colleague from Texas when he says this is like arguing about the price of a tire when you try to buy GM—child labor, forced labor, job discrimination are not tires. Those are not just small consumer items in the list of human principles and values. We think they are important principles and they ought to be given a status—more than a sale of a tire on a car.

I urge my colleagues to join us in this and support this language and put it in the bill. It makes it a stronger bill, a better bill, a bill we can be proud of when we negotiate trading agreements in the future with other countries.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I listened very carefully to my good friend from Connecticut. I imagine people, while they are listening to him, are wondering what is this debate all about, really? Certainly none of us want to promote child labor. All of us want to discourage child labor. All of us, as Americans, with the values we have as Americans, want to promote our American values.

The question is, what is in this bill, what is not, what are we debating, and what are we not debating? Essentially, as I listen to my good friend, the Senator is arguing for the bill. What the Senator suggests is virtually what is in the bill. There is really not any difference. When I listen to the Senator, he makes it sound as if there is a huge difference, but there really is not.

First of all, we do incorporate the Jordan provisions in the underlying trade promotion authority fast-track bill that are labor and environmental standards. Let's remember, the Jordan agreement is an actual trade agreement; whereas today we are debating whether to give the President authority—along with passing the trade adjustment assistance and Andean Trade Adjustment Act—whether to give the President the authority to negotiate future trade agreements under a certain procedure.

There is a difference between a current, existing agreement that was negotiated—that is Jordan, on the one hand—and future agreements which have not been negotiated on the other.

The Senator from Connecticut is essentially saying the standards, exact language as in the Jordan standard, essentially should be the language that applies to environmental and labor provisions and dispute settlement provisions in all future trade agreements. Again, I think it is important to note that there is a difference between what is actually negotiated in an agreement and future trade agreements. That difference is very important.

No two trade disputes are exactly alike. No countries are exactly alike. The matters over which they negotiate are different. Each negotiation involves different issues, different complexities, and these require us to be

creative, to adapt, and not take—the common phrase is the cookie-cutter approach.

I also want to react to the argument of my friend from Connecticut who implied that ILO negotiating objectives are not in the bill or negotiating to reduce child labor is not in the bill. That is not accurate. It is in the bill.

There are three categories of objectives. This sounds a bit arcane. One is principal objectives, overall objectives, and then other objectives. But the language in the bill makes it clear that each of the objectives has the same priority.

You may ask why they are not all in the same category. I am not sure I can answer that question, but the operating principle is that the language in the bill provides that each of these objectives, although they might be in different categories—one of them includes ILO labor—is a core labor standard. It also includes—promote respect for workers' rights, the rights of children consistent with core labor standards of the ILO, and understanding of the relationship between trade and workers.

The main point, though, is respect for workers' rights and the rights of children consistent with core labor standards of the ILO. That is an objective and it is an objective that has equal weight compared with all the other objectives. It is in the bill. To say it is not is simply not accurate.

In summary, the concerns the Senator from Connecticut voices are met. They are in the bill. They have equal weight.

One can argue: If it is in the bill, why not just accept what the Senator has suggested? We are in this unfortunate situation, though, where we have this bill put together, and it is a bipartisan bill. It passed the committee 18 to 3.

If we are to have trade adjustment assistance enacted into law, which I think is the most important part of this bill, and if we are going to have the Andean Trade Preference Act extended, which is very important to South American countries, and if we are going to have fast-track authority, which I think is necessary for these very complex trade negotiations, otherwise other countries will not enter into negotiations with the United States, this amendment has to be defeated.

The substance of what the Senator talks about is already covered in the bill. It is substantially covered in the bill almost to the degree the Senator wants. But to adopt the Senator's amendment will cause this agreement to unravel. It is already very precarious.

I remind my colleagues the other body passed the fast-track part of this legislation by one vote. I know there are some Senators in the body who do not want to pass fast-track legislation. They are opposed to it. But a very significant majority of Senators wants to pass legislation. They are in favor of it. If this amendment were to succeed, due to the very strong opposition to this amendment by a very substantial number, if not unanimously, of the Members of the other side of the aisle, this amendment could unravel this bill. It is a delicate balance. That phrase is used over and over again, but I can tell you it is a delicate balance.

I wish I could help my friend and accept the amendment, but for all intents and purposes, to take care of all his concerns, if he were to push a little further, it could very well push us over the edge. And I do not think we should take that risk.

We cannot let perfection be the enemy of the good. We can strive for perfection, but if we get too close to trying to get perfection it causes unintended consequences elsewhere.

I urge my colleague to remember it is a very delicate balance we have before us.

I yield the floor.

Mr. DODD. Madam President, I will be very brief. My colleague and friend from Montana has been very patient. He has an awfully difficult job chairing this important committee and dealing with the various issues that are raised.

As I said at the outset of my remarks, I commend the committee for its effort.

I thought this might be an amendment that would be easily accepted. I did not expect it to evoke the kind of debate we have had from my colleague from Texas because it really should not be a huge debate. My colleague from Montana is right, we should just accept this and move on. I will tell you why, very simply. Again, not to be arcane, but the language of the bill, on pages B–4 and B–5, starting at the bottom of page B–4, says:

> to promote respect for worker rights and the rights of children consistent with core labor standards of the International Labor Organization (as defined in section 2113(2)). . . .

Section 2113(2) defines those labor standards. They include:

> the right of association;
> the right to organize and bargain collectively;. . . .

It says:

> a minimum age for the employment of children; and
> acceptable conditions of work with respect to minimum wages [and the like].

That is very different from the ILO standards.

So the ILO standards, as defined in section 2113(2), are different from the ILO standards. The ILO standards say:

> the effective abolition of child labour; and
> the elimination of discrimination. . . .

''The elimination of discrimination'' is not included in section 2113. So they are different.

I thought the amendment would have just been accepted. It says: ILO ''as defined.'' It is different from ILO. That is the reason we wanted to use the language as the principals in the Jordan agreement, because our trading partners are not foolish. They will understand there is a difference.

So ''the effective abolition of child labour'' and ''the elimination of discrimination'' are in the ILO standards but not in the standards we are going to negotiate. So that is the reason we offer the amendment.

I really expected it, as I say, to be something that did not provoke a significant debate. But there is a distinction.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. The Senator is absolutely correct. And as the Senator well knows, in this ongoing evolution here, we have worked with the ILO definitions under the extension of GSP. And GSP is also in this bill, and that is the Generalized System of Preferences.

The question is: What are the ILO standards? I am sure the Senator knows better than any other Senator that the ILO standards were changed in 1998. The earlier version was enacted or stated in the early 1950s. We, after great discussion, I might add, were able to get a modern, updated ILO definition in GSP, although it is not in this bill.

My thought is, when we are in conference, that is an issue we can address. The Senator raises a good point.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Connecticut.

Mr. DODD. Madam President, as I understand it, in the unanimous consent agreement, we will come back to this debate, and there will be 5 minutes, where the time will be equally divided, to make summations before the actual vote occurs.

Mr. REID. If the Senator will yield?

Mr. DODD. I am happy to yield.

Mr. REID. Madam President, I do ask unanimous consent that once debate concludes on the Dodd amendment, the amendment be set aside to recur at 3:55 p.m. today; that at 3:55 p.m. there be 5 minutes remaining for debate, with the time equally divided and controlled in the usual form; with no second-degree amendment in order prior to a vote in relation to the amendment; and that upon the use or yielding back of time, without further intervening action or debate, the Senate proceed to vote in relation to the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Madam President, if this debate concludes before 2 o'clock, Senator KYL will come and offer an amendment. That debate will continue until 2 o'clock, and then from 3 to 4 he will also be debating that. We hope that during that period of time we can complete the deliberations on the Kyl amendment and also set a time, shortly after the Dodd vote, so we can have two votes a little after 4 o'clock. But we ought to see how the Kyl amendment goes before we make that decision.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I do not know if other Members want to be

heard on this amendment. I am prepared to yield the floor, and I will suggest the absence of a quorum shortly, unless the Chair, obviously, wants to do something. If others want to speak, or if Senator KYL wants to come over and start his debate, I am perfectly amenable to that.

If other Members, all of a sudden, want to come and discuss the Dodd amendment, the Dodd-Lieberman amendment, there will be a period to do so before we actually get to a vote, I assume, at 4 o'clock.

With that, Madam President, I thank, again, the distinguished chairman of the committee and the ranking member and their staffs for their patience. They demonstrate great patience in these debates, and I thank them for that.

UNANIMOUS CONSENT AGREEMENT—H.R. 3167

Mr. REID. Madam President, I ask unanimous consent that immediately following the last vote today, Thursday, May 16, the Senate proceed to the consideration of Calendar No. 282, H.R. 3167, the NATO expansion bill; that it be considered under the following limitations: That there be 2½ hours for debate, with the time divided as follows: 60 minutes under the control of Senator BIDEN, or his designee; 90 minutes under the control of Senator WARNER, or his designee; further, that no amendments or motion be in order; that upon the use or yielding back of time, the bill be read the third time, and on Friday, May 17, the Senate resume consideration of the bill at 10 a.m., with the time until 10:30 a.m. equally divided and controlled between Senators BIDEN and WARNER, or their designees; and that at 10:30 a.m., the Senate vote on passage of the bill, without further intervening action or debate, notwithstanding rule XII, paragraph 4.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

A NATIONAL COMMISSION CONCERNING THE EVENTS OF SEPTEMBER 11, 2001

Mr. TORRICELLI. Madam President, on four occasions since September 11, 2001, I have come to the Chamber to recommend to my colleagues that the Senate immediately consider the establishment of a national commission concerning the events of September 11, 2001.

My request has been based on no motivation but the belief that the American people deserve honest answers and that the only means of preventing another terrorist attack on the United States is a fair, honest, and dispassionate view of what happened and what didn't happen, what was known, and what should have occurred.

The historic basis of such an honest approach to the tragedy of New York and the Pentagon is overwhelming. Ten days after December 7, 1941, Franklin Delano Roosevelt recognized that he could not reassure the American people about their Government and could not unify the country for the war ahead unless he gave them an explanation about what failed at Pearl Harbor. Lyndon Johnson recognized almost immediately the same need to reassure the American people about the operations of their Government and the integrity of its officers after the assassination of President Kennedy in 1963. Ronald Reagan drew upon the same precedent establishing the Challenger Commission to assure the American people that they would receive an honest answer to prevent any recurrence in the loss of life in the *Challenger*.

What I recommend has not only had precedents, it was the rule. Democratic and Republican administrations, for a century, have seen the need to assure the American people about the operation of their Government and that indeed we were a confident enough people under the rule of law to face honestly our own failings—all based on the belief that the only means of assuring that there would not be a recurrence would be to discover the reasons for the failings of the past. On those four occasions, there have been reasons to postpone, excuses to not act, and the debate has continued.

The debate continued after it was revealed that the FBI had in its possession Zacarias Moussaoui, a Frenchman of Moroccan descent who, in August, was discovered in a flight training school. The Justice Department denied access to his computer. The debate continued after it was learned that French intelligence had warned American intelligence officials that they had knowledge of a possible terrorist plot to hijack aircraft.

The debate continued after it was learned that Philippine intelligence and law enforcement authorities had warned United States Government officials of possible targeting of American aircraft.

The debate continued after it was revealed that the FBI office in Phoenix had written a memorandum warning that large numbers of suspicious individuals were seeking pilot and security training at American flight schools. The debate continued.

The debate has to end. Revelations that the Central Intelligence Agency might have intercepted suspicious communications as early as last July indicating a possible terrorist attack on American installations or facilities and that indeed the President of the United States himself was informed of this information should effectively end any debate.

I do not rise to cast blame or aspersions on any individuals or institutions. I believe the officials of this Government have acted honorably, and I would never believe any American institution or individual, for a moment, would not have done everything possible to defend the people of this country if sufficiently warned.

Something is wrong. The United States of America has a defense establishment of over $330 billion a year. Public accounts estimate intelligence budgets at over $30 billion a year. The heart of our greatest city was struck, the center of our military power was hit by 19 people, funded by $250,000. Something is wrong.

I do not know whether there has been a failure to collect intelligence or an inability to share intelligence. I don't know whether law enforcement and intelligence agencies have failed to work together. I don't know whether they acted properly and a reasoned, rational person never could have put these pieces together. I don't know. But neither does anybody else in this Government.

It was always going to be difficult to face the families of those who lost their lives on September 11. It just became impossible. Without some dispassionate and honest review of what was known by this Government and its agencies, without an honest assessment of how agencies performed and coordinated their activities, without a dispassionate assessment of what failed, not only can we not look the victims' families in the eyes and tell them, ''Your Government met its responsibility,'' we cannot assure this country that it will not happen again.

Franklin Delano Roosevelt didn't have a Pearl Harbor commission, Earl Warren didn't have a commission on the Kennedy assassination, and Ronald Reagan didn't have a Challenger commission to assign blame. It wasn't about partisanship. It was about assuring the American people of the future that the Government had taken actions to assure it would never happen again.

Who here would assure one of their constituents in any of our States that we have the confidence or the simple good judgment to undertake such a review?

On March 21 of this year, the Governmental Affairs Committee voted on S. 1867, introduced by Senators LIEBERMAN, MCCAIN, GRASSLEY, and myself, a bill to establish the National Commission on Terrorist Attacks upon the United States. That bill is ready for consideration. What reason do we offer for not acting immediately? What is the excuse to the American people?

I trust that based on current revelations, law enforcement officials of the Justice Department, intelligence officials of the National Security Agency and the Central Intelligence Agency, and, indeed, the national leadership of

the White House itself will now end all excuses, stop all efforts to block this legislation or similar reviews, and join with us in one complete analysis of what happened, what went wrong, what was known, and, most importantly, what we do about it.

There will be those who say this is a matter for the Senate and its Intelligence Committee. This is a matter for this Government and all of its representatives. Some secret analysis by a committee reviewing one aspect of the actions of the U.S. Government on classified material making recommendations unto itself is not what the country requires. Every element, every aspect of the Government should be reviewed on how it acted and how it should be changed, including this Congress.

I suggest a reserve of analysis of no one and nothing from law enforcement, to the national intelligence community, to the executive branch, to the operations of this Congress itself. We all share the responsibility for the future of the country. We all share the responsibility for the security of our communities and our families. An honest analysis must involve all of us, including this Congress.

Madam President, I hope the President of the United States and the relevant agencies accept this invitation to work with us. This legislation should be offensive to no one and, if successful, provide reassurance to everyone. There may be attempts to delay this legislation and put this review off for months or years.

History is a demanding master, and ultimately it governs all of us. History will never settle for the excuse that we are not ready or it needed more time or it would offend someone. History will demand an answer of how the greatest Nation on Earth, with the greatest intelligence and military capabilities ever conceived by man, was laid vulnerable by a small band of terrorists who brought destruction to our greatest city and the very seat of our military authority. History will demand it, and we should answer it.

It is not the responsibility of another generation to revisit this matter in 20 years. It is not the responsibility of our successors to return to this in another decade. The responsibility for the safety of the country and governance of its institutions is ours, and this legislation is ours. It should be adopted.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. LIEBERMAN. Madam President, I ask unanimous consent that I be permitted to speak up to 5 minutes as in morning business.

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

Mr. LIEBERMAN. I thank the Chair.

Madam President, I rise to join with my colleague from New Jersey who just addressed the Senate in regard to a proposal that he, Senator MCCAIN, Senator GRASSLEY, and I introduced some time ago which would create an independent commission to investigate the horrific attacks against the United States on September 11, 2001, a day that truly also will live in infamy, a day of extraordinary suffering, of heroism, of anguish, of insecurity, of ultimately unity and strength for the United States of America.

The idea of this commission which Senator MCCAIN, Senator TORRICELLI, Senator GRASSLEY, and I introduced was to build on the precedents of history, particularly the other day of infamy, Pearl Harbor, which was followed both by congressional investigations and by an independent commission to review what happened and what could have been done, if anything, to prevent the attacks from happening, and what did we learn from Pearl Harbor and all that surrounded it that would enable us to raise our defenses so that nothing such as that would ever happen again.

Sadly, history has turned in a way to put us in a similar position to where the previous generation of Americans was at the outset of World War II. We were attacked on September 11, 2001, with an inhumane brutality and a cunning lack of respect for human life that was shocking.

The other reality that was unsettling, of course, was that in the literal sense, the American government, the great national security apparatus that we have established, intelligence, foreign policy, and law enforcement, failed to protect the American people from the attacks against us on September 11 of last year.

Perhaps there was nothing more that could have been done to prevent them. We understand that in an open society such as ours, a society premised on freedom as our highest value, if we are dealing with an inhumane enemy, lacking in regard for their own lives, let alone the lives of Americans, then there is only so much that can be done to stop such attacks.

Yet we have had the gnawing question: Was there something that could have been done to prevent the attacks of September 11? Understanding that hindsight is always clearer than foresight, is there something we can learn from what happened on September 11 to strengthen ourselves, to raise our guard, to do whatever is humanly possible to make sure that nothing like those terrorist attacks ever happens again to the American people? That was the purpose that my three colleagues and I had in introducing this bill to create an independent, nonpolitical citizens commission to conduct the broadest possible review of what happened on September 11: why did it happen and what can we do to make sure it never happens again?

In the last couple of weeks, there have been a series of revelations, beginning with FBI disclosure of warnings, memos last year, in which agents of the FBI had reason to be concerned about activity of people in this country, particularly at the flight training schools, wondering whether that might be related to a potential terrorist attack, linking it particularly in some minds to Osama bin Laden, who we knew had already struck us in foreign places.

Add to this now the disclosure that President Bush received, as part of a daily intelligence briefing, indication that the Central Intelligence Agency had similar words from a different point of view; the FBI and CIA apparently never coming together in one place to reach the critical mass that would have engendered the kind of action that looking back, painfully now, we wish someone had taken.

The reason why my colleagues and I introduced this bill creating an independent commission, it seems to me, is based on the revelations and disclosures of the last few weeks and are now even more significant and more compelling. Our anxiety about what happened and whether something could have been done by people working for the U.S. Government to have prevented the horrific acts of September 11, and the suffering that resulted therefrom becomes even more gnawing today.

I note the presence of one of the three cosponsors of this legislation, the Senator from Iowa, Mr. GRASSLEY. I indicate to my colleagues that I soon intend, I hope with my cosponsors, to find an early opportunity to submit our proposal for an independent commission to review the events of September 11, and what was learned from them, as an amendment to a bill in the Senate. I think the moment is here.

I received a call about 2 weeks ago from some of the survivors and some of the families of victims of September 11 who had heard about the commission proposal. They are coming actually the first or second week of June—I do not remember the exact date—to lobby Members of the Senate and House to adopt such legislation so that the questions that gnaw at them because of the losses they have suffered of a spouse, of a child, of a relative, a friend, will, to the best of our ability, be answered.

This commission proposal, I am pleased to say, received a hearing before the Senate Governmental Affairs Committee. It was reported out by the committee. I do think, in light of these events, that the greater knowledge we have now of what may have been known before September 11, it becomes even more urgent to move forward on it, and it is why I hope to soon join with my cosponsors in offering it as an amendment to a pending bill.

I understand, of course, that the Intelligence Committees of the Senate

and House are proceeding with investigations related to the attacks of September 11. I respect those committees. I support the investigations they are conducting. But the idea in the commission proposal we have made is broader than that. In the first instance, it is an independent, nonpartisan, nonpolitical citizens commission that would conduct this investigation and would have the credibility that would go with that.

Secondly, its purview is beyond intelligence, beyond whatever failures may have occurred in the intelligence apparatus in the U.S. Government. It will go to law enforcement. It will go to the military. It will go to foreign policy. It will go to America's communications policy. I think, in that sense, it will supplement and complement the critical work the Intelligence Committees are doing.

Again, I go back to, unfortunately, the comparable event which was the attack against Americans at Pearl Harbor. There was not just one investigation by one or two committees of Congress; there were congressional investigations and there were independent citizen commission investigations. That is what I think the events of September 11, and particularly the disclosures of the last few weeks, cry out for today if we are to learn in the fullest sense the lessons of recent history and apply them so we can better secure the future of the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

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

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

Mr. KYL. Madam President, I would like to respond to some of the comments which my colleague, the Senator from Connecticut, just made, if he has a moment to remain. I caught some of what he said, and I think I caught the gist of what he said.

I want to be very clear about something. I am a member of the Senate Select Committee on Intelligence, and therefore I might be perceived to have a bit of a conflict of interest since, as the Senator from Connecticut noted, we have an ongoing investigation. The investigation has been authorized by the House and Senate committees. We are in the middle of that investigation now and plan to have a report ready around the end of the year as to the full panoply of circumstances and events surrounding the tragedy of September 11, with recommendations for what should be done in the future to ensure, to the extent possible, that event not be repeated, or that we be able to prevent it if it is at all possible.

I am troubled by a couple of the comments the Senator made, and I wanted him to hear this and respond, if he would like. Here is what troubles me: I was accosted by numerous members of the media this morning breathlessly asking me, as a member of the Intelligence Committee, what I thought about the fact that the President had been briefed that terrorists, al-Qaida terrorists, were going to hijack airplanes and didn't this require us to immediately begin some kind of investigation, fill in the blanks. Some of them sounded a little bit like what the Senator from Connecticut is suggesting.

That would be the wrong thing to do, in my view, and there are about three reasons why.

First of all, let us be clear: The President was not briefed in some emergency situation that he should expect al-Qaida terrorists or any other terrorists to hijack an airplane and fly it into the World Trade Center. Nothing like that happened. So we should be very careful before we begin calling for new mechanisms for investigating the September 11 events when we already have a good investigation underway based upon information such as that. It is incorrect information.

I know the Senator from Connecticut is a very thoughtful person and would never predicate his call for this activity on that kind of information. Let me hasten to say I know that is not what he is saying. Part of the impetus for that, and I am afraid part of the emotional reaction, could be to find a home in a suggestion like this of the Senator from Connecticut.

To clarify the record—I think the administration will clarify it in an appropriate way at some time soon—let me put it this way: Every morning, the President of the United States receives a briefing from the intelligence community. As the President just advised some Members, if he had been briefed about a threat that anybody thought was specific and credible and we could do anything about, does anybody doubt that he wouldn't have reacted in the strongest possible way? I know the Senator from Connecticut joins me, and everybody else, in answering that question: Of course he would have reacted.

That should give the first clue about what was actually done. Each morning he receives a briefing. It should come as no surprise that during one of those briefings when the subject is terrorists, al-Qaida was one of the terrorist groups that was mentioned at that time. Terrorists have been hijacking airplanes for over 40 years. It is not exactly big, breathless news that this could happen, hypothetically. That is a far cry from someone suggesting there is credible, specific information about a particular threat of hijacking.

We all need to take a deep breath. I particularly suggest these remarks apply to our friends in the media. Calm down a minute. Don't jump to any conclusions about what the President was told. Don't take from that the intelligence community somehow messed up by not following through or taking sufficiently seriously some kind of threat. That is not the way it happened.

The point the Senator from Connecticut makes, with which I totally agree, is there is a lot of information out there that we need to put together to tell the story about what did happen and determine what kinds of changes, if any, we need to make in the future.

My only concern about his suggestion is two things: One, as the media leaks themselves demonstrate, if it comes out in little dribbles and drabs of incomplete bits of information, it is likely to be counterproductive and to certainly delay the process of putting it all together in a coherent way to present a set of facts to the American people on which conclusions can be based.

Since so much of this has to be done in a classified setting, the place for it is the Intelligence Committee. It will be difficult to even have public hearings to discuss a lot of this while we are right in the middle of, one, the war on terror and, two, prosecutions in which the FBI is engaged.

Second, it is important the investigation already underway, which is already putting demands on the time of the Justice Department and the CIA, not be further complicated by other investigations which would put further demands upon these peoples' time at the very time they are preparing for these prosecutions and conducting the war on terror.

Those are thoughts I have with respect to the Senator's suggestion. I will appreciate the opportunity to visit with him more about them. I wanted the opportunity to express those concerns.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. Of course, I thank my dear friend and colleague from Arizona. Let me respond briefly to his thoughtful and thoroughly appropriate comments.

First, to restate: the proposal I am talking about for an independent commission was made some time ago. We held a hearing on it in the Senate Governmental Affairs Committee, and it has been reported out and essentially is ready for action by the Senate.

We have said all along we respect and support the work the Intelligence Committees are doing. As in previous cases, such as Pearl Harbor, post-Pearl Harbor, the country would benefit from an independent citizen commission inquiry—not accusatory but investigatory—which would have the power to obtain information which would have the authority to go into classified, secret session because of the matters being considered. This would likely extend beyond the intelligence function to law enforcement, to foreign policy, to military policy, to immigration policy—anything that might have affected

and contributed to the attack of September 11.

My point today is that the leaks, the disclosures of the last couple of weeks, both from the FBI and now the indication of the CIA briefing to the President, just reinforces within me the fact that we need such an independent commission. In fact, in some ways it may argue even in a different more forceful sense for such a commission. If we don't have a comprehensive, public, official investigation, I fear leaks related to September 11 and the tragedy that occurred will continue for months, for years. We ought to try as best we can through the intelligence committee investigations and through such an independent commission to answer all the questions that can possibly be answered.

That is what I intend, I believe, with my colleagues: To offer this as an amendment at an early time.

I respond to the points the Senator from Arizona makes about the most recent disclosures on briefing to the President. They are quite on point. It is very important not to overreact to them. For the record, I have not in this case received any of the classified briefings. I speak based on publicly available sources in the media. Those are the reports of the various FBI memos that went into Washington and now this report of the CIA briefing of the President.

What truly troubles me and gnaws at me is not the President's behavior because, of course, if he had any indication in the briefing that an attack was imminent, he would have acted as Commander in Chief. My concern is about the quality of the information working its way up to the President as Commander in Chief.

More particularly, was there any point of connection between what we now know are the FBI memo's concerns about Moussoui's conduct in Minnesota at the flight school, the agent in Phoenix who had broader concerns, very acute, and unfortunately turns out to be right to the point, did those intersect on anyone's desk with the information that the CIA had which was the basis of a longer briefing to the President last summer in a way that would have led anyone to reach a more specific conclusion that they could have taken to the President?

I agree, there ought not be an overreaction. My reaction is, as I stated, as to whether all the systems underneath the President, as Commander in Chief, worked together as we would want them to, to be able to alert him to what was about to happen. And in a more direct sense, was this in any measure preventable?

I even ask the question with a sense of humility because I know the difficulty in an investigation of this kind. It is that which motivates me, and I am sure would motivate a commission and Intelligence Committees more than any second-guessing on the President's behavior.

I know we have used our time. I thank my colleague. I look forward to talking to him off the floor, and I yield the floor.

RECESS

The PRESIDING OFFICER. Two o'clock having arrived, under the previous order, the Senate will stand in recess until the hour of 3 p.m.

Thereupon, the Senate, at 2 p.m., recessed until 3:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. REID).

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, are we in morning business?

The PRESIDING OFFICER. The Senate is not in morning business. We are on the trade bill.

Mrs. CLINTON. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator will proceed.

INVESTIGATE 9–11

Mrs. CLINTON. Mr. President, I rise today out of respect for and to speak on behalf of the people I represent in New York. I am especially mindful today of the memory of those whom we lost on September 11, their family members and their loved ones who, until this very minute, grieve for those who were sacrificed in the terrible attacks we suffered on September 11.

We have learned something today that raises a number of serious questions. We have learned that President Bush had been informed last year, before September 11, of a possible plot by those associated with Osama bin Laden to hijack a U.S. airliner. The White House says the President took all appropriate steps in reaction to that warning. The White House further says that the warning did not include any specific information, such as which airline, which date, or the fact that a hijacked plane would be used as a missile. Those are all very important issues, worthy of exploration by the relevant committees of Congress. The goal of such an examination should not be to assign blame but to find out all of the facts.

I also support the effort by Senators LIEBERMAN and MCCAIN to establish an independent national commission on terrorist attacks upon the United States. That was reported out of the Senate Governmental Affairs Committee in March. Such a panel can help assure the people of New York and America that every facet of this national tragedy will be fully examined in hopes that the lessons we learn can prevent disasters in the future.

I very much appreciated the remarks by Senator LIEBERMAN in the Chamber earlier today, indicating his desire to offer this proposal that he and Senator MCCAIN have put forth as an amendment at the earliest possible time.

Because we must do all we can to learn the hard lessons of experience from our past and apply them to safeguard our future, I also support the call by the distinguished majority leader, Mr. DASCHLE, for the release of the Phoenix FBI memorandum and the August intelligence briefing to congressional investigators, because, as Senator DASCHLE said this morning, the American people need to get the facts.

I do know some things about the unique challenges faced by the person who assumes the mantle of Commander in Chief. I do not for a minute doubt that any individual who holds that responsibility is the only person who can truly know the full scope of the burdens of that office. Just the other day there was a survey about the most difficult job in America, the most stressful position. It should not come as any surprise that President of the United States ranked at the top.

I have had the privilege of witnessing history up close, and I know there is never any shortage of second guessers and Monday morning quarterbacks, ready to dismantle any comment or critique any action taken or not taken. Having experienced that from the other end of Pennsylvania Avenue, I for one will not play that game, especially in these circumstances. I am simply here today on the floor of this hallowed Chamber to seek answers to the questions being asked by my constituents, questions raised by one of our newspapers in New York with the headline ''Bush Knew.''

The President knew what? My constituents would like to know the answer to that and many other questions, not to blame the President or any other American but just to know, to learn from experience, to do all we can today to ensure that a 9–11 never happens again.

If we look back, we know that the Phoenix FBI memorandum in early July raised very specific issues about certain people of Arab heritage who were taking flying lessons. For what purpose? To do what?

We know that shortly after there was at least the news report of the Attorney General sending a directive that people of the Justice Department should no longer fly commercially. In fact, the Attorney General took a chartered plane for his own vacation.

We know that in August additional information came forward, including what we learned today about the intelligence briefing provided to the President.

The pain of 9–11 is revisited in thousands of homes in New York and around our country every time that terrible scene of those planes going into those towers and then their collapse appears on television. It is revisited in our minds every time we see a picture of the cleanup at Ground Zero. It is revisited every time the remains of a fallen hero are recovered, as they were yesterday for Deputy Chief Downey. And it is revisited today with the

questions about what might have been had the pieces of the puzzle been put together in a different way before that sad and tragic day in September.

I cannot answer the questions my constituents are asking. I cannot answer the concerns raised by the families of the victims. As agonizing as it is even to think that there was intelligence suggesting the possibility of the tragedy that occurred, particularly for the family members who lost their husband, their wife, their son, their daughter, their niece, their nephew, their mother, their father, it is a subject we are absolutely required to explore.

As for the President, he may not be in a position at this time to respond to all of those concerns, but he is in a position to answer some of them, including the question of why we know today, May 16, about the warning he received. Why did we not know this on April 16 or March 16 or February or January 16 or August 16 of last year?

I do hope and trust that the President will assume the duty that we know he is capable of fulfilling, exercise the leadership that we know he has, and come before the American people, at the earliest possible time, to answer the questions so many New Yorkers and Americans are asking. That will be a very great help to all of us.

I know my constituents want those answers, particularly the families who still today wonder why their loved one went to work that beautiful September morning and did not come home from the World Trade Center or the Pentagon or those airplane flights. After all, in the grieving process, it is often the not knowing that hurts the most.

I hope the President will address these issues, will do so as soon as possible, and will also authorize the release of any other information that New Yorkers and Americans have a right to know. I certainly look forward to learning of and being able to share that information with the people I represent.

I thank the Chair and yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Connecticut.

Mr. DODD. Mr. President, I have some remarks on another subject I would like to make. I commend our colleague and friend from New York for her comments. I associate myself with her remarks. I think all Americans would.

Obviously, it is critically important we know all that we possibly can of what occurred. If there was, in fact, information that should have been acted on, it is critically important we know about it, what happened, and why actions were not taken, so we minimize the possibility of the events of September 11 from occurring again.

We all realize, as our colleague and friend from New York has pointed out, it is a difficult job being the Chief Executive Officer of this country, the Commander in Chief. And there is a voluminous amount of material that arrives every day from our national security agencies and services. But when you get information this specific, this detailed, arriving from a variety of different sources, then someone should have taken better action, in my view.

So I am hopeful we will get a response. It is critically important for the healing process and for understanding exactly what occurred. So I commend the Senator for her remarks and associate myself with them.

COMMENDING PRESIDENT RONALD REAGAN

Mr. DODD. Mr. President, I commend our former Chief Executive of the country—former President Ronald Reagan. I just attended a ceremony in the Rotunda of the Capitol honoring former President Ronald Reagan and Nancy Reagan. We are from different parties, and we had disagreements during his administration. But one thing can be said about President Ronald Reagan: Whatever disagreements or agreements you may have had on specific policy issues, Ronald Reagan gave this country a strong sense of confidence and optimism.

We had come through a difficult time in the 1970s, with Watergate, the Iranian crisis, and the energy crisis that had been debilitating to our spirit. Ronald Reagan restored our Nation's confidence in itself. I commend the President. I know he is suffering from Alzheimer's, and Mrs. Reagan has taken on the heroic efforts of being his eyes and ears in the sense of speaking for him where appropriate. It was a very moving ceremony in the Rotunda, where both the President and First Lady were recognized with the Congressional Gold Medal.

So as one Democrat, to a former Republican President, but more importantly a great American President, I express my gratitude to him for his service, and Mrs. Reagan for her remarkable service both to her husband and family and this country.

COMMENDING PRESIDENT JIMMY CARTER

Mr. DODD. Secondly, Mr. President, I commend President Carter for his work this week. I have been so impressed with the efforts that President Carter has made in Cuba during the past 4 or 5 days. I think he has spoken for many of us in this country during his visit to Cuba.

While in Cuba, President Carter addressed the Cuban people on national radio and television—a unique opportunity in a country that is a totalitarian regime where democracy has had no expression now for more than four decades.

In having been granted permission to address the Cuban people, President Carter was given a right that no Cuban other than the President of the country, and those who agree with him, has been given—the opportunity to speak freely about democratic values, values that we embrace as a people and the 11 million people of Cuba embrace as well.

In his address, President Carter urged the government of Cuba to allow democracy to be restored, and asked that pro-democracy petitions be allowed to be collected, and respected.

He simultaneously called for the U.S. government to allow free travel to Cuba and stated his belief that our government should begin to lift our embargo. I commend him for those comments.

The only place I know of in the world that we prohibit our citizens from traveling to is the island of Cuba. You can go to Iraq. You can go to North Korea. You can go to Iran. You can go to any other country around the globe, some of which are our most devout enemies when it comes to terrorism. You may be stopped from entering by the governments of those countries, but our Government does not prohibit you from going. Cuba is the only country where Americans are prohibited from entering by our country.

And for the hundreds of thousands of Cuban Americans who have family and loved ones there, who are only allowed to go back once a year, who would like to go and see their family members more than once a year, perhaps to go see an ailing parent or grandparent, I find this to be a particularly onerous provision in American law. I hope it will be changed, just as I am hopeful that change will come to Cuba and democracy will arrive on that island so the people will have the opportunity to elect and choose their political leadership.

In summary, President Carter, by calling upon the Cuban Government to change its ways and our own Government to change some policies, I think gave the appropriate message; one that can be appreciated not only here, but on the island of Cuba by the Cuban people and freedom-loving people around the globe.

So today, I take this moment to express my gratitude to this former President who, in his retirement, has accomplished so many wonderful things and become such a wonderful symbol for human rights and dignity and democracy around the globe.

I am proud to stand here and honor two former Presidents who faced each other in an election 1980, but in their own way have made unique contributions to our Nation. President Carter continues to do so. I commend him for his work in Cuba and look forward to his return and hearing from him. I am hopeful that he will come before us in Congress in some setting in which he might be able to describe his feelings about events in Cuba while sharing his opinion of what the prospects hold for the future.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

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

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

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3429 TO AMENDMENT NO. 3401

Mr. KYL. Mr. President, I send an amendment, No. 3429 to amendment No. 3401, to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arizona [Mr. KYL] for himself, Mr. GRAMM, Mr. BAUCUS, and Mr. GRASSLEY, proposes an amendment numbered 3429 to amendment No. 3401.

The amendment is as follows:

(Purpose: To Require that any revenue generated from custom user fees be used to pay for the operations of the United States Customs Service)

At the end of the matter proposed to be inserted, insert the following:

SEC. 4203. LIMITATION ON USE OF CERTAIN REVENUE.

Notwithstanding any other provision of law, any revenue generated from custom user fees imposed pursuant to Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58C(j)(3)) may be used only to fund the operations of the United States Customs Service.

Mr. KYL. Mr. President, I ask unanimous consent that Senator NICKLES be added as a cosponsor to this amendment.

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

Mr. KYL. Mr. President, I will explain the amendment and discuss the reasons for it. I hope my colleagues will agree that this is an amendment that can be adopted. We don't even have to have a rollcall vote, unless someone asks for it. I think it is fairly straightforward.

The amendment has to do with Custom user fees. Today, Custom user fees come in two separate categories, which I will discuss in a moment. About 300 million of them are statutorily designated to go to a particular set of accounts in the Customs Service. For example, it pays overtime for Customs Service personnel. There is about $1 billion in Custom users fees that takes a somewhat more circuitous route that goes into the general fund—generally money which the Appropriations Committee defines as funds for funding various functions of the Customs Service, hence the name ''user fee.''

In fact, I will digress for a moment. We have taxes and we have user fees by which we raise revenue. User fees are generally targeted toward people who use a particular service of the Government. So we generally try to spend that money on the things for which they require us to use the money. An example is, if you use the national forest, you are beginning to find that you have to pay a little fee to go camping there. That is because we are kind of hard on the forests when we camp there, and somebody has to clean up the mess we leave behind, and so we pay a little fee for that. It is more fair for those of us who may take our kids camping in the forest to pay for the user fee than it is to charge the taxpayers generally.

The same thing is true with Customs. We charge a fee for people who have their ships and their trucks and other things inspected by the Customs Service, and some bring goods into the United States of America. I am oversimplifying, but that is the general idea. So we take those same moneys and put them back into the inspectors, into the equipment that is used to inspect their train, or boat, or truck, for example, so that instead of waiting at the border for 2 hours, maybe we can get them through in an hour or less, hopefully, so we can expedite commerce at our borders, and for other purposes. That is the concept of a user fee. They pay to have us do this. We take the money and apply it to that.

Now, what the underlying bill did—and I must say that as a member of the Finance Committee, I was unaware of this and I objected to it being done in an earlier bill, and I was distressed to learn it had been done in this bill—they extended the Custom user fees—that part is OK—and the net result of that is to contend that the expenses of the TAA portion—the trade adjustment assistance portion—of these free trade bills is paid for by revenue generated by extending the Custom user fees.

Well, that is not true, and it should not be true. So what my amendment says is, no, Custom user fees are used for Customs. Here is what it says:

Notwithstanding any other provision of law, any revenue generated from custom user fees . . . may be used only to fund the operations of the United States Customs Service.

That is the idea. That would be a good thing, especially at this time in fighting our war on terror. We are imposing upon the Customs Service more and more responsibilities for doing a really good job of checking all of the modes of conveyance, and containers, and other kinds of shipments into the country. We read in the newspaper a couple days ago where 25 possible terrorists from Arab countries have been smuggled into this country in the holds of ships.

I think the Customs Service can examine only 1 percent of the cargo coming in on ships. They cannot examine every part of every hold of a ship coming into this country, let alone every truck, train, or other mode of conveyance that brings goods into the United States. Yet we are asking them to be sure that nobody smuggles in contraband, drugs, nuclear bombs, biological weapons, chemical weapons, or illegal aliens who could be terrorists.

We are asking a lot of the Customs Service, and we are not giving them enough money to do the job, which is why they have asked for more money. And most of us, I believe, are willing to provide more money for the Customs Service to do what we are asking them to do, not just for their general work but now enhanced by the requirements of the war on terror.

At the same time we are imposing that additional burden on them, somebody had the bright idea to pay for the unrelated parts of this bill having to do with wage subsidies, health benefits, and so on, with Customs user fees. That is not right, and it is actually not even necessary.

Why is it being done? Because somebody had the idea they could avoid a point of order being raised against the underlying bill so that instead of having to get 60 votes to pass the bill, 50 votes, the usual, would suffice. The fact is there is already a different kind of point of order that lies against the bill, so this serves no purpose.

That is why I think even those who wish to say they have a way of paying for the bill by using these Customs fees could easily agree that there is no point in it, there is no purpose in it, and, therefore, rather than muddling up the law, rather than taking money from Customs when we are trying to fight the war on terror, they would be willing to adopt our amendment and not try to pay for the bill with Customs user fees.

This is a technique and, as a matter of fact, it even has a name in the Senate, and it is called a ''pay-for.'' That is pretty inelegant. The idea is when you have a program that is going to cost, say, $10 billion or $11 billion, as this is, it is going to be hard to get it passed unless we show we can pay for it. So we raise taxes $10 billion or $11 billion or find some other source of revenue that will cover that expense.

In this case, the pay-for is the Customs user fees. As I said, that is not necessary because nobody is saying you have to find a way to pay for this. We are assuming that the general revenues of the United States will pay for the expenses of the bill. I am assuming that.

I do not have any objection to the general revenues of the United States paying for the cost for this bill. They are too high, in my view. I wish we did not have all these costs, but to the extent there are costs, the taxpayers of the United States will pay for them through general revenues. We do not have to have a pay-for.

To the extent it is being used to get around a parliamentary point of order, it does not need to either because there is a different point of order that lies against the bill.

Instead of compromising our Customs Service, I plead with my colleagues in the name of the war on terror, in the name of good sense, let's adopt this amendment and eliminate the concept of the pay-for in this legislation.

I have explained this in a more simplified form than it really is. I believe

I have been accurate in what I have said.

Actually, there are two specific kinds of Customs user fees, to complicate this just a little bit. What it also illustrates is that for about $300 million of these user fees, we cannot do what this bill purports to do and pay for this bill with these fees.

This is an 8-year extension of two different Customs fees: One, the so-called COBRA user fees which raise approximately $300 million per year; second, the merchandise processing fee. You can see what that is about; it raises approximately $1 billion per year. CBO estimates that the user fee section would increase revenue by about $11.54 billion through fiscal year 2011.

The problem is the COBRA user fees already by statute are designated for use for a variety of other purposes. This is found in title 19, section 58, subsection (f) dealing with Customs duties, titled ''Disposition of Fees.'' I will read a little bit of it:

> There is established in the general fund of the Treasury a separate account which will be known as the Customs User Fee Account.

It goes on to talk about how these fees will be distributed:

> Except as otherwise provided in this subsection, all fees in the Customs User Fee Account shall be used to the extent to pay the costs incurred by the United States Customs Service in conducting commercial operations, including, but not limited to, all costs associated with commercial passenger, vessel, vehicle, aircraft, and cargo processing.

And so on. Then there is a list specifically under section 3(a) of how these COBRA fees are used. The one I specifically want to point out is paying overtime compensation and another is paying premium pay, and there are others—foreign language proficiency awards, and so on.

This is important because earlier this year in the Terrorism Subcommittee of the Judiciary Committee, we had testimony by one of the officials of the Customs Service in which it was pointed out why these fees are so important.

Again, these fees are already designated by statute to go for these specific purposes. We cannot use them again to pay for what is in this bill. Out West, we have a saying: You can only sell your pony once. In effect, somebody is trying to sell this pony twice. It has already been sold: $300 million goes to these specific items in Customs. You cannot take that same money and apply it to fund the underlying expenses of this bill. Again, it is not necessary. Nobody is making you do it. So do not try to sell this pony twice. You cannot do it.

Moreover, it is not good policy. According to testimony on February 26 of this year—the witness was Bonni Tischler, Acting Commissioner of the Office of Field Operations of the Customs Service. She gave some very valuable testimony. I will quote some of her testimony.

I had said there is a lot to do with not only checking out the commercial activities that go on that we ask Customs to do, but to begin to deal better with terrorism. I asked if she had suggestions and, in particular, what the effect might be of taking Customs user fees away from the Customs Service in her ability to perform this task.

She said:

> My personal opinion is it would severely hamper us.

Ms. Tischler identified the numbers, and she was just about exactly on target with respect to the numbers, but regarding the merchandise processing fees, my question was:

> . . . if you were not to have the benefit of that in your appropriations, I presume it would be fairly devastating, would it not?

Her response is:

> It would absolutely be devastating. I think our total budget is closing in on $3 billion thanks to Congress and the administration. So to take that much out, if it were as the offset, would be truly devastating.

I had put this in context and they did, too. This merchandise processing fee is not statutorily designated as the so-called COBRA fee is. This is not a matter of selling the same pony twice legislatively, but it is from a policy standpoint, since as I pointed out in my question and as she pointed out in her answer and as we can document, as a practical matter this is what the Appropriations Committee uses to define what it has available to fund the Customs Service. That is the way it ought to be policy-wise anyway; otherwise, we should just collect taxes from the American people.

Since we are collecting a user fee from the people who use the system, the money they pay in ought to go back to help them in how they are using the system. The commercial people who have trucks that go back and forth across the border all day and pay a fee ought to know the fee they are paying is going to pay the people who are checking their trucks and getting them through the line as quickly as possible. That is what a user fee is all about.

As a matter of policy, we should not be assuming that in order to have some way of paying for the expenses of this legislation that money is now available for that purpose.

Some of my colleagues might say: This is all a ruse; this is all a fiction anyway. Indeed, to some extent, it is a fiction, which goes to show why this is not necessary.

In effect, we are robbing Peter to pay Paul. We are saying: We have to find a way to fund the legislation that is before us, the trade assistance legislation. So instead of raising taxes, we are going to extend these user fees and, voila, we now have it paid for.

As I pointed out, $300 million of it is not paid for because that pony has already been sold, but as to the remaining $1 billion, it should not be that we consider this the appropriate fund to pay for the expenses of the bill because it is user fees paid by people who are using the system.

If you say, But it is all the same pot of money; money is fungible, so we will say we are funding this trade adjustment assistance out of the user fees, but then we will have taxes to pay for that, to pay for Customs, what we are really doing is acknowledging that we are going to have to find the money in the general budget; in other words, taxes are going to have to be found to pay for this.

So it does not matter whether you acknowledge upfront that it is going to require $10 billion or $11 billion in taxes to pay for this bill or you say we are going to get the money from Customs and then we are going to have to find $10 billion or $11 billion in taxes to pay for Customs. It is the same deal. So why go through this fiction?

If, as I said, it is to avoid a point of order on the legislation, I say, A, that is wrong; B, it is bad policy; but, C, it is not necessary.

This was tried earlier with respect to the Patients' Bill of Rights, and I will quote briefly from a memorandum from the Acting Commissioner for James Sloan, the acting Under Secretary for Enforcement:

> The COBRA fees collected by Customs are used both to reimburse Customs appropriation for certain costs, such as overtime compensation, and to offset a portion of the Customs Service salaries and expense appropriation. As an example our FY 2001 collections will offset approximately $1 billion or almost 50 percent of Customs appropriation this year. Authorizing a COBRA extension to offset costs for something other than the Customs Service could negatively impact our available funding. Additionally, the Merchandise Processing Fee authorized in the COBRA is a fee that is paid by importers for the processing of merchandise by the Customs Service. Directing the funds collected from this fee for something other than Customs operations could pose GATT interpretation issues.
>
> While Customs supports the extension of the COBRA fees, we also acknowledge that changes are warranted with the manner in which we collect those fees. We intend to review this in the near term.

In other words, when this issue came up in another context and Customs was asked about it officially as opposed to my unofficial question in the hearing we held earlier this year, the answer was the same. This would be harmful to the Customs Service, and this was prior to September 11, 2001. This was June 20, 2001.

Now that we have imposed this additional burden on the U.S. Customs Service to help us fight the war on terror, it would be unthinkable for us, even as a ruse, to say we are going to use Customs fees to pay for the wage insurance or health benefits under this tariff legislation. Let's be truthful about it and say it is going to cost $10 billion or $11 billion, we will find that money out of general revenues somehow or another, and that is the cost of the program. That would be an honest approach.

Let's not try to suggest it is already being paid for because we found the money in the Customs Service, because

unless we are not going to fund the Customs Service, we are going to have to offset that loss by finding $10 billion or $11 billion then in the rest of the budget to pay for the Customs Service obligations.

I do not know what could be more clear, but I will just make this point and then see if any of my colleagues would like to ask any questions about this, or make any comments, because I really do not want to oversell the proposition. Perhaps this amendment could just be taken and we could move on.

I do not mean to force a vote on it if people are willing to take it, but I will begin to discuss this in very thorough terms, with a lot of information that deals primarily with how it would adversely impact the war on terror, if there is going to be opposition to this amendment, if there is going to be an insistence that somehow or another we keep the Customs user fee as a pay-for, and object to my amendment which simply says Customs user fees should go to pay Customs expenses.

If we are not willing to accept the amendment, then get prepared for a lengthy discussion about the impact of the war on terror. I am prepared to engage in that, but it is not going to be necessary, as I say, if there is an agreement on the other side that we are able to take the amendment.

I know it is time to go to the vote on the Dodd amendment, or there will be a brief discussion beforehand, but might I inquire of the distinguished chairman of the Finance Committee what the process would be after the Dodd amendment? Would we go back to the discussion of this amendment or could there be a discussion about whether to take it and move on to another amendment? What would the pleasure of the chairman be at that point?

Mr. BAUCUS. We are prepared to take the amendment.

Mr. KYL. In that case, Mr. President, I learned a long time ago in arguing before the judge when he says, I am inclined to rule for you, you say, thank you, Your Honor.

Could we do that by unanimous consent at this point and then move on to other business?

Mr. BAUCUS. We could voice vote the amendment.

Mr. GRASSLEY. Mr. President, I express my strong support for this amendment.

The amendment sends a strong signal from the U.S. Senate.

Customs user fees should be used solely to fund the U.S. Customs Service, not as some offset for unrelated programs.

Let's put this in context. When Congress first authorized these customs fees the avowed purpose was to underwrite the costs of Customs commercial operations.

We should make sure these fees are being used for customs. That is what this Amendment does.

Allow me to read just a few of the letters I received over the last several months on this issue.

The National Association of Foreign Trade Zones writes:

> [We] recently learned that the Trade Adjustment Assistance Bill . . . includes language that would provide for extension of the Merchandise Process Fee to offset the cost of the TAA program.
>
> As you are aware, the fee was originally established by Congress to cover the costs of the commercial operations of the U.S. Customs Service.
>
> The [National Association of Foreign Trade Zones] is strongly opposed to any extension or reauthorization of the [Merchandise Process Fee] from their congressionally intended purpose.

And the National Association of Foreign Trade Zones is not alone.

The National Customs Brokers & Forwarders Association of America writes:

> [We are] aware of pending legislation due for consideration regarding Trade Adjustment Assistance. While [we] support TAA, we cannot support the use of user fees to ''pay for'' this program.
>
> Merchandise processing fees need to be directed to the agency for which they were collected—the U.S. Customs Service.

Aligent Technologies, a Fortune 500 company and one of the top 100 importers in the Nation writes:

> The Merchandise Processing Fee is a ''user-fee'' paid by importers to cover the cost incurred by Customs to process imports.
>
> . . . If US Customs is to continue collecting [the fee], it must directly fund Customs processing improvements, specifically for the new Automated Commercial Environment and other initiatives that are greatly needed to improve the trade process.

Members may be under the mistaken impression that extending these fees without ensuring that they go for customs is simply keeping a convenient money stream flowing.

That is not so.

You will hear that extending the fees without ensuring they are used for customs purposes will have no impact on Customs' budget.

If it has no impact, why is it in the bill? It's in the bill because it has an impact on budget scoring. Once CBO scores these funds against trade adjustment assistance, they cannot be used by Customs for Customs modernization.

These funds are no longer available to offset the costs of Customs modernization.

So I think the Senator's amendment is very simple and very reasonable.

I just want to make sure that Customs user fees are being used for their intended purpose.

In fact, we included a similar sense-of-the-Senate resolution during markup of this bill.

This is a commonsense amendment and I urge my colleagues to support it.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BAUCUS. Mr. President, very briefly, I think we are reaching time for the votes. I think it is proper that the Senate vote in favor of the amendment offered by the Senator from Arizona because basically, under current law, passage of fees does go back to Customs. The merchandise fees that are collected go into the general revenue, but they have always historically been appropriated right back to the Customs Service. So the amendment offered by the Senator from Arizona simply confirms existing practice.

Basically, the Senator is correct on how the actual dollars are collected and should be collected and then transmitted back to the Customs Service. We are prepared to accept the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3429.

The amendment (No. 3429) was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3428

Mr. DODD. Mr. President, my understanding is that there are 5 minutes of debate equally divided on the Dodd amendment. I was going to ask for the yeas and nays on the amendment, but I understand that it will be a tabling motion, so let me hold on that.

Briefly, I will describe what I thought would be a fairly straightforward, small, uncontroversial amendment, but some have not made it as such. What I tried to do with this amendment was to take three provisions of the United States-Jordan Free Trade Agreement out of the six that are incorporated in the agreement. The three that are missing, are critically important to have as part of the 27 pages of standards that we ask our negotiators to try to pursue as we enter trade negotiations with individual countries.

The United States-Jordan Free Trade Agreement was adopted 100 to zero only a few short months ago in this body, and as part of that agreement we added the three standards that are excluded in this bill. The three standards ensure that other governments will not relax or ignore their own domestic labor laws to gain a competitive advantage, to strive to ensure that other governments' labor laws are consistent with core labor standards that have already been agreed to with the ILO and, thirdly, to agree that core labor principles, freedom of association, prohibitions on child labor, elimination of discrimination in the workplace, are all going to be efforts we would strive to promote. They are goals. They are objectives. Unfortunately, they have been excluded from the underlying bill.

My purpose in offering this amendment is to include those important objectives. If we can include objectives dealing with e-commerce, investments, insurance, is it really asking too much, out of 27 pages of standards, to add 3 that would deal with child labor, job discrimination, and seeing to it your domestic labor laws are not eroded, making it disadvantageous for U.S. workers as we try to compete with these countries? I hope this amendment can be adopted. I regret it has come to a vote of motion to table.

It seems to me we have had a dynamic process with regard to trade negotiations over the years. It used to be in the past we dealt with tariffs and quotas, and that was it. Over the years, we have added a dynamism to that, so we have added other interests that we want our negotiators to pursue when we are allowing countries to have access to our markets.

I do not think it is asking too much to ask our negotiators, in the process of negotiating with countries, that they try to abolish child labor. The International Labor Organization has been signed by 163 countries. We have already agreed to these provisions under the Jordan FTA.

It seems to me that including these provisions in the trade promotion authority legislation now before us is a modest request.

The PRESIDING OFFICER. Who yields time in opposition?

The Senator from Montana.

Mr. BAUCUS. Mr. President, to be quite candid, I wish we could accept this amendment. The Senator makes some very good points. The fact is that all those standards that he seeks are in the underlying GSP provision that is a part of the underlying legislation. That just brought our definitions of core worker rights up to date. As I mentioned before, I hope we can bring the definition of core worker rights in the fast track part of the bill also up to date. The overall objectives and the priority objective in the underlying bill have equal weight. We are splitting hairs.

This amendment is very much opposed by many Senators. I am duty-bound as part of the agreement to oppose it. I wish we could accept this amendment because it is one we should be able to accept.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, once again, repeating what my colleague from Montana has said, this part of this legislation, not only in the Senate but also in the House of Representatives, is so carefully balanced, bringing in the labor and environmental issues, if you do something to pick up one vote on the liberal end, we lose a vote on the conservative end.

I ask my colleagues to not in any way upset that balance. That is why this amendment should be defeated.

The Senator from Connecticut is always a very sincere Senator on any subject. He presents his case well. This is one place where his ideas may be well for the country of Jordan, where we do $40 million a year in business, but it is not good idea when we look globally at negotiations with 142 countries. We cannot use the country of Jordan necessarily as a pattern for the whole organization.

I am strongly opposed to this amendment. I think anyone who wants this President to get trade promotion authority, or trade adjustment assistance for that matter, should be too.

Basically, the amendment takes the very carefully crafted House to compromise language on labor and Add-to it language negotiated by the Clinton administration in a bilateral agreement with Jordan.

In my view this is not thoughtful trade policy. If this language is intended as a broad policy statement, it is unnecessary.

The negotiating objectives in the bipartisan compromise already capture the key trade and labor provisions of the U.S. Jordan Free Trade Agreement.

Taken literally, the language dictates the specific details of future labor provisions—saying that they have to look almost exactly like our bilateral trade agreement with Jordan. This simply does not make sense.

The labor text negotiated with Jordan is not a one-size fits all way to address all labor issues with every U.S. trade partner, nor was it designed to be. The President will be negotiating regional, multilateral, and bilateral agreements using trade promotion authority. Any one of these may require a different approach to labor issues. He needs the flexibility to address labor issues in a variety of situations.

That is what the bipartisan TPA bill does. In fact, I would say if you really want to improve worker rights around the world, you should support the bipartisan compromise. There is more in this bill designed to improve labor rights than any TPA bill that has passed the Senate.

For the first time every, the ''core labor standards'' of the ILO will be referenced in U.S. trade negotiating objectives. Further, the bill directs the President to seek a commitment by other governments to effectively enforce their labor laws. These provisions will encourage countries to improve their labor laws, without infringing on their sovereignty.

The bill also directs the President to seek to strengthen the capacity of trading partners to promote core labor standards.

In addition, the Secretary of Labor will be directed to consult with any country seeking a trade agreement with the United States concerning that country's labor law. U.S. technical assistance will be available to help other countries raise their labor standards.

Whenever the President seeks to implement a trade agreement with a country, he will submit a report to the Congress describing the extent to which that country has laws in place to govern the exploitation of child labor. This will focus attention on any problems which will help direct appropriate resources to solve these problems.

Requiring a one-size fits all policy like this amendment does is not going to enhance labor rights. It will upset the careful political balance incorporated into the bipartisan TPA Act and kill the very bill that is best equipped to improve worker rights.

If you want this bill or TAA to ultimately make it to the President's desk, I urge you to oppose this amendment.

There is a fundamental truth about trade that a lot of Senators who are trying to amend this bill ignore—trade in of itself can lift people out of poverty and improve worker rights around the world.

It is no coincidence that the wealthiest nations on Earth are those who embrace trade. And these are the nations that are most likely to have the highest labor standards in the world. The fact is, by passing this bill we can help poorer nations grow.

Trade promotion authority will help us establish trading relationships with many developing nations. The poorest countries in the world desperately want the United States to trade with them and invest in them.

Open trade and investment have helped to raise more than 100 million people out of poverty in the last decade, with the fastest reductions in poverty coming in East Asian countries that were most actively involved in trade. We can see similar results in the next decade if we pass this bill.

A recent report by the World Bank called ''Global Economic Prospects and the Developing Countries'' shows this to be true. According to this study, a new WTO trade agreement could lift 300 million people out of poverty. Helping nations help themselves is surely a better path to global prosperity than mandates.

The Senator from Connecticut stated several times in his remarks that if you vote against his amendment, then you are voting against the opportunity to do something about slave labor, child labor, and prison labor. This assertion is simply wrong.

The United States already has standards relating to internationally recognized worker rights. We have had these standards for a number of years. In fact, U.S. standards on worker rights are nearly identical to the ILO standards that Senator DODD wants to put into the Finance Committee's trade bill.

For example:

The First ILO standard relates to freedom of association. This is also the same standard the U.S. recognizes.

The second ILO standard relates to the right to bargain collectively. This is the same standard we recognize.

The third ILO standard relates to forced, slave, or bonded labor. This is exactly the same standard that we recognize.

The ILO's fourth standard related to child labor. The fourth United States worker rights standard also relates to child labor.

So to say that the United States needs ILO standards on worker rights because we aren't currently doing anything about these issues, or because we

don't have the ability to do anything about the problems addressed by these standards, is simply wrong.

I again urge my colleagues to oppose this bill and support the bipartisan compromise.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Ms. STABENOW). Is there a sufficient second?

There is a sufficient second.

The question is agreeing to the motion.

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) and the Senator from Alaska (Mr. MURKOWSKI) are necessarily absent.

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

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 115 Leg.]

YEAS—52

Allard	Ensign	Nelson (NE)
Allen	Enzi	Nickles
Baucus	Fitzgerald	Roberts
Bennett	Frist	Santorum
Bond	Gramm	Sessions
Breaux	Grassley	Shelby
Brownback	Gregg	Smith (NH)
Bunning	Hagel	Smith (OR)
Burns	Hatch	Snowe
Campbell	Hutchinson	Specter
Cantwell	Hutchison	Stevens
Chafee	Inhofe	Thomas
Cochran	Kyl	Thompson
Collins	Lott	Thurmond
Craig	Lugar	Voinovich
Crapo	McCain	Warner
DeWine	McConnell	
Domenici	Miller	

NAYS—46

Akaka	Durbin	Lieberman
Bayh	Edwards	Lincoln
Biden	Feingold	Mikulski
Bingaman	Feinstein	Murray
Boxer	Graham	Nelson (FL)
Byrd	Harkin	Reed
Carnahan	Hollings	Reid
Carper	Inouye	Rockefeller
Cleland	Jeffords	Sarbanes
Clinton	Johnson	Schumer
Conrad	Kennedy	Stabenow
Corzine	Kerry	Torricelli
Daschle	Kohl	Wellstone
Dayton	Landrieu	Wyden
Dodd	Leahy	
Dorgan	Levin	

NOT VOTING—2

Helms	Murkowski

The motion was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. BAUCUS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

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

Mr. LEAHY. Madam President, I ask unanimous consent to proceed as in morning business for 4 minutes.

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

(The remarks of Senator LEAHY are located in today's RECORD under ''Morning Business.'')

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

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

AMENDMENT NO. 3433 TO AMENDMENT NO. 3401

(Purpose: To provide a 1-year eligibility period for steelworker retirees and eligible beneficiaries affected by a qualified closing of a qualified steel company for assistance with health insurance coverage and interim assistance)

Mr. ROCKEFELLER. Madam President, I send to the desk an amendment which is sponsored by myself, Senators MIKULSKI, WELLSTONE, DEWINE, DURBIN, VOINOVICH, and STABENOW.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DEWINE, Mr. DURBIN, Mr. VOINOVICH, and Ms. STABENOW, proposes an amendment numbered 3433.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

AMENDMENT NO. 3434 TO AMENDMENT NO. 3433

(Purpose: To clarify that steelworker retirees and eligible beneficiaries are not eligible for other trade adjustment assistance unless they would otherwise be eligible for that assistance)

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DASCHLE] proposes an amendment numbered 3434 to amendment No. 3433.

Mr. DASCHLE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The amendment is printed in today's RECORD under ''Text of Amendments.'')

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Madam President, I rise this afternoon to talk for a few minutes about the need for trade adjustment assistance as a program and also an addition to it, something that meets the real needs of workers as currently contemplated, and then what is also contemplated in our amendment which is to add, at very small cost, about 125,000 steel retirees.

I want to talk about them. Their health benefits have been lost due to the import surge that has taken place. I passionately believe the trade adjustment assistance concept has to be considered an integral part of U.S. trade policy.

When U.S. trade policies result in American workers losing their jobs through no fault of their own, much less Government inaction to protect them in a legitimate forum, then I think we owe them help.

I want to take a moment to highlight the importance of the TAA health provisions that will hopefully be included in the final package the Senate passes.

Majority Leader DASCHLE, Chairman BAUCUS, Senators BINGAMAN, CONRAD, MIKULSKI, WELLSTONE, myself, and many others have fought to include health protection as part of TAA for the first time. Workers want to get it. If workers lose their jobs as a result of imports, they deserve to get something back. They deserve to be on their feet, they deserve to have access to retraining, and they deserve to get cash assistance. They also deserve to have something called health care, which is what everybody talks about and nobody does anything about, but we would like to. What has been lacking has been some help for displaced workers to retain their health care coverage. I am not talking about just steelworkers, I am talking about the general population.

Under the Baucus-Grassley amendment that is under consideration now, they will have that help. I want to extend my sincere appreciation to the majority leader for his advocacy for provisions to provide health care assistance to displaced workers who lose jobs due to imports. This is a tremendous improvement to the existing program.

I also thank him, as I believe all steelworkers do and should, for his support of our upcoming amendment that will extend the new TAA health benefit for steel retirees who have also lost their retirement health coverage due to closure of their former employer.

The majority leader had originally agreed to include this as a provision in his substitute amendment. But as we all know, that effort was undermined by a point of order and a threatened filibuster. So we had to make an adjustment.

The majority leader agreed to support the inclusion of the steel retiree health benefit as part of the overall Trade Adjustment Assistance Program because he understands what is at stake. He understands that steel retirees have lost their health benefits as a direct result of imports—the most ferocious assault of imports, with a blind eye from the U.S. Government and,

particularly in the last several years, just as surely as TAA-eligible workers, active workers, lost their jobs because of imports.

If steel retirees have lost their health care coverage because their company closed as a result of this massive insurge of imports, they should get some temporary relief. In fact, we are giving them only bridge relief—1 year's relief—but it is a full year, which they would not now have. I am talking about 125,000 people right now in the country. They would get 1 year's health benefits. This amendment would provide it to them.

As we seek to improve benefits for employees who lose their jobs because unfair—and in many cases illegal—imports have ravaged their industry, we cannot forget the former employees of these same industries—the retirees. Under the current TAA system, an active worker can get help in health care—if we pass it—because they are displaced by imports, but retirees are left behind. The people who have gone belly up and who are no longer working at all but who worked for years and years in the steel mills got nothing; they are shut out.

The pending amendment will eliminate that disparity by affording retirees access to health care coverage that displaced workers hopefully will soon also be able to receive.

If a steelworker retires and they have lost their health care because their company closed, they will now be eligible to receive the same temporary health benefits for 1 year as other workers—active workers who have lost their jobs and health coverage due to imports.

These steelworker retirees are also victims of imports. They have lost health care because their companies closed. Their companies closed because the import crisis in the domestic steel industry became overwhelming. I call it a crisis because the International Trade Commission called it a crisis and said unanimously that it was due to serious damage caused by imports, imports from which our Government—not just this administration but the previous one—failed to defend American interests.

We have national laws on our books. We failed to defend them. They don't allow other countries to dump their steel products into our country. We failed to defend that. That is not true in other cases particularly, but it is true with steelworkers. They have been clobbered by this, and they have no health care retiree ability whatsoever right now.

Health care coverage for steel retirees, who often live on fixed incomes, is incredibly important to them. It can mean the difference between all kinds of things that make their lives miserable or OK. I want to clarify this because it is confusing. Whom are we talking about in this amendment? Active workers and retirees. Active workers is the TAA category; active retirees is the steel category. Those are the people we want to add to the TAA for 1 year.

Active workers who lose their jobs are not retirees, they are unemployed workers. Retirees—the steel folks—have met years-of-service requirements—vested 15 years working and this kind of thing—and they are out in the cold. Now their companies have closed and, for the most part, have filed chapter 7. LTV in Ohio filed for chapter 7—no health benefits, no light bulbs, nothing; everything is shut down. The health benefits they used to plan for in their retirement are now gone. These are not people who can retain and find new jobs, they are retirees who have finished, for the most part, their working years.

Under the new and improved TAA program, for active workers, if a worker loses his job, he will now be eligible for cash assistance, retraining, and health benefits. In the case of a retiree in the steel industry, they may not be eligible for any retirement benefits from the job that they have lost, and under the current plan retirees are eligible for nothing at all—unless my amendment is adopted, and that will only be for health, not for cash, not for training, or anything else. The money will only go to the retiree, not to the company.

Retirees are eligible under my amendment for the TAA health benefits only if they were already eligible, going through this vested process, for retiree health benefits and if their former employer permanently shut down.

We have created a small universe of 125,000 people. When I get to the offset in a minute, people are going to be shocked by how cheap it is, how easy it is to do. But the steel retirees will not be eligible for any of the cash assistance, or anything else that active workers who are otherwise displaced under the TAA will get. Active workers are eligible for TAA health assistance for the duration of the TAA cash assistance, which goes on. On the other hand, eligible steel retirees—the subject of our amendment—would only be eligible for 1 year of health benefits. That was the bridge we talked about, to give everybody a chance to regroup and see what we can do to retain the steel industry and for them to be able to get health care.

So this isn't a Cadillac plan we are talking about. This is a slimmed down version. If retirees don't have health care coverage because companies shut down due to imports, they should not be left behind—particularly when the Government is responsible for not defending their interests over the past 30 years and not protecting the Federal law against dumping and willingly letting people do it. Of course, in the United States we are suckers for anything that is cheaper. It doesn't matter if it was made in America. Well, it matters in the steel industry, and we are about to lose it. Thirty-three companies have shut down in the last couple of years, and most of the others are on the brink. We could very well have no steel industry in 2, 3 years.

Today, there are only about 125,000 retirees. That is what my amendment is about, along with Senator MIKULSKI and Senator WELLSTONE. So 125,000 retirees and their dependents, who worked for companies such as LTV in the steel industry do not have any health coverage. They have not, in fact, had any for the last several months, since March.

These people live in Ohio, Indiana, Michigan, New York, Alabama, Illinois, Utah, Louisiana, North Carolina, Missouri, and they do not at this point live in West Virginia. Without the steel retiree provision in this bill, those retirees will continue to go without health care. Is that what we do here? Is that what we do as a legislative body?

Many of these retirees are not Medicare eligible and have no other recourse. We all know about the terrible human scourge of Americans without health care coverage. We have done a lot of talking about that, but we have not done much to cure it. This is not what retirees who spent a lifetime working in the harsh conditions of a steel mill—which my colleagues, Senators MIKULSKI and WELLSTONE, have been in. Many others have, too. I have not. It is like a coal mine; you do not go in very often. It is dangerous, terrible work. They helped us win the war, and now we have a chance to do something for them.

I come back to the fact that the Federal Government has failed the steel industry by not enforcing our national trade laws against dumping, which is what puts them out of work. Steel companies were forced into bankruptcy—as I said, 33 companies since the year 2000—because our trading partners were dumping steel on our shores, and this is not my opinion. This is what the International Trade Commission found unanimously: That our industry had been seriously injured by imports.

Because of the Government's inaction for so long on those unfair trading practices by our trading partners, our domestic steel industry has suffered irreparable harm. People look at that and say: OK, we do not have steel in our State; maybe it is true, maybe it is not. It is true. The Presiding Officer knows it. It is absolutely true. They are falling like flies. Their stock is selling at $1, $2. It is awful.

Section 201 gave them a little bit of a boost, but it is a boost that will only last 6 or 8 months or a year at most, and then it will go right back down. Here we come to the workhorse.

The provision is simply this. The provision will give retirees, many of whom are entering, as I indicated, their second month without health care coverage—85,000 of these workers are former LTV workers, which went chapter 7. They were in Ohio or they may have moved elsewhere. It tries to give them some breathing room.

They will receive the same benefit we are giving TAA-eligible workers to keep their health care. It will allow these retirees some time to figure out how to secure other forms of health insurance. It will allow us who care about the steel industry to figure out how we keep them together in America so we can consolidate and keep a steel industry which a country such as America ought to have.

The amendment has been officially scored by the Joint Tax Committee as costing—and please listen—$179 million over 10 years. The White House has been putting out figures six, seven times as large. It is dramatically less than what people claim this provision would cost—$179 million over 10 years. It is paid for with two IRS administrative positions. The offset is in. It is there. It allow taxpayers to accelerate their payments to the IRS if they so choose to do that. Under current law, they cannot do that. The House has already passed this. They have already agreed to it. It was one of Chairman BILL THOMAS's ideas.

I do not believe any of my colleagues will object to this pay-for and should understand we worked hard to find agreeable offsets, thanks primarily to Chairman Baucus and his staff.

This amendment improves upon an essential reform of our existing TAA program. It gives us health care. It targets temporary assistance to those who really need it.

I urge my colleagues to support this amendment for retirees who are entitled to our help.

I thank the Presiding Officer. I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. I thank the Chair.

Madam President, I join with pride and enthusiasm my colleagues, Senator ROCKEFELLER and Senator WELLSTONE, in supporting this amendment to provide a safety net for American steelworkers who have been battered by decades of unfair and illegal trade practices.

American steelworkers and their retirees worked very hard and played by the rules. They have served our country in war, building our ships, tanks, and weapons. I was so proud of the fact that in my own hometown of Baltimore, at Bethlehem Steel, we made the steel to repair the U.S.S. *Cole* so it could go back out to sea and continue to defend America.

That is what steel is all about. It builds America. It makes us strong. It has made us strong in war, and it has made us strong in peace, making the steel for our buildings, our cars, our bridges, our roads.

Yet for decades, our Government has watched as the steel industry withered, not because steel was unproductive, not because steel was overpriced, but because of cheap, subsidized foreign steel that has been dumped on our markets and, I might add, below the cost of production. That is what makes it illegal.

The goal of the foreign steelmakers is to destroy our American steel industry. Then foreign producers will be free to raise prices and control production, and the United States of America, the home of the free and the land of the brave, will be dependent on foreign steel for keeping our domestic economy going and keeping America strong.

What would it have been if the U.S.S. *Cole*, banged by a terrorist attack, had had to limp home only while we dialed Russia, Thailand, or Brazil to get the steel parts to send them out to sea? I think it is wrong to let our steel industry die.

While we are going to fight for steel and its future—and we thank our President, President Bush, for the temporary tariffs to give steel a break—our steelworkers are facing a crisis because so many steel companies are in bankruptcy. What that means is, their health care benefits are now at risk. The Rockefeller-Mikulski-Wellstone-Stabenow amendment seeks to help those steelworkers who have suffered the most from unfair trade practices: the retirees whose companies are now bankrupt and whose health care benefits are now at risk.

Our amendment is a simple one, and it is an affordable one. It would provide a 1-year temporary extension of health care benefits for steel retirees who lose their health insurance because of trade-related bankruptcy of their company. Guess what. We have even sunsetted it in the year 2007. This is a bridge to help them.

Madam President, about whom are we talking? Who are the steelworkers? Who are the steel retirees about whom we are talking?

First, the numbers: 600,000 retirees and their dependents; 33,000 in my own home State of Maryland are retired. But it is not about numbers and statistics. It is about people and it is about families. Who are they? Guess what. They have two characteristics in common: One, they all work for steel; two, they have all been good, outstanding citizens of the United States of America.

In my hometown, Bethlehem Steel every year has been the largest contributor to United Way. Those men and those mills, those hot, steamy mills, are the first to sign up for dues checkoff so the Girl Scouts, Boy Scouts, Legal Aid, Meals on Wheels could have their contribution. They are also very often the first to volunteer for any good cause in our community.

When you also look at the data on who are the steelworkers, you find that a high percentage of them are veterans. They were called up and they went to World War II. They went to Korea. They went to Vietnam. And guess what. While they were busy storming Iwo Jima or climbing the cliffs at Normandy, they were fighting for America. When they tried to make their way up Pork Chop Hill to plant the flag, they were fighting for America. When they were in that hell hole of the Mekong Delta in Vietnam, they were fighting for America. Now when is America going to fight for them?

I think it is time America fights for them. The industrial unions had the highest compliance with the draft than any other sector of our society. They did not take academic deferments. They did not go to Harvard to get a theological degree. They did not get a parade when they came home. By God, they ought to at least be able to get their health care in their retirement.

Now that is about whom I am talking. We are talking about the lifeblood of our communities and people who have been giving their red blood for America. This generation has the values that we cherish: Hard work, patriotism, habits of the heart, neighbor helping neighbor. Can we not at least find a couple of million bucks to provide a 1-year bridge to help them get the health care they need?

Last week, I told my colleagues about Gertrude Misterka. Gertrude and I grew up in the same neighborhood. It is a neighborhood called Highlandtown. Our Baltimore neighborhoods have names like that. I know Gertrude because we not only grew up in the same neighborhood, but when I was first running for the city council, going door to door, she and her husband Charlie were living in the neighborhood and said they absolutely would back me.

It was great to see her at my hearing in March, but, my gosh, what an incredible reunion. Gertrude is now a widow. She was married to a Bethlehem Steel worker named Charlie. Charlie worked with Bethlehem Steel for over 35 years. He was also a veteran. Charlie thought that for his 35 years at Bethlehem Steel, he would have a secure pension for himself and his bride. He also believed if he passed away, she would have a widow's benefit, she would have Social Security, and his mind was at peace because she would have her health care.

Even after his death, he thought he could provide for her because the men at the mills believe you ought to really provide for your family.

Well, Gertrude relies on this health care at Bethlehem Steel. She has diabetes, high blood pressure, and asthma.

I said: Gertrude, the naysayers are saying you get gold-plated, lavish health care. Tell me what you get.

She said: BARB, guess what. I get a $100 monthly pension. I do not get a COLA. When you retire at Bethlehem Steel you take what you get, but you do not get a COLA. My pension is frozen.

Out of a $100 monthly pension, she pays $78 each month for her health care premium. So she has this little pension. She has Social Security, but out of her Bethlehem Steel, frozen with no COLA, she pays 78 bucks.

She told me she asked her pharmacist what her medications cost. If she did not have health care, she would have to pay $6,716 for her medication.

Now, she is a diabetic. You do not cheat on your diabetes medicine. What are we going to do if Gertrude goes into a coma? She is going to go into the hospital, and that is mega bucks. You have to take your test. You have to take your insulin. You have to regulate your blood pressure, and you have to take care of that asthma so it does not cause other complications.

I listened to Gertrude that day and my heart went out to her and other steel retirees. I promised her I would fight to help those retired steelworkers. They need a safety net so they do not lose their health care. Then the only reason they will lose their health care is because their companies are in trouble and are going bankrupt because of documented unfair trade practices.

These families worked hard for America, some for nearly 50 years, doing back-breaking work in hot mills and in cold mills. Families now need our help. Retired steelworkers who thought 30 or 40 years of hard work meant security for their families, widows who sent their husbands off to these mills every day: these are the true victims of years of unfair trade practice. So this is why we have our amendment.

American steel is in crisis. Our steel companies are filing for bankruptcy protection; 31 since 1997, 17 last year. Steel mills are shutting down. Steelworkers are losing their jobs. Why are they doing this? Again, this is not happening because of the steelworkers being at fault, the retirees being too greedy, or the companies being poorly managed. The cause of the steel crisis is well-known: Unfair foreign competition has brought American steel to its knees. Foreign steel companies, subsidized by their governments, are dumping excess steel into America's open market at fire sale prices. This is not rhetoric. This is fact, documented by the International Trade Commission.

Last year, they found these violations unanimously.

Let me give an example. The Russian Government keeps about 1,000 unprofitable steel plants open through subsidies. That is not 1,000 steelworkers; that is 1,000 steel companies. Well, it is real easy to compete with them, is it not?

The Russians are our newfound friends, but the Russians will not let us export our chicken legs to them. South Korea has nearly doubled its production capacity since 1990, without the domestic demand to support it. So, zip, in comes their steel. When Asian countries had the collapse of their economies, they again dumped the steel. Was any action taken? Oh, no. The globalizers backed it.

I know we are going global, but while they are going global, we do not have to abandon the people who fought for America. I said earlier in my remarks about why steel is important: The railroads, the bridges, the ships, the tanks. Saving steel is not an exercise in nostalgia. It is a national security issue. We need to maintain production in very important sectors. No more than we want to be food dependent should we be steel dependent.

Our President, George Bush, said steel is an important issue and he said it is an important national security issue. I could not agree with him more. Quoting Senator STEVENS, a great patriot:

> During World War II, we produced steel for the world. We produced steel for the allies. We rebuilt Europe. Could we do it again?

I am not so sure.

America must never become dependent on foreign suppliers such as Russia or China for the steel we need to defend our Nation and keep our country on the go. Tariffs have been imposed by President Bush. I am going to reiterate what I said earlier in my remarks: I really do thank the President for doing that. Those tariffs were temporary, limited to 3 years. They were specific and they were well documented through the ITC. I appreciate the President's action, and that was a very important step, but now we need the next step. Tariffs help the industry. Now it is also time to help the workers and their retirees who will lose their health care if their companies go under.

Senator DASCHLE has led the way to provide a temporary 1-year extension of health benefits to qualified steelworkers. I sure support that. We are also helping with other issues related to current workers. Like the temporary work tariffs gave the companies breathing room to recover, we need a temporary extension of benefits to give workers and retirees breathing room to find health care. This is what we need to do.

I was moved at a hearing by the stories of people such as Gertrude Misterka and others. I have been to the rallies. I have been to the meetings. I feel very close to these workers. I grew up in Baltimore in a neighborhood where most of the people in that community worked either at Bethlehem Steel, Western Electric, or General Motors. Western Electric has since closed. General Motors, we are not sure about its future there. Bethlehem Steel is in bankruptcy. We have real problems. This is our industrial base.

In that neighborhood where I grew up, my father had a neighborhood grocery store. He opened it early every day so that the steelworkers on the early morning shift could come by and buy their lunch. These were the people I knew. These are not numbers and statistics, these are people with names such as Stanley, Henry, and Joe. These workers at Bethlehem Steel were not units of production, they were our neighbors. They were my neighbors, but they are your neighbors.

What did we know about Bethlehem Steel? In Baltimore, we thought it was a union job with good wages and good benefits. Our neighbors could go to work and put in an honest day's work, get fair pay, and come back and build our communities. Right now, most of the Bethlehem Steel workers work very hard. Their commitment to Bethlehem Steel is a commitment to America, doing the work that needs to get done for fair pay and a secure future. We are proud of our workers at Bethlehem Steel. We are proud of what they did at the mill. We are proud of how they defended America. We are proud of the way they prepare the U.S.S. *Cole*.

I think it is time we repair the agreements to assure our retirees have the health care they need.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleagues, Senator ROCKEFELLER, Senator MIKULSKI, and other Senators who have joined in this amendment. I thank Senator MIKULSKI for her remarks and for reminding Members we are not talking about statistics, we are talking about men and women whom we know and love and in whom we believe. I thank Senator ROCKEFELLER for his painstaking work putting this amendment together.

I am not the insider politician, but I want steelworkers—and not just steelworkers; I want people in the heartland of America, in industrial America—to know exactly what the situation is. It is 5:10 on Thursday night in the Senate Chamber. Here is what is going on. We had an amendment originally as part of the trade adjustment assistance. It was an amendment that said part of trade adjustment assistance ought to be to build a 1-year bridge where we can at least make sure the steelworker retirees—in the case of Minnesota, taconite workers on the Iron Range—who worked hard all their life, and now over 30 companies have declared bankruptcy, including LTV company, a classic example, receive retiree health care benefits. People are terrified.

We said, let's have a 1-year bridge. This was in the original amendment. Senator ROCKEFELLER worked very hard on it. Jay took the lead. Senator DASCHLE deserves a lot of credit. He is the leader of our party. We have this as part of trade adjustment assistance.

The administration came out Wednesday of last week with a letter. They said the cost would be about $800 million in 1 year. They were downright untruthful with the figures. Actually, we were talking about $180 million over 10 years, not $800 million over 1 year. The administration said it was adamantly opposed. It was crystal clear there was no way to move this package forward, and therefore this provision was removed.

I was presiding in the chair when Senator DASCHLE said: I make it crystal clear that all amendments to try to modify this trade adjustment assistance package, I will oppose—but not the amendment that will deal with steelworkers, trying to give them help; I will support that.

Now we bring the amendment to the floor. What does the amendment say? It says as part of this trade adjustment assistance package, $180 million over 10 years, can't we build this 1-year bridge to provide the help to the people who have worked so hard, now terrified they will lose their health care benefits? It is cost effective. It helps people. It is compassionate liberalism, compassionate conservatism, compassionate Democrats, and compassionate Republicans. We ought to do this. It is the right thing to do.

I want steelworkers and their families to know, this is now being filibustered. There are Senators who I assume will be debating this—I hope; certainly not the majority. The good news, Senator ROCKEFELLER: Clearly, we have the majority of the votes. What we have now is no agreement on time, no agreement for an up-or-down vote. This bill is being filibustered. That is where we are. We are in a filibuster situation. One would think it was a cardinal sin and the most terrible thing in the world to try to provide some help to people—which is what this is about. Therefore, this is being filibustered. Therefore, we are going to continue with this debate. There won't even be a vote until next week. That is what is happening right now.

I am pleased we have a majority of the votes. That is obvious, since the opponents do not want an up-or-down vote. We have a lot of support for this amendment. The question is whether we can overcome the filibuster, whether we can overcome the efforts to block this amendment.

I remember Jerry Fallos, president of Local 4108 on the Iron Range of Minnesota, came here within the last month and testified. I cannot say it as well as he can say it. It is amazing. He has seen 1,300 people out of work. People are out of work, and these are good-paying jobs. And now you wonder how you will support your family, and 6 months or a year later you do not have health coverage, and you worry about that. For a lot of the taconite workers, it is their parents about whom they worry.

That is what we focus on, people who are vested, worked a lot of years for companies, and now they are terrified their health care benefits are going to be canceled. Jerry said the people from the Iron Range are used to hard times: We are survivors, though. We work hard. We have always responded to our country in times of need. This steel industry has always been there for our country in times of war. But now we are asking for some help.

I say to the 100 Senators, as you decide how to vote on this filibuster, this is $180 million over 10 years. That is all it is. If you made the estate tax permanent, which mainly goes to millionaires, plus, you would be talking about $8 billion over 5 years. If we can help out the wealthiest people, if we can have all kinds of tax breaks to multinationals, one would think $180 million over 10 years to provide help to retirees, a 1-year bridge before we finally put together a package that will help these people, would not be filibustered.

I cannot even believe we are now out here fighting a filibuster, but that is the situation. I ask the question, Where are our values? Where is our collective humanity? Are we going to step up to the plate and help people? This is a very modest amendment. We have passion about this because it is people we know and we love and in whom we believe.

I told Senator ROCKEFELLER about one discussion I had with one steelworker. He said to me: Now we are counting on you all. A lot of our lives are at stake. People's lives are at stake.

That is not being melodramatic. Senator MIKULSKI used the example of prescription drugs. Elderly people are terrified. They do not know how they will afford the costs. They worked hard. They did everything for our country. Companies now declare bankruptcy and walk away, and they don't know what they will do.

We say can't we, over 1 year, provide help while we work together and come up with a package to help the retirees and help the steel industry get back on its feet? That is no small issue to the economy of the United States of America.

I want to talk a little bit about the position the administration has taken. I will try to be well behaved.

I do want to say on section 201 that the administration has already entertained all sorts of exemptions. There are now a thousand exemptions to the President's section 201 decision and Secretary O'Neill is reported as saying that a significant portion of them will be favorably decided. So it may not provide us with the trade relief we were hoping for, though as Senator MIKULSKI said, it is surely a step forward.

On the Iron Range it was not. On the Iron Range you have tariff rate quotas, so basically until you have 7 million tons of slab steel, that can come into the country without any help whatsoever. That is what we have right now. That is what has put our taconite workers out of work. So it simply does not help at all.

Then you have 32 U.S. steel companies in the last 2 years that have filed for bankruptcy. That is just unbelievable. That is 30 percent of the domestic steelmaking capacity. When they file for bankruptcy, this is terror that people then have to deal with because then they can walk away, and they do walk away from retiree health benefits. That is what we are speaking to.

Let me just be really clear. There is a bipartisan group of Senators who have been working on the Steel Industry Retirees Benefits Protection Act, Democrats and Republicans. We all know there is a lot of work to do. The question is whether or not we can have this 1-year bridge. We can do something for people who, right now, are flat on their backs, who are terrified, who are worried. We can get some help to them because they are in this position through no fault of their own. Nobody can say that retired taconite workers and steelworkers are in the position they are in right now, worried about how they are going to afford health care costs, because they are slackers or because they are cheaters or because they don't work hard or because they are not loyal or because they are not patriotic or because they don't love America or because they have not done everything to serve our country. They have done all of that and more.

The only thing we are asking is whether or not the Senate and this administration will help these families.

I do not have the years or the savvy of either of my colleagues out here, but I have been here now 11½ years. I can figure out what is going on. This is an amendment that is tough to be against. This is a high moral ground amendment. There is a lot of passion behind this amendment. There is a lot of decency behind this amendment. Frankly, it is all about helping people—people who richly deserve and need the help.

I think we have a majority vote, but the opponents will not give us that vote. They will not agree to a time limit. So we will be at this for the next several days. We will be at this over the weekend.

I hope steelworker families and other families all across the heartland of America are in touch with all Senators because we are going to do everything we can to overcome this obstacle, this filibuster. A good, strong vote is important, and I am delighted because we have that; otherwise, there would not be a filibuster. Now we have to deal with the filibuster. I hope Senators will be there to support these steelworker retirees.

I do not know about my colleagues, but for me, I have been waiting ever since this debate started on fast track for this amendment because here is where I think Tip O'Neill's adage about ''all politics is local'' is absolutely true. I would not make any apology to anybody about this.

Senator ROCKEFELLER and Senator MIKULSKI, there is nothing I want more in the world than to pass this amendment. We passed it already. We have over 50 votes. That is why it is being filibustered. There is nothing I want more in the world than to make sure we are able to come through for people. That is why this amendment is important: Not because of some strategy, not because of some tactic, but because it is on the floor of the Senate, it is 5:30 Thursday night but, darn it, this amendment is directly connected to the concerns and circumstances of the lives of people we represent.

This is the right amendment. There is no other reason to be in the Senate than to try to pass this kind of legislation to help people—no other reason.

Nothing can be more important, and I hope we will have the support of our colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I would like to introduce a few things in the RECORD.

First, I ask unanimous consent Senator ARLEN SPECTER of Pennsylvania be added as a cosponsor. He is the co-chair of the steel caucus.

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

Mr. ROCKEFELLER. I also ask to have a letter from the vice chairman, president, and CEO of Nucor, which is the largest minimill in the United States, be printed in the RECORD.

In the steel industry you have some conflict between integrated steel mills and minimills which take scrap and turn it into steel. It is an arcane but nevertheless very real conflict.

I called Dan DiMicco in California about this amendment. He has written me a letter saying they have no problem with it at all. In no way will they oppose this proposal.

Nucor has long advocated consideration must be made for displaced steel workers or retirees in transition due to permanent plant closures.

One of the reasons he is for this is a point I made earlier. This money does not go to companies. It does not go to integrated steel companies or minimills. It goes to human beings.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NUCOR CORPORATION,
Charlotte, NC, May 6, 2002.

Hon. JOHN D. ROCKEFELLER IV,
U.S. Senate,
Washington, DC.

DEAR SENATOR ROCKEFELLER: I understand legislation pending before the Senate would make certain steel industry retirees who have lost their health care coverage eligible under the Trade Adjustment Assistance program for federal assistance in obtaining health insurance coverage through COBRA or state sponsored plans for one year.

Nucor Corporation will not oppose this proposal. Nucor has long advocated that consideration must be made for displaced steel workers or retirees in transition due to permanent plant closures. The continued surge of illegally traded steel has devastated communities across America and left many retirees and their families without access to health care.

As I understand the proposal under consideration, it would help the retirees who have lost health care coverage due to permanent closure of capacity directly and is for a limited period of time. As such, I do not believe it would adversely affect Nucor because it would not allow companies to discharge their legacy obligations onto the federal government. We continue to believe that pension and health commitments of surviving mills should remain the responsibility of those mills, not of the taxpayers or the rest of the industry.

Sincerely,

DANIEL R. DIMICCO,
Vice Chairman, President & CEO.

Mr. ROCKEFELLER. Mr. President, I also called Governor Bob Taft of Ohio yesterday afternoon. I told him we have this situation, we have this amendment. Yes, of course, LTV is located in his State, but that doesn't mean necessarily all the 85,000 steel retirees are located in his State. I met Governor Taft back in the 1960s. I don't know him well, but he is a fine Governor. He is a conservative Governor, a responsible Governor, and he did something I thought very unusual.

What I was asking for was a letter of support for my amendment. The Governor gets this phone call from some United States Senator at 6 o'clock in the evening saying: Can I have a letter from you by noon? That is when this Senator thought we were going to be doing this legislation today.

He sent it. He sent it to Senator VOINOVICH, which is what he should have done. He is a cosponsor of the bill. But in it he says:

Retired steel workers, similar to their currently employed counterparts [active workers], are suffering irreparable harm as a result of unfair trade practices. This amendment offers temporary relief for those retirees in the greatest need.

I urge you to support this amendment and thank you for your attention to this important issue.

He says a lot of good things about the amendment. I ask unanimous consent that also be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF OHIO,
Columbus, OH, May 16, 2002.

Hon. GEORGE V. VOINVICH,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR VOINOVICH: I am writing to express my support for an amendment planned to be included in the trade adjustment assistance section of the trade bill being considered today by the Senate. As you are aware, the health benefits of retired steel workers have been terminated as a result of failed steel companies. Tens of thousands of retired steel workers, concentrated in Northeast Ohio, are now without health care or are struggling to pay expensive premiums.

I commend the President for his imposition of significant remedies to defend our nation's steel industry from the unfair trade practices of some foreign producers. Unfortunately the relief did not come soon enough for some companies. Major steel manufacturers have permanently closed, health care and pension funds are exhausted and retirees are left with few and costly health care options.

The Health Care Benefits Bridge program will allow retired steel workers to receive a health care credit for one year equal to 70 percent of the total cost of premium of health care coverage under COBRA or state established plans. The retirees would be responsible for the remaining 30 percent. The bridge plan would limit eligibility those retirees who have lost health care coverage because of the permanent closure of their former employer.

Retired steel workers, similar to their currently employed counterparts, are suffering irreparable harms as a result of unfair trade practices. This amendment offers temporary relief for those retirees in greatest need.

I urge you to support this amendment and thank you for your attention to this important issue.

Sincerely,

BOB TAFT,
Governor.

Mr. ROCKEFELLER. I also want to make one point clear. Some people say: Why can't the Department of Labor—which sort of decides on TAA matters—why doesn't it just include, administratively, steel retirees?

They cannot. They do not have the power to do that. They do not have the authority to do that. The retirees we are talking about—Senator WELLSTONE, Senator MIKULSKI, myself, and Senator STABENOW, who obviously wants to say something—they do not have the power to do that. They cannot include them on their own. It can only be done through action of the Congress, which is why this amendment is before us.

Back last summer, a number of us were doing the legacy bill, which is sort of the big solution, a $16 or $17 billion solution. And there is a great reason for that; it just did not happen to be a very compelling one at the time we were doing it. But you have to do three things to make steel work.

I apologize to my colleague from Michigan, because I know how much she wants to speak.

You have to invoke section 201. That is the International Trade Commission. The Finance Committee had voted to do that. Oddly enough, the Finance Committee has the same power under the law to invoke the International Trade Commission on the subject of imports and the damage from imports as does the President of the United States. So does the Ways and Means Committee. They did not choose to invoke it. We did. So had the President not invoked section 201, we would have, and already had voted to do so. So the same process would have taken place.

The first thing you have to do is invoke section 201. What does that do for you? It gives a little bit of a lift in the market, as I indicated, for 6 or 8 months. People feel a little bit better. But it does not last. It did buy us time, and we needed time. Because we have to think, how are we going to keep the steel industry together? How can we have a 40 or 50-million-ton steel industry in a place called the United States of America, which sort of started this whole thing?

All around the world, everybody, when they want to get into the United Nations, they start a steel industry and they buy a 747. Now, that is a little crude, and I apologize for saying that, but, frankly, that is what you do to establish yourself as a real country: You have a national airline—it might be one plane—and you have a steel industry. So these imports just come flowing into our country from all over the world. People underestimate the power of that. Of course, they are cheap because they are dealing with $1-an-hour labor, a little more or a little less. And

then sometimes our industries have to buy that because they have to survive.

So I want to stress the urgency of particularly what has happened between 1998 and 2000 and 2001, where this enormous import surge overtook the United States in steel at the same time as another surge of total neglect on the part of the Government. This is not a partisan statement about this administration. It was the same thing in the last administration.

I can remember endless hours in the steel commission arguing with Bob Rubin, Gene Spurling, and Charlene Barshefsky, and all kinds of high and mighty people. And they said: No, globalization is the deal. I said: I agree; it is the deal, and I voted for PNTR, and all the rest of it. But, frankly, we have something called a steel industry in Senator STABENOW's State and my State, and it is sort of the heart and soul of America. But they were not interested.

I think Senator WELLSTONE's $800 million figure was, in fact, e-mailed by the White House to a whole lot of Senate offices just as late as this afternoon, trying, again, to scare us away from this amendment based on cost.

I will just end with this thought. It almost seems impossible we would be bringing an amendment to this body, an amendment which only affects 125,000 people at the present time, and they have to go through so much to even qualify. They have to have worked in the mill 15 years, and all the rest of it. And if the mill goes chapter 7—that is, goes belly-up, completely—it has to do so by January of 2001. And then it only lasts until January 1 of 2004. That means, if a West Virginia plant or a Michigan plant went belly-up and shut out the lights, sent out pink slips, with no health benefits, nothing, everything goes. The Pension Benefit Guaranty Corporation does take care of the pensions, but nobody takes care of health care. Nobody takes care of health care for these people.

We still provide this amendment, which is so tightly constricted to 125,000 people, costing $179 million over 10 years. Frankly, I don't know why the White House does not say: We want this. We accept this. We will take credit for it. It is a no-brainer. Yet, obviously, it is the subject of filibustering and all kinds of divisions. And I regret that very much.

There is really nothing quite like a steelworker. They sweat and toil, as you can imagine. It is so dangerous. They lose arms, fingers, legs. They work in 125 to 130-degree heat in the summer. I am not pleading for them. I am just simply saying that when their company goes belly-up because of Government inaction, by not enforcing the Federal laws against imports, they deserve—if not to get cash, if not to get training, if not to get other benefits—at least to get health care benefits.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise with great pride to be a cosponsor of this amendment. I thank my colleague from West Virginia for his passion, his compassion, and his advocacy for great Americans—our great American steelworkers. He has been here over and over again fighting on behalf of the industry, fighting on behalf of workers, many of whom are in Michigan. I thank him for his leadership. I also thank Senator WELLSTONE from Minnesota for his ongoing leadership and advocacy for our steelworkers, as well as thanking Senator MIKULSKI from Maryland.

This is a dynamic trio that I am very proud to join, and I very much appreciate the fact that they are coming back over and over and over again until we can get this done.

I share my colleagues' view that we are coming with a critical yet modest proposal in terms of how we debate in the Senate, covering 125,000 retirees with health benefits at a cost of $179 million over 10 years, which certainly sounds like a lot of money, but in terms that we are debating, it is a very small amount to put aside for a group of people who have worked their whole lives to build America.

I find it so amazing, as we debated other bills—and we have talked about our overreliance on energy and the need to do more domestic production—that we, at this time, would not be up in arms about the possibility, hopefully not probability, of losing an American steel industry. I cannot imagine, in this time that we are focused on national security and war on terrorism, that we would even, in any way, allow the possibility that we might lose our domestic steel industry. Yet that is what is happening in our country.

We have only six iron ore mines in the country: four in Minnesota and two in Michigan. When they are closed, we will no longer have the ability to pull the raw materials out of the ground.

The men and women in the upper peninsula of Michigan work very, very hard. They and their families have gone through layoffs. They have gone through mine closings. They are on the edge. This proposal is simply to say that for those who are already retired, who had health benefits, who were promised health benefits, whose companies closed—and we had over 33 of them closed since the year 2000—we would give them a 1-year reprieve, 1 year of health care benefits, to try to help in the transition.

I very much appreciate the fact that the President has acknowledged the concerns about steel and taken some action. There are efforts right now to help the industry, to address the question of unfair dumping. This is a small bridge for 125,000 people who are retired from an industry that is critical. They built America. And I believe we owe them at least that.

For those who are now working in the great State of Michigan, whether it is in the upper peninsula or whether it is in the lower peninsula of Michigan, down river or metro Detroit, we owe them, as well, to stop the dumping, the unfair competition, so that we can give them an opportunity to succeed and give our steel companies, which are making investments, are efficient, and doing everything they can to stay afloat, the opportunity to succeed because we, as a country, need them to succeed.

The issue of steel in our country today is absolutely critical. While we are working to find ways to stop unfair trade practices and, hopefully, the mechanisms and remedies that have been put into place will have some kind of positive effect—we certainly hope so—while we are working for other ways to support the steelworkers and their families, to support the businesses, this is a small way to acknowledge the significance and the importance of the steel industry and the steelworkers in the United States and to say for those who are retirees, who assumed when they would retire that they would have their health care benefits and who have lost them because of unfair competition, because of dumping in our country from other countries, that we, in fact, will recognize them in this whole question of trade adjustment assistance.

I am proud to stand with my colleagues. I ask that we come together in a bipartisan way. With a small amount of investment, we can make a major statement and help 125,000 great Americans. I hope we will do that.

I urge strong support for the amendment.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I see a few of the sponsors of the amendment are present. Maybe either one of the sponsors, since they know more about this amendment than I, might be able to respond.

I am wondering how much this amendment will cost. How much does it cost per family, per beneficiary? Would either the Senator from West Virginia or the Senator from Maryland tell me that? Many times health care per family costs $7,000; sometimes steelworkers have very generous plans. Could they give me some idea of what it costs per family?

Mr. ROCKEFELLER. As to the matter of how much it costs each family, that is not yet available because the circumstances vary enormously. Sometimes there might be a little bit of health care left over. In virtually all cases, there was none left over.

The fact is the Joint Tax Committee, which looked at this in a rather conservative fashion, came out with a $179 million cost over a period of 10 years. I don't think the Senator from Oklahoma would challenge that.

Mr. NICKLES. Per year or $179 million over a 10-year period?

Mr. ROCKEFELLER. Over a period of 10 years.

Mr. NICKLES. Does the program last for 12 months? How many months of

health care are we providing for retired steelworkers?

Mr. ROCKEFELLER. If the underlying amendment, referring to the TAA in general and health care, prevailed——

Mr. NICKLES. Just the steelworkers.

Mr. ROCKEFELLER. I am answering, if the Senator would allow me to answer the question the way I would like to. That can provide health care for a couple of years, but not with the steelworker retirees. That is only a 12-month period, and that is it, once.

Mr. NICKLES. I am just trying to learn what is in the Senator's amendment. I am going to debate against it in a minute, but I want to educate myself on what I am debating.

The cost is $179 million over 10 years, but the program for steelworkers only lasts for 1 year, the 12 months' benefits. So it is actually about $179 million for 1 year's benefits for the eligible steelworkers in the Senator's amendment?

Mr. ROCKEFELLER. That is correct. I think I understand what the Senator is also asking. And that is, if it is a 1-year program, we are only talking about 10 years. I would be happy to hand over a chart exactly of what is proposed. In fact, the funding is zero for this year, 86 for next year, 25 for following, 15, 16, 2, and then there is a series of just dots and dashes, not contemplating that there will be anything in the succeeding 10 years. That is what it was done for. It was done for 10 years.

Mr. NICKLES. I will ask either Senator, the duration of the amendment to benefit only the steelworkers is for 12 months. I happen to have great respect for the Senator from Maryland and the Senator from West Virginia. I have a feeling that if that 12 months was expiring, that you would be coming for an extension of the 12 months.

Mr. ROCKEFELLER. The Senator is entirely wrong in that. I apologize to the Senator from Maryland. That is incorrect. This is not a question of something which comes up for reauthorization. This will not happen. One year, once.

Mr. NICKLES. In the underlying Daschle amendment that was introduced a week or so ago, it was a 2-year program; isn't that correct?

Mr. ROCKEFELLER. In the underlying amendment for TAA workers who are different than steel retirees; those are active workers you are talking about. I am talking about steel retirees.

Mr. NICKLES. Correct me if I am wrong, active steelworkers would apply and would benefit under the TAA proposal as any other TAA eligible employee. The Senator's amendment applies only to retired steelworkers?

Mr. ROCKEFELLER. That is correct.

Mr. NICKLES. And correct me if I am wrong, you are talking about retired steelworkers basically in two plants, is that accurate? Or is this retired steelworkers, any steelworker who happens to be retired? Or is it specifically to steelworkers who are in chapter 11 or chapter 7?

Mr. ROCKEFELLER. If I can answer the Senator's question, it is not any steelworker. It isn't anybody in chapter 7 or chapter 11. It is only to those who are vested, which by itself is a 15-year requirement. They get nothing that TAA, if it were to pass, would get in the way of, say, 2 years of health care. They don't get any cash. They don't get any transition. They don't get any retraining. All they get is 12 months of bridge health care, period, once.

Mr. NICKLES. Since we are not going to vote on this today and you are sponsoring the amendment, I have heard the arguments made. We want to help these families. And you are providing health care for the families, 125,000 families, I believe I heard you say. I would like to know, health care costs so much per month, so much per year per family. I would love for my colleagues to tell me how much these plans cost so we would have a little better idea of the per-family benefit.

Mr. WELLSTONE. It is 70 percent of the COBRA cost. That is what this amendment is about. It is the same. COBRA costs on average about $700 a month. This picks up 70 percent. That is what we do for other employees. That is the cost.

Mr. NICKLES. I am happy to know that. So if COBRA costs $700 a month——

Mr. WELLSTONE. That is an average.

Mr. NICKLES. I am just trying to make sure we find out what we are talking about. If COBRA costs $700 a month and you are talking about 70 percent of that, that is $500 a month. And you are talking about 12 months, so you are talking about $6,000 benefit per year. Is that pretty close to accurate? I am just trying to figure this out so I will know, if we are getting ready to give benefits to one particular group—as a matter of fact, a couple of companies—I kind of need to know. I think it would be nice for the taxpayers to know.

I am happy to yield to the Senator from Maryland.

Ms. MIKULSKI. First of all, I am so glad that the Senator from Oklahoma is in the Chamber. We are glad that Members who have concerns or even opposition are here. Let's do the clarification.

The Senator asked about the annual cost, $179 million over 10 years. First, in the year 2003, $85 million; 2004, $25 million because of a population dip; then up to $50 million in 2005; $18 million in 2006; and $2 million in 2007. And this is sunsetting at 2007. So the bill has a sunset.

Mr. NICKLES. I think I have the floor.

Ms. MIKULSKI. I just wanted to add about the complexity of going to the family because you see these retirees, and the way this would work is that it is a tax credit to the risk pool that takes this on. So we are not quite sure what the individual family premiums would be. We asked Joint Tax and the Budget Committee, those who advise us, to tell us what would be the annual estimates, and then an estimate between now and 2007.

Mr. NICKLES. Well, I am not a big fan of tax credits, just so the Senator from Maryland knows—and the Senator from West Virginia already knows this about the Senator from Oklahoma. Therefore, I question the wisdom of doing this in tax credit form. It would be a lot more direct, legitimate, for scorekeeping and otherwise, to say we are going to write a check, and here are thousands of people, and say pay for your health care, than to try to go through silly system of tax credits, where it doesn't work very well. I think maybe I will explain that at some point.

I am trying to have a better understanding. If you have a 12-month payment—or assistance in payment, 70 percent—for steelworkers, and we are doing that for 12 months, this is 2002; why are we making payments in 2004 and 2005? I don't understand that.

Mr. ROCKEFELLER. I will be happy to try to answer that. First of all, included in the $179 million—which I assume came as some surprise to the Senator from Oklahoma, because that is the entire cost over the entire amendment—the scoring group took into account what would happen, for example, not with just the 125,000 we have this year, but suppose Bethlehem Steel in Maryland, as could happen, went chapter 7, went belly-up next year; the Senator from Oklahoma should know—and there might be some residuals; there might be a caretaker or grandmother who has a dependent. If that company goes belly-up, that is already included in the $179 million. They looked at the condition of what they adjudged to be the steel industry and its future, and the health care cost attending to that and made their judgment. So your question still comes back to $179 million.

Mr. NICKLES. I appreciate the clarification. If a company went bankrupt in 2004, they could receive benefits under this amendment, is that correct, up to 12 months?

Mr. ROCKEFELLER. If one takes the scoring of this offset, one could posture that, and one could also raise the question that it might not happen. They were trying to figure out as best they could—and who can figure these things out absolutely perfectly—what is likely to happen in the steel industry and what the health care consequences are for retirees. All of that fits within the $179 million.

Mr. NICKLES. I wonder, as well, as the sponsors of the amendment are very close to the steelworkers, if they can provide this Senator, over the next couple of days, what the benefits are and what the benefit package costs for retirees. Those are collectively bargained packages. I could probably find

that on the Internet. These are packages they provide for retirees. Given this fact, I would like to know, are we subsidizing plans that are very generous, comparable to Federal employees? I don't know.

Mr. ROCKEFELLER. If I may answer the Senator, unlike the coal industry, the steel industry has a whole series of different bargained health benefit packages. I don't know exactly, but my guess is that right now the steel companies probably pay about 90 percent of the health care costs of the steelworkers, and the steelworkers pay 10 percent. So they have already gone from 90 percent down to 70 percent, and then they have their choice, as the Governor of Ohio, Governor Taft, indicated, of using a variety of risk pools. It could be a variety of programs, but it is not a constant figure. It could vary, and it is definitely not based upon what it is they negotiated. They have made tremendous cuts and sacrifices from the agreements they negotiated with the steel company.

Mr. NICKLES. What age of eligibility can people—when you think of retirees, you think of somebody at age 65. What is the earliest age a retired steelworker might be who might receive benefits under this proposal?

Mr. ROCKEFELLER. As best we can figure, 25 percent of the steelworkers who might receive this proposal are not receiving Medicare. As such, none have prescription drugs.

Mr. NICKLES. Correct me if I am wrong, so you have it that 75 percent of the pool are now Medicare eligible, is that correct?

Mr. ROCKEFELLER. Without the prescription drugs, correct.

Mr. NICKLES. And 75 percent of the beneficiaries—the 125,000 people—are eligible for Medicare, is that correct?

Mr. ROCKEFELLER. That is correct.

Mr. NICKLES. And 25 percent are not eligible for Medicare, so presumably under the age of 62, is that correct.

Ms. MIKULSKI. Under 65.

Mr. NICKLES. I stand corrected, 65. So what is the earliest age that a beneficiary can receive benefits under the Senator's proposal?

Mr. ROCKEFELLER. I don't think it is a question of what is the age. It is a question of what happened to the company, when did it fit into the dates. We have constricted it by saying that the company had to go belly-up, so to speak, by January 1, 2000, until the year January 1, 2004. You cannot tell what the age might be. We could presumably find out what the ages are right now, but you cannot predict that in the future because it does not depend on the age; it depends upon whether the company has gone out of business.

Mr. NICKLES. One additional question. If a young person—say my son, or your son, is twenty-years-old, goes to work for a steel company and works there for 12 years or 15 years. Now they are 35 years old. Company XYZ goes bankrupt, so now that individual would they be eligible for this benefit at the age of 35?

Ms. MIKULSKI. Yes. The eligibility is based on the status of the company, meaning is it bankrupt; No. 2, if the individual has worked for the company for 15 years, not less, and if they have taken retirement. Now, they could be 38 years old. The company could be bankrupt. They could be out of work. That doesn't mean they have become retirees. So your scenario, though I think it would be technically correct, is not operationally correct.

So 75 percent are Medicare-eligible. The other 25 percent usually are over 55, but are primarily between 60 and 65. This is why we are calling part of this a bridge. For some, it would be 1 year to even get them to Medicare.

Mr. NICKLES. Let me ask one other question. To be eligible, then they have to be receiving retirement pay to be called a retiree?

Ms. MIKULSKI. Yes.

Mr. NICKLES. So you could work 15 years and I don't know how many years you have to work—

Mr. ROCKEFELLER. May I correct the Senator for a second? Remember that the company they are working for no longer exists in order for them to qualify.

Mr. NICKLES. I understand. I am trying to figure out who is eligible. So I think I heard the Senator from Maryland say they are eligible if they are receiving retirement checks. They may be receiving the checks from the steel company, which even though the company went bankrupt, it may well still be making payments for pension benefits, or maybe it dumped their liabilities on the Pension Benefit Guarantee Corporation, or there may be some other consortium employer payment plan. But if they are receiving their retirement check, they are classified as retiree. What is the earliest age a person can be receiving a retirement check as a steel worker?

Ms. MIKULSKI. That would vary company by company.

Mr. NICKLES. After 15, 20 years of service?

Ms. MIKULSKI. Usually after 20.

Mr. NICKLES. A couple other questions, and then I will make a few comments.

If we are doing this for the steelworkers, how can you say we should not do this for the textile workers?

Mr. ROCKEFELLER. Can I answer the Senator's question?

Mr. NICKLES. Why shouldn't we do it for the communication workers or the airline workers or the hotel workers in Nevada?

Mr. ROCKEFELLER. May I answer the Senator's question?

Mr. NICKLES. Yes.

Mr. ROCKEFELLER. There has never been a case I know of in American history where the Government, over a period of 30 years, since the passing of the Trade Act in 1974, has been so absolutely unilaterally egregiously negligent of the interests of fulfilling American law which says that steel cannot be dumped at lower than its cost of production by other countries into this country.

As my colleague may remember, President Clinton promised—actually it turns out it was West Virginia—he would not allow dumping to happen. The present administration has made similar types of promises. They and all other administrations have egregiously ignored the law. That is why I keep saying the Government's negligence is what makes the steel retirees so different in what they deserve and what they should get in the way of this modest health benefit for so few, primarily because, one, they have been injured by imports—that is what the International Trade Commission said—and second, the Government has been so totally negligent. Much of this is the Government's fault they are out of work—our Federal Government.

Mr. NICKLES. I appreciate my colleague's response. I want to make a few comments, and I appreciate the patience of my friends and colleagues from Maryland, West Virginia, and Minnesota.

Mr. WELLSTONE. Mr. President, can I say one thing? I am not taking the floor. I know the Senator from Oklahoma wants to speak, and I will have a chance to respond. I thank him for his questions. It is important to get all of this information out. It is important for people to understand the human crisis.

I say to my colleague, there are a lot of people who are really hurting out there, as my colleague from West Virginia has said; people who have been on the short end of the stick for over three decades of negligent policy. I thank my colleague very much for his questions.

Mr. NICKLES. I thank my friend from Minnesota.

Mr. REID. Mr. President, will the Senator yield so I can make an announcement to the Senate?

Mr. NICKLES. I will be happy to yield.

Mr. REID. Mr. President, the majority leader asked me to announce that there will be no more rollcall votes tonight. Also, tomorrow, after we have the vote at 10:30 a.m., there will be ample opportunity for those who are on the list to offer amendments if the Senators involved in the steel issue have nothing more to say and they have no objection to setting aside their amendment.

Also, we will be in session on Monday. People who are complaining about not having an opportunity to offer amendments, tomorrow and Monday there will be adequate opportunity to do that. There will be no votes, but there will certainly be opportunities to offer amendments.

Mr. WELLSTONE. Mr. President, can I ask the whip one question?

Mr. REID. Yes.

Mr. WELLSTONE. I know other Senators have amendments. I gather there

will be some opportunity for discussion in the morning on this amendment, and there will be other amendments. On Monday, is it the whip's intention we will be in session Monday evening as well for time to discuss this amendment?

Mr. REID. The Senator should know, there are no votes on Monday, so I do not know how late the leader will want to stay in session. I assume we will come in around 1 o'clock on Monday and work all afternoon. If the Senator from Minnesota wants to talk about steel, that will be the first priority. If Senators no longer want to talk about steel, we can, if Senators agree, set that amendment aside so other amendments can be offered. There will be adequate opportunity Monday evening to talk on this all the Senator wants.

Mr. WELLSTONE. Then Tuesday we will have time for final debate as well.

Mr. REID. We will make sure that is the case.

The PRESIDING OFFICER (Mr. DAYTON). The assistant Republican leader.

Mr. NICKLES. Mr. President, I thank my friend from Nevada. I also urge colleagues if they have amendments to bring them down. I hope and pray we will be ready to conclude this bill soon.

I do not think the amendment my colleagues from West Virginia and Maryland offered should be included in the bill. I think it is a killer amendment. I am concerned what people are trying to do in loading up the trade promotion authority bill. They know President Bush wants trade promotion authority, as every President has wanted trade promotion authority. Every President wants to negotiate trade deals because they realize if we are going to be the world leader in trade, we need to expand trade.

We have been the beacon, the leader for trade all across the world. President Reagan, whom we honored today with a Congressional Gold Medal, was adamant in saying we want to expand trade. We did so, and that greatly contributed to the fall of communism. It opened up markets. It created jobs. It led to a robust world economy. Everybody started realizing that trade is mutually beneficial, we should pass trade promotion authority, and every President has had trade promotion authority going all the way up, including President Clinton. He had it in his first couple years but lost it in 1994, and did not ask for it until after the 1996 election.

When President Clinton asked for it, he could not get it through the House. He could have gotten it through the Senate. We had the votes for it. The Senate traditionally has been more free trade. Unfortunately, he did not get it for the duration of his term, and many of us supported giving it to him.

Whether the President was Republican or Democratic, we felt it was important. We happen to be supporters of free trade enough to know we have to be the leader in free trade if we are going to make it happen. It did not happen. President Bush asked for it and got it through the House. It is always more difficult to get it through the House than the Senate. President Bush got it through the House. Everybody said it was going to go through the Senate.

Senator DASCHLE said: I support trade promotion authority, but we are going to add two other bills to it. Senator BAUCUS agreed. I disagree with it strongly.

When we passed these bills out of the Finance Committee, they were not together. They were individual bills, as they always have been. We have always had trade promotion authority as one bill. We have done the trade assistance bill separately and both passed with large margins, usually a 70-vote margin. We did not have to tie the two together.

Unfortunately, Senator DASCHLE and Senator BAUCUS tied in the Andean trade bill, which actually has to pass today, and it is not passing today. Now we could have imposition of tariffs on poor countries, Andean nation countries. It would be a disgrace for us to let that happen.

Yet the Democratic leadership said we are going to tie all three together. Basically, what they were saying—and not hiding it—is we are going to hold trade promotion authority and Andean trade hostage until we get a lot of other things added to the trade adjustment assistance bill. I supported trade adjustment assistance, but let's look at how they are trying to expand it.

They said: Let's have trade adjustment assistance, which is supposed to train people if they lose jobs due to imports, to learn a new job, new business, new trade. I fully support this. Usually it costs about $10,000 per person. Only one out of four who is eligible applies. The Democrats are saying now we want health care to be a benefit for this and have the Federal Government pay three-fourths of the cost. That was their original proposal. Now it is 70 percent. We do not pay three-fourths for anybody. Why is it a Federal responsibility to pay now a 70-percent tax credit? Most corporations get a deduction. That is 35 percent of a deduction. There is a big difference between a 70-percent credit where the Government is writing a check and under this proposal. This proposal is a refundable credit, it is a welfare payment, it is the Government writing a check. That is very expensive.

Then some people say: Maybe we can do that. That is not enough. Now we are going to have steel legacy costs for one industry, and now we find it is not just one industry, it is not just retired steelworkers, it is retired steelworkers for a couple of bankrupt companies. These are companies that went bankrupt, and we are going to pick up their health care costs.

Three-fourths of these individuals are already eligible for Medicare. They are in the same Government health care program that my mother is in and that most senior citizens are in, but my colleagues are saying that is not good enough; we have to have the Federal Government provide additional health care.

A lot of companies do offer Medicare supplements. Great. And they do that in a way that says: We do not want anybody to go out of pocket for anything. That is nice. It is a fringe benefit. Only some companies do this, as it is not available for everybody. There are a whole lot of people who only have Medicare. My colleagues want the Federal Government to pay for Medicare supplements for retired steelworkers if their company went bankrupt.

Why are we going to do that? If we do it for them, why not do it for textile workers? They have the same problems. Why do we not do it for communication workers? Senator LOTT—WorldCom is going through a heck of a debacle. They have laid off thousands of people.

What about other communications companies? We see layoffs after layoffs. Is the Federal Government picking up their health care costs? Where are we going to stop this march toward socialism with Government saying: We will benefit this group and this group.

We benefited the railroad retirees. We helped take care of their railroad retirement plan. Yes, we have done that. Let's take care of steel.

We have already imposed tariffs that are supposed to help the steel industry. That is not enough. So even though we are going to have all kinds of tariff protectionism for the steel industry, that is still not enough. Now we are going to pick up the retirement costs for some of the bankrupt companies. Why do we not have a real incentive for people to sign any kind of contract, whether they can afford it or not, because Uncle Sam is going to pick up the cost? Wow, that is terribly irresponsible policy. How can it be done for this group and not for another group?

When we start this policy where Uncle Sam is going to start picking up retiree costs, I am figuring out you can be 35 or 37 years old and get benefits under this proposal. Most people who are 37 years old—my son is about that age. I do not think of him as being retired, but to think my daughter is going to have to be paying taxes for him to get health care benefits is absurd. Yet that is what we are trying to do in this legislation.

I am amazed at the fiscal irresponsibility that people are trying to put on this, and when I say ''people,'' I am thinking right now of the Democrats who are trying to run the trade adjustment assistance and trying to attach more and more stuff on it, and maybe it is because they really do not want trade promotion authority in the first place. Maybe some of the people are saying, we did health care, we did not think some of the Republicans could agree with that, now we will try to see if we can't put steel legacy; let us put more and more on this wagon and see if

trade promotion can keep pulling more and more along. They are going too far. This is terrible policy.

I used to run a company that had the steelworkers in our plan. I have negotiated steelworker plans, so I know a little something about health care costs and I know a little something about plans. You can negotiate contracts you cannot afford. That is an easy thing to do. You go along to get along. You sign contracts. You have peace and harmony, and all of a sudden you have a contract you cannot afford, and you go bankrupt. Why in the world should the Federal Government be bailing out?

I do not think you can do that. If you do it here, why don't you do it for every other union contract that has found itself on the wrong side of the economic chain? Why don't we pick up the health care costs for railroad retirees? We took up their pension costs. Why don't we do their health care costs? Why don't we do that for other unions? I do not know where you would stop if we agreed to this.

We have already had a battle on, are we going to have wage insurance on this bill? Unfortunately, Senator GREGG's amendment did not pass. Wage insurance, which is about as socialistic a direction as one could go, was put on this bill. It is almost like people are saying we are going to keep loading up trade adjustment assistance, where we know they cannot swallow it, where we know we are going to bog down this bill, and the bill will not pass. This bill is just going to be loved to death. We are going to keep piling it on, piling it on, and piling it on.

I hope people will step back a little bit and say a couple of things are happening. One, we happen to have a deficit. We do not have a surplus. So we are going to be taking taxes and we are going to be borrowing money to pay for a brandnew benefit for one little group of workers. Now, maybe that group of workers has a lot of political clout, maybe they contribute to a lot of campaigns, maybe they have a lot of influence, but I do not see why we should do it for this group and not do it for others.

Maybe some people think we should do this for everybody. Maybe that is the objective. I do not know. But I do not think it is affordable when I start looking at the costs.

The Senator from Minnesota was very generous to say the cost of COBRA is typically about $700. That is for a family plan. Then you multiply it by 12, and that is $8,400. Seventy percent of that is about $6,000; $6,000 per year for which Uncle Sam is going to be writing a check. That is a lot.

The reason I was trying to compute this was, well, $125,000, and it is going to cost $179 million. Trying to figure that out, it is a lot less than that. The difference is, three-fourths of these people are already on Medicare. They already have health care. They happen to have the same health care my mother has, but my mother is going to be paying taxes so some individuals can get their Medicare supplement? I do not know that that is right.

I do not know why the worker in Wal-Mart, who may not even have health care, has to pay taxes so somebody else can get not only Medicare but a Medicare supplement. This is pretty much a stretch.

There are 40 million Americans who do not have health care insurance. They have health care, possibly through the emergency room or something, but a lot of them pay taxes. They may not be able to afford their own health care, but we are going to increase their taxes or make them go into debt so they can provide health care for somebody else who already has health care, who is already paying a lot because they get Medicare.

Medicare is not a perfect system. I think it needs to be reformed. It needs to be fixed. It needs to include prescription drugs, and we ought to be doing that this year. We ought to be working in a bipartisan way to make it happen. To say we are going to be increasing taxes or debt on the rest of America so one group can have their Medicare supplement or people in their thirties or forties can get health care for a year—and we all know the original proposal was 2 years. I also happen to believe that some people are going to try to extend this year after year, after year, after year. If they get it for 1 year, they will be fighting to get it extended for the next year. I am just guessing that might happen.

I am going to work very hard to see that this bill does not happen, so we will not get started down that slippery slope of ever increasing entitlements, ever increasing expansion of spending, ever increasing loading up the trade promotion authority with things that are not affordable, that frankly should not become law. My guess is that if this amendment is adopted, we will not have trade promotion authority passed this Congress.

Maybe that is the sponsor's objective. Maybe not. I do not know. But some people are trying to kill trade promotion authority. They are trying to load it up with too much. This amendment is too much, and I urge my colleagues to oppose this amendment when we vote on it next Tuesday.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, I do not know if the other side has had an opportunity to speak. I know they have had an exchange of questions. I need 3 or 4 minutes, if I may, and I will use my leader time for that purpose.

I enjoyed Senator NICKLES' remarks, and I associate myself with them. I agree with him, and I certainly hope we can prevail in not adding this amendment to this legislation. It would be a further blow to the legislation that has certain problems now. We need to get the trade legislation done and not further encumber it with other issues such as this one. One can argue about the steel legacy costs one way or the other, and I am sure we could get a pretty good debate here. I personally think we should not go down that trail, certainly not on this legislation.

QUIETING TERRORISM RHETORIC

Mr. LOTT. Mr. President, I did not intend to use my leader time for any purpose today other than to honor a true American hero: Ronald Reagan. We just had a fantastic ceremony in the Rotunda of the Capitol presenting Mrs. Reagan the Congressional Gold Medal for President Reagan and for Nancy Reagan. It was a beautiful ceremony attended by Republicans and Democrats. I think we all agree that he was an unusual President and a great President. He did make us proud again. Democrats were there, and they said, while we may not agree with him philosophically, we agree that he did a great number of good things during his time as President, and I am glad we honored him and Mrs. Reagan this afternoon.

President Reagan lifted our country when we had a lot of despair, morale was low, and freedom was kind of under attack. He banished that. He rose above it. He made us proud again, and he led the way in getting rid of the ''blame America first'' crowd. He said: That is poisoning the American spirit; let's not do that.

Much to my outrage today, I have heard a chorus reminding me of that ''blame America first'' that I thought President Reagan had helped us put on the ash heap of history and get rid of once and for all. I think there is nothing more despicable—and that is a tame word compared to what I really feel—in American politics than for someone to insinuate the President of the United States knew that an attack on our country was imminent and did nothing to stop it.

Now, there is a lot of revisionist history, people insinuating that President Roosevelt knew about Pearl Harbor. I do not know all the facts of what went on then, but I do not believe that. I would never believe that. I have to say, does anybody really think that this President, or any President of either party, at any time, would know that we were going to be attacked and not take necessary actions to try to deal with it? I do not believe the American people really think that. I know it is not accurate.

The President, Members of Congress, the Intelligence Committee, leadership, we get threat assessments daily. They come in every day, and they get to be pretty depressing if you get to reading them. When getting the briefings every day, you have to assess them: Are they serious, not serious? Should we take actions? Do we put out a notice? What do we do with them?

I get nervous that we put too much in the press. We tell the terrorists, who

may not have an idea of where we are vulnerable: Oh, by the way, why don't you try this?

Why don't you come after our ports? I worry a tramp steamer will come into the Port of Baltimore loaded with explosives and blow half of Baltimore away. I worry about my hometown. These are serious threats. We have a lot of work to do.

I have an expectation that we need to ask our law enforcement agencies—the INS, the Customs Service, the FBI, the CIA—how did this happen? Why didn't we know more? Should we have gone to a higher alert? CIA, were you talking to the FBI? We found out we had laws that made it hard for that to happen. We have taken action to make sure they hand off and communicate and use each other's resources.

I have no doubt in my mind the FBI needs a lot of reform. I don't think they are up to date with technology and other problems. But Director Mueller is trying to correct that. Maybe they knew something in Phoenix they didn't know in Washington. Is there a way to integrate everything?

A couple of days ago, the Director said we will have a superoffice to bring in this information and make sure we look at it all and see if there is a pattern.

I think we should ask questions. We have an Intelligence Committee, House and Senate, meeting; Senator GRAHAM, Senator SHELBY, and the House side will get into this. By the way, I think the FBI and CIA should not delay turning over information. They should cooperate. It should not be about blaming someone.

We could say it goes back to the Church Commission in the 1970s. That is when we did damage to the intelligence communities. Or it was during the Clinton administration. The important thing is not how we get there, but what we are going to do. What are we doing about it today? What actions do we take to make sure the intelligence information is properly accumulated and evaluated and we can take action?

Someone deserves a medal for the fact we have not been hit again since September 11. I have been worried thinking something was going to happen. Why hasn't it happened? Because the INS and the Justice Department, the FBI, picked up people. They have taken certain threats seriously. They picked up mules delivering information. Probably there are commendations in order for the last 6 months, but I am worried about what will happen next. It could happen tomorrow. Then we will say it was the Bush administration, when we need to put more resources into it. We need to help our first responders.

The Intelligence Committee voted to add $1 billion to the intelligence funding. We are still exposed. When we have terrorists, suicide bombers as in Israel, willing to blow themselves up to kill innocent men, women, and children, it is hard to prevent it. When we hear the noise and daily threat assessments, it is worse, and we do not know which should be taken seriously.

To talk as if our enemy is George W. Bush instead of Osama bin Laden is not right. We get partisan and political sometimes around here talking about a delayed bill or stimulus bill, but in the fight against terrorism we have risen above that, for the most part.

Congressman GEPHARDT said yesterday, this has to be bipartisan, nonpartisan. I am disturbed by this attack today that I think is uncalled for. It is very malicious in its sound. I hope we will stop that. Let's not go down that course. Let's keep the pattern of working together. Let's not start impugning the motives of the President of the United States.

Was there anyone here that did not realize we were threatened a year ago by the possibility of an airliner being taken hostage? Hijacked? Who among us thought they might actually use it as a missile to fly into a building? I got a lot of briefings. Is it my fault? Should I have known more? We should knock down the rhetoric. Yes, it is a political season, an election year. But this is serious. We should not be doing this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

AMENDMENT NO. 3433

Mr. WELLSTONE. I will not take more than about 10 minutes. I said to my colleague from Oklahoma as he left, I wanted to respond to his comments. There will be more time for discussion later. What is at issue, the Senator from Oklahoma does not agree with the heart of the trade adjustment assistance package, and he has been clear about this. He does not like the fact that with the trade adjustment assistance we are now going to help people who are out of work, cover health care costs.

People were saying: We are out of work. The COBRA monthly payments could be $700, maybe $900 a month, and they cannot afford it, they are out of work.

I heard the Republican whip say this was like the road to socialism. The ideological objection is in the trade adjustment package we are actually going to provide some help for people to be able to afford health care costs. That is a good part of his indignation. He goes on to say we are extending it to steelworkers.

That is true. We are talking about people who have bled for an industry and have been abandoned by trade policies for the last 30 years, including the taconite workers on the Iron Range.

This small, modest amendment says, for 1 year, let's include these retired workers, whose companies, such as LTV, have declared bankruptcy as a result of Government abandonment and neglect, and who are now under very hard times through no fault of their own. We should at least for 1 year pick up the health care benefits of the retirees because the companies have walked away.

There is a window, all together, 4 years to pick up, if other companies go under; a 1-year bridge for people who are terrified they now are going to incur all the health care costs that they never dreamed they would ever be faced with as they planned the later years of their life.

My colleague has trouble with the numbers. Last week, the administration came out and said it would be $800 million in 1 year, and now we have, from the Joint Tax Committee, $180 million over 10 years.

My colleague from Oklahoma says: Why should we be spending this kind of money? We are helping people. This is the road to socialism. We are helping people. If we help these people, there might be other help for other people on health care benefits.

Maybe someday we will have universal health care coverage, health security for all. Most citizens in the country want that.

I say one thing to the Senator from Oklahoma—and I am sure we will pick up on this debate tomorrow—any day of the year I will stake my political reputation, being a Senator from Minnesota on $180 million over 10 years to help steelworker retirees, people who have given a lot of blood, sweat, and tears to our country over $108 billion—I didn't say $180 million—$108 billion to do away with the estate tax, with the vast majority of the dollars going to millionaires.

Those are the priorities we have here. I hear my colleague say: By gosh, we don't have the money. We are running into budget problems and the question of the deficit. Vote for tax cuts; Robin Hood in reverse; 40, 50 percent to the top 1 percent, and then eliminate the alternative minimum tax; more loopholes for multinationals. On the House side, do an energy bill of $32 billion; about two-thirds of the benefits going to energy companies, oil companies, that made $40 billion in profits; then talk about completely doing away with the estate tax. Give it all away. Then bleed the economy further of another $400, $500 or $600 billion over the second 10 years and then say: We don't have the money. We can't possibly help people who are out of work. We can't help the retired taconite workers. We can't help people who do not have any health care coverage. We can't help senior citizens on prescription drug benefits.

I heard my colleague say we should do that together. Yes, we should. But you watch and see what it is going to be. What I hear so far coming from Republicans is: We will help only those who are low income; we will not help the other 75 percent of senior citizens; and/or: The premiums will be too high, or the copays will be too high, or the deductibles will be too high, or it will

not be catastrophic coverage. And they will say we cannot afford to do it and we cannot afford to provide help for education for our schools, for our kids in Minnesota or anywhere in the country. Each time, it is the same argument: We do not have the money.

Here is what is going on tonight. You basically do tax cuts so you don't have the resources, and then you come out and say we don't have any money. Then you come out and say you are opposed to this because it is the road to socialism because you don't like the trade adjustment assistance package because it provides some help for people who are out of work so they can afford health care coverage.

The most terrifying thing for people when they are out of work, next to losing the job, is they know, depending on their seniority, in 6 months or a year they are not going to have any health care coverage. That is one of the best things to this bill. We come up with a small amendment saying we represent steelworkers, taconite workers, and we have this crisis, and we have this industry that has been torn asunder as a result of horrible, horrendous trade policies.

People who bled for the industry, bled for the country, worked hard all their lives, now are terrified. They never thought these companies would declare bankruptcy and walk away from them. Can't we provide them with some help for 1 year?

You would think, from listening to my colleague from Oklahoma, this is just about the most irresponsible, horrible thing that could ever be done on the floor of the Senate. I disagree. I think it is a good thing to help hard-working people. I think it is a good thing to help families. I think it is a good thing to help retirees who now no longer have their health care benefits because the steel companies, the LTVs of this world, have declared bankruptcy and have walked away from them.

I think it is a good thing to have trade adjustment assistance. I think it is a good thing that it is more generous. I think it is a good thing to help people who are flat on their backs through no fault of their own, not because they are slackers or lazy or don't want to work—just the opposite. I think it is a really good thing. I think this should be what our priorities are about. I think it is all about values. I think it is all about helping people.

So I beg to disagree with the Senator from Oklahoma. He has a passion for his point of view. I have passion for my point of view. He argues his case well. I give him full credit. I think it is important that people do that. But any day of the year—any day of the year—I would rather be out here for taconite workers on the Iron Range, as would the Presiding Officer, Senator DAYTON. Any day in the year, I would rather be out here talking about health care benefits and prescription drug benefits, affordable housing, education—and, yes, we have a difference of opinion.

I am sorry my colleague from Oklahoma is not here right now. We will debate it more. I will never say this in a shrill way. I think my colleague from Oklahoma—listening to what he said—states his ideological position. And I don't mean that in a bad way. That is to say he has a set of beliefs which basically say that when it comes to many pressing issues of people's lives, there is not much that government can or should do. I think that is what his position is.

That is not my position. I think this philosophy when it comes to the most pressing issues of people's lives—and we are talking about a very pressing issue for retired taconite workers on the Iron Range, and for retired steelworkers, that there is nothing the Government can or should do—I think it works well when you own your own large corporation and when you are wealthy, but it does not work well for the majority of people in the country.

So I think it is a very good thing we are doing here. I hope we will get support against what is an effort to filibuster this amendment.

Again, I finish tonight because we are going to debate on another bill and this amendment will be out here until Tuesday. Frankly, steelworkers, I will tell you what. Union people, workers, other neighbors, families, hard-working people, people who believe that something ought to be done to help people who are really hurting right now, you are going to need to be in touch with Senators because right now we have a majority of votes but they are filibustering this amendment. They do not want this amendment to pass. I think in the next several days there will be a very important debate, and I hope we will have strong support from our colleagues.

I am delighted there are Republican Senators who are supporting this amendment. Frankly, I think—I hope and pray—almost every single Democratic is supporting this amendment. I think it is very consistent with what Democrats believe.

Maybe that is what this debate is about. Maybe it is just a good, honest difference of opinion between Democrats and Republicans. We believe there is a role for government to provide help for people. We believe it is a good thing to do. Government can play a positive role.

This is 1 year, and, God knows, Senator MIKULSKI was saying we have an identification and connection to people here and we are not going to let up on it.

So I have spoken my piece in response to what the Senator from Oklahoma said. I know there will be more debate and discussion. I know there are Republicans who support this amendment. We are dealing with a filibuster in an effort to block this. We have a majority vote, Senator MIKULSKI, I believe, but now we have to continue to work hard, and I think working families all across the country are going to have to be heard from over the next several days. I believe that will help.

I yield the floor.

Ms. MIKULSKI. Mr. President, before he leaves the floor, I congratulate the Senator from Minnesota. I thank him for his passion. I thank him for his persistence. I thank him for his eloquence on this issue and others on behalf of people from his own State and all over our country who feel pretty powerless. They feel powerless because of forces outside of their control, such as unfair trade practices. We thank you for speaking up about this. I look forward to our continued debate.

Mr. WELLSTONE. Mr. President, I thank the Senator from Maryland and tell her there is nothing I am more proud of than to be on the floor doing this amendment with the Senator from Maryland and Senator ROCKEFELLER and Senator STABENOW and the Presiding Officer, Senator DAYTON, Senator SPECTER, and others.

Ms. MIKULSKI. We know there is an important debate on NATO, so we are not going to continue this discussion until later on, over the weekend.

Mr. REID. Will the Senator yield?

Ms. MIKULSKI. Yes.

Mr. REID. I wanted to get your attention and that of the Senator from Minnesota before he leaves. I have watched this debate all day. Of course, I have listened to these Senators many times off the floor, both of them, as it relates to steelworkers. I would say the same thing on behalf of Senator ROCKEFELLER.

We do not make steel in Nevada. We have some retired steelworkers in Nevada who have conversed with me, and this issue is important to them. But I want everyone within the sound of my voice to understand how the people of Maryland, West Virginia, and Minnesota should feel about the advocacy of these three Senators on this issue.

I haven't been in Congress as long as the Senator from Maryland, but I have been in Congress a long time. I have not seen the passion on an issue, that I can recall, that I have seen on this issue with these Senators. If these three Senators are not true believers on this issue, they do not exist on any issue in the world.

I cannot say enough: I support what you want 105 percent. You have made a case so clear that I cannot imagine that people would in any way want to stop these steelworkers from getting what they are entitled to—what I believe they are entitled to. They went to work for these companies in good faith. I think they should get what they deserve.

I just didn't want these two Senators to leave—I am sorry Senator ROCKEFELLER is not here—without speaking for virtually every Democratic Senator and a few Republican Senators who are supporting us on this issue: I think it is too bad there is a filibuster.

I think it is too bad. I hear all the time—I spend a lot of time on this floor—''give us an up-or-down vote.''

That is what we want, an up-or-down vote. That is what we want on this issue.

Let's come out here. They are always saying: Let us have a vote. I want to have a vote on this. I would like to test this to see how many votes we can get. I think it is too bad we are going to be forced to try to get 60 votes. And I think, for the work that has been done on this issue, it is too bad.

But I hope with the time that goes by, that by next week people in these States will rise up and say: You better vote for this. I am not counting out, by one second, the fact that we can't get 60 votes. I think we can.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I thank the Senator from Nevada for not only his kind but encouraging words. You see, I agree with him.

The PRESIDING OFFICER. The Senator will please suspend.

Anyone else who wants to have a conversation, leave the floor. The Senator from Maryland has the floor.

The Senator from Maryland.

Ms. MIKULSKI. Thank you very much, Mr. President.

Again, I know Senator BIDEN is bringing a very important NATO debate here, and I do not want to delay it.

What concerns me about our amendment is that we are not going to get an up-and-down vote. It is going to be hidden behind parliamentary procedures. We thank Senator NICKLES for coming and at least engaging in an honest set of questions with us. They were questions worthy of debate: How much does it cost? Is a 35-year-old eligible? All those questions.

But to have an empty Chamber, to threaten a filibuster, and not even come here and talk, and then, again, hide behind a filibuster, where we have to get cloture, and go through so many hoops, I think the discussion of trade is important, I think our amendment is a critical one, but let's have it, and get rid of all this hiding behind parliamentary maneuvers that require 60 votes.

So we really ask our colleagues who agree with us to come to the floor. And for those who don't, let's just have it out. We respect them. We respect their opinions. We think ours are the best. We hope we prevail. We think the Senate way, the American way is, let's just come and let the majority prevail and not need a supermajority to overcome a parliamentary obstacle. Let's have a majority vote on a policy issue.

I thank the Chair and look forward to continuing this conversation later on.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank both Senators.

I say to the majority whip, Senator REID, that the thing I like best about his comments—and I appreciated them all—is that I, too, think we can get to 60. That is now what we have to do because there is an effort to filibuster this bill. But we are going to do everything we can.

There are a lot of working families who are going to be heard from over the next several days. And that is what we are going to do. I appreciate so much what he said. We have the majority.

Now we have to deal with an effort to block this with a filibuster. There will be more debate and more discussion. Believe me, this is going to go on for some time.

I know we are going to move on to other important legislation for tonight.

Mr. President, I yield the floor.

COMMENDING THE PRESIDING OFFICER

Mr. REID. I would just comment, I appreciate very much your presiding. You have done such a great job upon coming to the Senate and presiding. You make sure that the Senate has the dignity that it is supposed to have. And I know you were taught by Senator BYRD. And he is the best teacher we have for Senate procedures.

I personally appreciate your action taken just a few minutes ago. And everyone should understand, the Senator from Minnesota is bipartisan in keeping this place quiet. Whether it is a Democratic Senator or a Republican Senator, Republican staff member or Democratic staff member, you treat them equally. I appreciate that very much. And I speak for all Senators.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, now that the debate has concluded—and under the previous order, it indicates that when the last vote occurred, we would move to the NATO matter—I ask the Chair to call it up.

GERALD B.H. SOLOMON FREEDOM CONSOLIDATION ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Calendar No. 282, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 3167) to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

Mr. REID. Mr. President, I ask unanimous consent that the quorum call that I will suggest in just a moment not be charged against the bill. There is 2½ hours. It is not to be charged.

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

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

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. BIDEN. Mr. President, may I ask what the business before the Senate is?

The PRESIDING OFFICER. It is H.R. 3167.

Mr. BIDEN. Mr. President, I rise today to support H.R. 3167, the Gerald B.H. Solomon Freedom Consolidation Act of 2001. This bill adds Slovakia to the countries eligible to receive assistance under the NATO Participation Act of 1994 and authorizes a total of $55.5 million in foreign military financing under the Arms Export Control Act to seven countries—Estonia, Latvia, Lithuania, Slovakia, Slovenia, Bulgaria, and Romania.

This bill is a symbolic one. It authorizes funds that have already been appropriated, repackages them in order to highlight the ongoing process of NATO enlargement. Symbolism, however, in this case matters. Millions of central Europeans and east Europeans, and millions of Americans of central and eastern European descent, will welcome this restatement of NATO's so-called open-door policy—the policy of the Clinton administration and which had been continued by the current Bush administration.

At the end of March, Prime Ministers and Presidents of all the NATO candidate countries, plus several leaders from current alliance members, met in Bucharest, Romania, to discuss the next round of NATO enlargement. Deputy Secretary of State Armitage led a high-level U.S. delegation to the meeting, which was characterized by a spirit of cooperation among the aspirant countries, many of which had been ancient rivals, which itself validated the process of enlargement, in my view.

Parenthetically—I note that I have said before—even if the expansion of NATO in the last round did not materially impact upon the capacity of NATO and security of Europe, it did one incredibly important thing: Each of the aspirant countries, in order to be admitted to NATO, had to settle serious border disputes that existed; had to make sure their militaries were under civilian control; had to make sure they dealt with, in some cases, decades-old open sores within their society in order to demonstrate that they were part of the values, as well as the capacity, of NATO; that they shared the values of the West.

I would argue that much of this would not have happened were it not for the aspirant countries seeking so desperately to become part of NATO. I think that, in and of itself, would be rationale enough to move. Much more than that has occurred.

Four years ago, I had the honor of floor managing the resolution of ratification of an amendment to the Washington Treaty of 1949 whereby Poland, Hungary, and the Czech Republic were admitted to membership in NATO. On the night of April 30, 1998, in a dramatic rollcall vote in this Chamber,

the resolution passed by a vote of 80 to 19.

In November of this year, there will be an important NATO summit meeting in the ancient Czech capital of Prague. Several fundamental issues will be on the agenda in Prague, among them charting a new course for the alliance in the aftermath of September 11 and the antiterrorist campaign in Afghanistan, a qualitatively new relationship between NATO and Russia and a new round of enlargement of NATO.

Last spring, NATO publicly declared that there would be no ''zero option'' for enlargement at Prague. Translated from diplo-speak, this means the alliance anticipates there will be at least one candidate country qualified for membership at Prague, and that country, and probably others, will be extended an invitation to join NATO.

I have stated many times, including in the last round, that Slovenia has been qualified for NATO membership for several years and should have been invited to join the alliance as early as at the 1997 Madrid summit or at least at the 1999 Washington summit.

My strong suspicion is that several other countries will be judged qualified for membership as well, but naming names at this time I think would be premature. Later this year, the alliance will evaluate how well each candidate country has fulfilled its so-called membership action plan and, equally important, will judge the strength of its democratic institutions and society. By late summer, the list of qualified aspirant countries should become much clearer than it is today.

Meanwhile, this legislation wisely authorizes military assistance to all seven of the candidate countries generally judged to be in the running at this time and thereby sidesteps the pitfall of prematurely designating those to be invited.

It seems to me this is not the time for lengthy debate on the merits of the next round of NATO enlargement. There will be ample opportunity for a thorough debate after candidates have been invited and their credentials submitted for ratification to the parliaments of the current 19 members of the alliance, including us.

The rationale for enlargement, in my view, remains as valid as it was 4 years ago when this body overwhelmingly ratified the entry of Poland, Hungary, and the Czech Republic. NATO enlargement significantly furthers the process of moving the zone of stability eastward in Europe, thereby hastening the day when the continent will be truly whole and free.

The three new members of NATO have made major contributions to the alliance campaigns in Bosnia and Kosovo and lately in the war against terrorism. Contrary to occasional sensational articles in the press, they are loyal, democratic allies contributing to the security of the North Atlantic area.

Finally, NATO enlargement, contrary to the gloomy predictions of some pundits and some Members of this body, has not worsened our ties with Russia.

A man I admire as much as any and with whom I served in the Senate, the distinguished former Senator from the State of New York, Patrick Moynihan—I hardly disagree with him on foreign policy. The one time we had a serious discussion and debate was on this issue. He was opposed to NATO enlargement. The basis for his rationale for being opposed to enlargement was that this would significantly damage bilateral relations with Russia at the time we needed to nurture that relationship.

I argue—not that I was right—that the end result in 2002, after enlargement—I am not saying because of enlargement—the relationship between the United States and Russia is better than it was before enlargement, and it is as good as it has been since the last czar was in control in Russia. We have a leader in Russia now, who, for his own reasons—and I am not offering him as a Jeffersonian Democrat—is leading his nation to an open democracy. I suggest that not since Peter the Great has any Russian leader looked as far west as this man has and cast his lot with the West as much as he has.

The predictions of doom and gloom relative to the relationship, for whatever reasons, have not turned out to be true. On the contrary, earlier this week, on May 14 at the NATO ministerial meeting in Reykjavik, Iceland, the alliance and Russia put their relationship on an unprecedented cooperative basis for creating a new NATO-Russia Council to deal with a variety of security issues.

The Bush administration strongly supports this Freedom Consolidation Act. In a joint letter to me on May 7, Secretary of State Powell and Secretary of Defense Rumsfeld wrote that the bill would ''reinforce our nation's commitment to the achievement of freedom, peace, and security in Europe . . . [and] would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threats to our common security.''

Mr. President, I have no doubt that sometime next year this body will ratify the further enlargement of NATO by an overwhelming vote. For now, I urge my colleagues to join me in voting for the Freedom Consolidation Act as a symbolic gesture to support this so-called open-door policy that has served the alliance and this country so well.

As I said, there will be time for us to debate whether or not the aspirant countries that are picked in Prague should or should not be the ones that are picked. I am sure we will have some disagreement in this Chamber about that. This is not to pick winners and losers. This is picking the aspirant countries that are known to everyone to have the most reasonable prospect of being issued an invitation to better situate themselves in meeting the criteria to be offered that membership.

I look forward to discussion on this issue. I do not know there is all that much to discuss right now, but I look forward to discussion of this issue and to being in the Chamber with my two friends who are here to hopefully usher in a new round of members in the NATO enlargement scheme that will take place later in the year.

I yield the floor.

The PRESIDING OFFICER. Senator WARNER is recognized.

Mr. WARNER. Mr. President, I have under my control as one in opposition to this measure how much time?

The PRESIDING OFFICER. The Senator has 90 minutes.

Mr. WARNER. And my colleagues have an equal amount, I presume.

The PRESIDING OFFICER. They began with 60 minutes.

Mr. BIDEN. If the Senator will yield, how much time does the Senator from Delaware have under his control?

The PRESIDING OFFICER. The Senator from Delaware has 49 minutes remaining.

Mr. BIDEN. If the Senator will continue to yield for just a moment, unless responding to questions, I do not plan on taking any more time. I am happy to yield the remainder of the time to Senator LUGAR and other Senators. I am told Senator DURBIN and others may want to speak.

For the information of my colleagues, I do not plan, other than responding to questions if my good friend from Virginia has any, on using any more time. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I thank the Presiding Officer.

Mr. President, I have notified several colleagues who have expressed an interest in utilizing some of the time in opposition. I wish to enter into a colloquy. I must say, in my years in the Senate, I do not know of anyone I enjoy having a colloquy with more than my great friend from Delaware. I hope he does not disappoint us tonight, but just a little rise in temperature at some point as we go along.

Mr. BIDEN. Mr. President, I am sure my temperature will not rise as long as my good friend from Virginia continues to be the gentleman he always is.

Mr. WARNER. I thank my colleague. I see my other dear friend from Indiana. There is no one in this Senate whom I admire more than my dear friend. I regret we have some differences on this issue.

First, I ask unanimous consent to print in this RECORD a letter addressed to me from Secretary of State Colin L. Powell, jointly signed by Secretary of Defense Donald H. Rumsfeld, in which they support, on behalf of the President, the measure before the Senate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 7, 2002.

Hon. JOHN W. WARNER,
Committee on Armed Services,
U.S. Senate.

DEAR SENATOR WARNER: The Administration strongly supports. S. 1572, the Freedom Consolidation Act. This bill, which reinforces the efforts of European democracies preparing themselves for the responsibilities of NATO membership, will enhance U.S. national security and advance vital American interests in a strengthened and enlarged Alliance.

Speaking in Warsaw last June, President Bush said that ''Yalta did not ratify a natural divide, it divided a living civilization.'' From the day the Iron Curtain descended across Europe, our consistent bipartisan committee has been to overcome this division and build a Europe whole, free, and at peace. The 1997 Alliance decision to admit Poland, Hungary, and the Czech Republic brought us a step closer to this vision.

Later this year at NATO's Summit in Prague, we will have an opportunity to take a further historic step: to welcome those of Europe's democracies, that are ready and able to contribute to Euro-Atlantic security, into the strongest Alliance the world has known. As the President said in Warsaw, ''As we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.''

We believe that this bill, which builds on previous Congressional acts supportive of enlargement, would reinforce our nation's commitment to the achievement of freedom, peace, and security in Europe. Passage of the Freedom Consolidation Act would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threats to our common security.

We hope we can count on your support for this bill, and look forward to working closely with you in the months ahead as we prepare to make historic decisions at Prague.

Sincerely,

DONALD H. RUMSFELD,
Secretary of Defense.
COLIN L. POWELL,
Secretary of State.

Mr. WARNER. Mr. President, if I can get my colleague's attention, this debate we are having tonight arose because last fall in December, as our Chamber was quite properly moving towards closing down—the Christmas season was upon us—I discovered we were about to authorize $55.5 million to seven nations without a moment's debate.

The time was not there to have that debate. So I objected.

I do not object to the money proceeding to these seven nations. I have supported it in years before. I support the flow of money. My concern, I say to my colleague from Delaware, is the rhetoric in which that money is wrapped in this resolution.

Mr. BIDEN. Excuse me?

Mr. WARNER. The rhetoric, the verbiage, that is in the House measure. We are about to adopt the House measure, if my understanding is correct.

Mr. BIDEN. Mr. President, I believe that is correct.

Mr. WARNER. It is in honor of a very valued former colleague of the Congress whom I respect. All of that to one side, I believe the rhetoric as written and as framed could send the wrong message. That is the sole reason I am here tonight, because if we were to separate the money from the rhetoric, or portions of the rhetoric—and this, of course, is not open to amendment—I would be voting with the Senator. So it is the verbiage that surrounds this.

I will ask my friend from Delaware a question or two. I am not entirely sure, procedurally, what it is we are going to achieve by this vote because the money has already been appropriated. Even though the Senator from Virginia stopped the authorization, as we know that does not necessarily stop the appropriators. I share a good laugh with my colleague because they are a law unto themselves.

This magnificent Senate is predicated on the rules that we have the authorizing committee, of which my colleague from Delaware is the chairman—I am the ranking on the Armed Services Committee—and we authorize. The appropriators then agree or disagree with regard to the amounts of money, but in this case, as they have done in others, they went ahead and appropriated the funds. So in a sense, we are talking about a hollow victory tonight, but I direct my attention, once again, to the rhetoric.

My friend from Delaware said the open-door policy, but I go to the letter from the Secretaries of State and Defense which says the following:

> Later this year at the NATO summit in Prague we will have an opportunity to take a further historic step to welcome those of Europe's democracies that are ready and able to contribute to Euro-Atlantic security into the strongest alliance the world has ever known.

I agree with that. I am not opposed to any further enlargement, but I do not subscribe to this concept of open door. I say to the distinguished chairman, at what point does the Senate have the opportunity to make an assessment as to what each of these countries bring, so to speak, to the table? How well prepared are they?

What we are doing is saying to the American taxpayer, and we are saying to the men and women of the Armed Forces of the United States, an attack against one is an attack against all. Such new members as we may admit, what do they bring to the table to participate in, first, deterring an attack, and then, if necessary, repelling that attack? Do they bring sufficient to hold their own, or is there going to be an increased dependency, I say to my two good friends, on the American military?

In Kosovo, over 70 percent of the airlift was U.S. Approximately 50 percent of the combat missions in bringing ordnance from air to ground were U.S. Now, that is disproportionate. At another time—I am not going to belabor this tonight, but if one looks at the NATO budgets, they are not all increasing, as our President is increasing, by 44-plus billion dollars, a bill for the American taxpayers, our budget, to strengthen our military.

I say to my colleagues, they cannot point out one single NATO country that proportionately is increasing their military budget as great as ours. So my question to my friend—he used the phrase ''open-door policy,'' but I presume he subscribes to what is in the Secretary's letter; namely, ''that are ready and able to contribute to security.'' Am I correct in that analysis?

Mr. BIDEN. If the Senator will yield for me to answer, the answer is: The Senator is correct in his analysis as it relates to what the Secretary said.

Let me speak to the first question, as I understood the specific question: When will the Senate get an opportunity to ascertain whether or not the countries chosen to be invited to become members of NATO are worthy of invitation and membership, and to answer indirectly the question, able to contribute to our mutual security?

The answer is: We will do that at the time of the ratification debate. In the meantime, as my friend pointed out, the money has already been appropriated. The money is already going to these aspirant countries. I think it should have gone by the authorization process, and then the appropriations process. That is why I was smiling.

We share a similar fate in armed services and foreign relations, more in foreign relations, quite frankly, than armed services, where the appropriators move in the absence of our moving.

Let me be more specific. I argue that, even if not a single state that was, in fact, the recipient of any of this money, was invited to join NATO, it is in our interest that the money goes because the money is going for those aspirant countries to meet criteria we have set out, that we believe to be in the U.S. interest. It is in the U.S. interest that every one of the militaries in aspirant countries is under civilian control. It is in the U.S. interest that they have participatory democracies. It is in the U.S. interest they have no border disputes with their neighbors. It is also in the European interest.

So even if not a single aspirant country meets the criteria that must be met, as cited by the Senator from Virginia quoting the Secretary of Defense, it is money well spent.

The second reason we are doing this now is that it is important, in my view, to continue to display to these European aspirants that we are serious about considering them. What I do not want to see happen is us saying, well, we know only one of you are going to get in, and the other six say, well, what am I doing this for? Why am I making this effort? Why am I engaged in this? I want them to know we are serious about this. So even though the money is going forward, you say, well, they already know we are serious. We have already sent the money. It is being spent; it is being used. This authorization—which is putting, as my grandpop used to say, the sleigh before the horse—demonstrates to these folks that, if and

when the President of the United States and NATO pick aspirants to join and the President sends the treaty up for amendment to the Senate, we are serious about it as well.

This is not a game. This is not a game in our separation of powers—most countries do not have the same system as we have. We confuse people a little bit because they have a parliamentary system. We have an executive branch and a legislative branch and never the twain shall meet, and constitutionally you have to get both of our approval. Notwithstanding the fact that the President may say we want to see Slovakia or Slovenia or whomever to join NATO, that is not good enough. It has to have a supermajority of the Senate saying yes as well. This legislation is an authorization after the fact.

I promise there is not a single solitary ambassador representing any one of the countries who does not have C–SPAN on now listening to us. They know it doesn't mean much now. This is not going to resolve anything tonight, tomorrow, or next month, until the meeting in Prague, and it may not resolve anything then.

This is to send the signal that we are serious, we mean it. You go out and do the things that are necessary to meet the criteria set out by the President, and the additional requirements, and we will seriously consider you. We are in the game with the President.

The third point is the issue of whether or not these aspirant countries, if invited by 19 members of NATO to become a member of NATO, the question is, will they contribute to the security of the United States of America? Or will they be, as my friend implies or states—I don't want to put words in his mouth—a drag on our military?

He cites Kosovo. It is true what my friend cites about the percentage of the airlift, the percentage of the air missions, the percentage of the munitions used, et cetera. But I also point out only 10 percent of those forces that remain in Kosovo are American forces. Mr. President, 85 percent are European and other willing nations there, keeping the peace. And I might add that if we do something too well, it is taken for granted and we forget what we did in the first place.

I remind my friend that before we got into Kosovo, before we went to Bosnia, there were over a quarter million people killed, women and children. There were close to half a million people in the hills, freezing in the middle of the winter and we worried about them freezing. Every European capital was on edge worrying about immigration flows. It started this xenophobia about minority portions of the populations of Germany, France, and other countries.

It is in our interest that there be a stable Europe. It is in our interest that a LePen is not getting 50 percent of the vote instead of 15 percent of the vote. It is in our interest that the skinheads in Germany do not become a morph of the neo-Nazi organizations that impact German policy. They have not. But I believe had another million people flowed out of the Balkans into those capitals, it would have further destabilized the political circumstance.

It is true that no nation, none of our NATO allies, have kept their commitment to expand their military capability as we have. None have. He is absolutely right. Where does our interest lie?

A number of our colleagues very much want to see us move into Iraq. It would be very useful if Bulgaria were part of NATO. We don't have to worry about overflight rights. They are part of NATO. We do not have to worry about a little thing like we worry about with our fickle Saudi friends as to whether they allow us to use an airbase we built for them and their protection. So I argue when we were trying to deal with this situation in Kosovo, Hungary became a valued ally.

The issue for me is not so much that I think any aspirant country is going to be able to be the one man for a U.S. Air Force stealth aircraft moving on a precision-guided mission against an enemy. That will not happen. If the measure is, can they keep up with our technological capability, the answer is that none of the countries will ever qualify. I might add that some of our greatest and oldest allies may not qualify.

Conversely, though, if the measure is, does their membership in NATO lend an additional capacity that impacts positively on U.S. interests, and they pay their way, then the answer to that question is, yes, they should be a part of NATO. That is a debate I am sure my friend and I will have when the President of the United States, if he does, comes back from Prague and says, I am sending up to Senator WARNER and company an amendment to the Washington treaty asking for the following—1, or 7, or whatever—nations to become part of NATO. He will because he is so diligent and so knowledgeable about the U.S. military and military matters. I know him too well. And he should do this. We are lucky to have someone who will have the ability to do this.

And then we will debate whether or not they warrant membership. What does Slovenia bring? What does so and so bring? That is the moment when that debate will take place.

I yield the floor.

Mr. WARNER. I say to my good friend, and then I hope our good colleague from Indiana will join, I can see that day. It will be beautifully embossed, a document on every desk. Do you think the Senate in that period of time, in that debate, will turn down one of those countries?

That is the flaw in this process which eventually I will point out in my direct statement. We are going to be handed a fait accompli. We will not have had the opportunity, unless your committee or mine—and I shall press in my committee—have some advance hearings on the likely nominee countries and using the criteria in the Secretary of State's letter ''ready and able to contribute to security.''

That is what we should be doing, not waiting until that resolution comes up. That is an obligation. We have so much invested in NATO. It is a treaty that has worked beyond expectation. I remember on the 50th anniversary engaging in that marvelous debate we had in the Senate, extolling the virtues of this treaty.

What I am trying to do is to preserve it so it remains strong and any nation that comes in is able, willing, and ready to pick up its share of the load and carry it and not be dependent, as we saw in Kosovo, upon the good old USA, its service persons, and its taxpayers.

Some Members around here with gray hair remember things. Do you remember the Libya operation? Did we get overflights of NATO countries in that operation? Go back and check it, Senator. Go back and check. NATO did not open its airspace for that operation. It was a vital operation at that time.

Do not say to this Chamber that by virtue of a nation joining NATO it will automatically open the skies, automatically open its borders. No, it will be the individual nations that make a decision. That Libya raid is the case in point.

I invite our colleagues, tell me, is it a fait accompli that we will be handed in November all the panoply, the ceremony, and this Chamber will get up and reject the Nation? I don't think it will happen that way.

Mr. BIDEN. Let me respond briefly and then yield to my friend from Indiana or whoever seeks the floor.

What I think we should be straight about here—I am not implying in any way the Senator from Virginia is not being straight—is that there is a growing school of thought that reflects the underlying view of my friend from Virginia—and, I might add, is made up of some of the most seasoned Members of the Senate, some of whom are World War II veterans, men who have been strongly supportive of NATO in the past and of our military—who basically do not think NATO is worth much anymore.

The fact of the matter is, the indictment that the Senator paints is equally applicable to Britain, Germany, Spain, Italy—every NATO nation. Not the new guys. It was the old guys who did not let us have the overflight, remember?

Mr. WARNER. Yes.

Mr. BIDEN. The new guys are so gung ho being part of NATO, they would probably decide to give each of us citizenship if we asked for it. I am not at all worried about the new guys. I am worried about the old guys.

We should have a debate someday on the floor, unrelated to expansion, about the utility of NATO because, in

truth, many in the Defense Department and many—some on this floor—think we are misallocating our resources to NATO, period; unrelated to Kosovo, unrelated to anything else.

So I call everyone's attention to the subtext in this debate that really doesn't relate to new members. It relates to whether NATO has outlived its usefulness and whether we should be spending billions of dollars on NATO without any new members. It is a legitimate debate. I think it is dead wrong, but I think it is a legitimate debate.

With regard to the issue of whether there is a fait accompli when an embossed document ends up on our desk, I might point out that my friend from Virginia had no difficulty with an embossed document that was the single most important treaty in the minds of our NATO allies—no difficulty rejecting it. It was called the Comprehensive Test Ban Treaty. It did not slow you up a beat.

Mr. WARNER. Not only didn't it slow me up, it was our committee, not your committee, that held the hearings that adduced the facts and brought them to the floor of the Senate which resulted in the rejection of that treaty. Our committee did that work.

Mr. BIDEN. That may be. We can argue about that.

Mr. WARNER. It is a fact.

Mr. BIDEN. I don't doubt that. You were wrong then, you are wrong now. But that is irrelevant.

The point is this. I was responding to a specific assertion. The Senator said: How will this body ever reject something that is put on our desk that is embossed, that has worldwide publicity, that the whole world is looking at, that all of our European friends are seeing? How could we ever reject anything like that?

I point out that we have done that. We have no problem rejecting things in this place that we don't think we should do. I might add that we had multiple hearings in my committee—I don't remember, but I suspect also in my friend's committee, the Armed Services Committee. We had more than a dozen hearings before we voted on expansion, on whether or not the aspirant countries were qualified.

Some of us, I think including the Senator from Virginia, traveled to the aspirant countries, sat down with their leadership, sat down with their chiefs of staff, sat down with their military and parliamentary leaders, and looked at their books—literally, not figuratively.

I know I spent, with my colleague Dr. Haltzel, about 7 days doing that in the aspirant countries: Hungary, Poland, Slovenia and the Czech Republic. I spent that time as my other colleagues did.

So I have no worry that we are going to have time. I am responding to the point made by the Senator, which is: Hey, look, this is a fait accompli. We are getting set up here. You guys passed this; you authorized this in addition to the money already going. What is going to happen here is we are going to come bouncing along and on December 9, or next January 14, or whatever date, we are going to have an embossed treaty, and it is going to be done, and there is not going to be any real debate, and it is going to be all over.

I would say the past is prologue. The Foreign Relations Committee published a 550-page report on the last round of NATO enlargement. It contained the transcript of the hearings, a lengthy report on the trip that I took to Russia, Poland, the Czech Republic, Hungary, Slovenia, and many other reports. I do not remember—I do not want to state something I am not certain of—but I think the Armed Services Committee had hearings as well.

So there is going to be no doubt there will be hearings. If the Senator, in Armed Services—if they want to hold hearings, I think that is a fine thing; no problem. I think it is premature now to hold those hearings. We had 7 days of debate on the floor the last time on NATO enlargement.

I understand the concern of the Senator that we are going to, in effect, be presented with a fait accompli. Maybe his real worry is it is a fait accompli because he is a Republican and a Republican President would be submitting this. But I tell you, we Democrats are going to have no problem. We didn't have any problem with the last guy who submitted it, and my Republican friends had no problem when the last guy submitted it, a Democrat. I think it is an unfounded worry. If I believed the Senator was correct and the Senate is going to be put in a position of rubber-stamping or walking away, I would say you are right, Senator. But I see nothing from the past NATO enlargement round we went through, and I do not anticipate anything in this round, that will preclude a thorough investigation giving all 100 Members of the Senate and the American public an opportunity to make their own judgments about it, whether or not to accept the President's recommendation.

When I say President's recommendation, if he doesn't sign on in Prague to the expansion, then there is no expansion. All 18 other nations can sign on, it doesn't matter. If he says no—no. Done. Finished. So that is what I mean when I say the President's recommendation.

I have no doubt we are going to have an opportunity to fully explore this. My guess is—I make a prediction, which is a dangerous thing to do. The bulk of the debate on this floor will be why wasn't so-and-so included, as opposed to why did you include such-and-such country.

But that remains to be seen. The bottom line is—and I will yield the floor to whomever seeks it—the bottom line is that we will have plenty of opportunity to debate whether or not the named countries—if there are any named countries, and there will be, I believe—whether they warrant the supermajority of the Senate to say: Yes, you are now a member of NATO because you met all the criteria and including the paragraph read from the Secretary of Defense's letter.

I further state that the criticisms we can debate in other contexts that the Senator from Virginia raises about NATO aspirants are equally applicable to the original NATO members—that is a different story.

I yield the floor.

Mr. WARNER. Mr. President, just a short comment and then I hope others will engage in the debate.

If the Senators from Delaware and Indiana would be willing to just strip out a lot of rhetoric which causes me a problem—because I think for those who do not follow the key debate that we are having, and this is a good debate—I would simply say I would voice vote the authorization for this money and let's get on with it. But just take out this rhetoric which gives rise to expectations in all of these countries. That is my concern. It gives rise to it. Implicitly it says, by the Senate voting on this tomorrow: Oh, the Senate has now said this rhetoric is correct, that all nations should be this, and all nations desiring it—I think it can be misconstrued and misinterpreted.

If you want the money, sever the rhetoric and I will voice vote it tonight.

Mr. BIDEN. Mr. President, we have the votes to win this anyway, notwithstanding the fact I truly appreciate the Senator's generous offer. I would be happy to try to accommodate him if I could. You cannot amend this.

Mr. WARNER. That is by unanimous consent. We could amend it tomorrow.

Mr. BIDEN. The idea of us getting unanimous consent—he can seek unanimous consent. I imagine there are enough people—I don't think that is possible.

The bottom line is I understand the Senator. I do not have the same concerns with any of the rhetoric. The rhetoric of George Bush:

> [a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have . . . I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.

That is the most shining rhetoric in here. I am not prepared to support the withdrawal of the President's rhetoric from this legislation.

Mr. WARNER. Then I ask a question of my friend. I realize you have the votes. It is going to stay in, but at

least I make the gesture. But I say to my friend, other than the money, which I agree should flow, has flowed, been appropriated, to what does this bill commit the United States and the Congress?

Mr. BIDEN. Mr. President, it does not commit the United States and Congress to anything, except it communicates——

Mr. WARNER. That is an important statement, Mr. President.

Mr. BIDEN. It communicates to all of the European aspirants that if they meet the requirements in the eyes of the Senate, and if they are recommended by our President, we will seriously consider their admission to NATO. We, the U.S. Senate, if they meet what each of us individually thinks is the minimum criteria or the maximum criteria, we take it seriously. This is not just a gesture of sending you money to help you move toward democratization to modernize your military. We, like the President, mean it.

So if the Senator does not agree with—and I understand—the statement by President Bush, which I happen to agree with, which I fully respect, then he should not support this. I happen to agree with President Bush and the other, as the Senator says, ''rhetoric'' in this piece of legislation.

So all it commits the United States to is to say the same thing President Bush said: We believe that all of Europe should be open and free, and that we will consider NATO membership for all European democracies that seek it and are ready to seek the responsibility NATO brings. That is what it commits us to, and that is why I support this.

I thank my colleague.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I say, then, Mr. President, the purpose for my initiating this debate has been accomplished. I respect my President. I largely agree with him. But you have now stated your views, and I hope my colleague from Indiana will join you.

Beyond the authorization of these funds, this document does not commit us—this Senate, this Congress—to anything beyond the authorization of specific amounts of dollars. It is simply a statement with regard to the future.

I also received the assurances from my colleague that this body, through its committee hearings, and otherwise, will eventually be able to look at each country individually and their criteria by which eventually they can be judged as to become members or not.

I thank my colleague from Delaware.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senator from Virginia for the questions as well as the conclusions. I would simply succinctly join my colleague, the chairman of the Foreign Relations Committee, in saying that S. 1572, the legislation before us now, endorses the continued enlargement of the NATO alliance and assists potential members in meeting membership criteria. Very clearly, that leaves open the question of whether they meet the criteria, and who is selected, and when that occurs.

But the President of the United States, in his Warsaw speech, talked about enlargement. He talked about it, but he gave a grand vision. That was important.

Mr. President, before I commence my statement, I ask unanimous consent that Senator COCHRAN be added as a cosponsor of S. 1572.

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

The Senator from Indiana.

Mr. LUGAR. Mr. President, I rise today in support of the Freedom Consolidation Act of 2001 because I believe this legislation makes important contributions to the future of European security and trans-Atlantic relations by endorsing the continued enlargement of the NATO alliance and assisting potential members in meeting membership criteria.

Last year, President George Bush delivered a visionary speech in Warsaw Poland on NATO's future. He noted that ''all of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom.''

He went on to say that he believed ''. . . in NATO memberships for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings.'' And he concluded that ''we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.''

Some believe the United States-European relationship should be diminished. I can hardly imagine a more strategically shortsighted or dangerous policy shift by the United States or Europe. Such arguments ignore a basic fact: Europe and America are increasingly intertwined in security, economic, and cultural matters. The cold war may be over, but the security and welfare of America and Europe are closely linked. Our common goal must be to complete the building of a Europe whole and free in strong alliance with the United States of America. Now is not the time to discuss withdrawal. Now is the time to strengthen the NATO alliance. This legislation—the Freedom Consolidation Act—makes important and encouraging strides in that direction.

The last round of enlargement was a tremendous first step. The lines of Yalta have begun to recede. Central Europe is not only free but safe. And now, 10 years after the fall of the Berlin Wall, it is time to finish the job and make Europe whole and free. It is my belief that the continued enlargement of NATO is the best means to achieve this goal. President Bush has laid out such a vision and has committed the United States to its implementation.

I might add that a reason we are debating this issue at this late hour on a Thursday evening is that the President of the United States very much wants to have this legislation as he goes to a historic summit with President Putin of Russia and as he proceeds on to visits with European allies.

The President has not only given a visionary speech in Warsaw, he is about to embark upon an extraordinary trip on behalf of our security and our foreign policy. He has asked us to consider this legislation, and to pass it enthusiastically, to join our colleagues in the House in that endorsement.

Continued enlargement provides an opportunity for NATO to be proactive in shaping a stable security framework in Europe. Potential NATO membership has given countries the incentive to accelerate reforms, to peacefully settle disputes, and to increase cooperation. These hopes have been a tremendous driving force of democratization and peace. Those nations who have made the most progress should be rewarded with an invitation to join NATO. Such a move will ensure that NATO's aspirations will continue to spur reform and purge cold war ideologies and dividing lines.

While maintaining NATO's high standards, we should invite those nations ready to assume membership responsibilities and contribute to European stability and security to be a part of NATO.

If countries such as Slovenia and Slovakia stay the course, they would be among the strongest candidates. Given the importance of stabilizing southern Europe, I also believe we should invite Bulgaria and Romania. I am hopeful they will continue their remarkable progress and become strong members of the alliance.

The defining issue will be the Baltic States, Latvia, Lithuania, and Estonia. They are among the great success stories of Europe's post-Communist transition. Their illegal annexation by the former Soviet Union 60 years ago should not determine Western policy today. If the Baltic States continue to perform and meet our standards, we should bring them in, all of them, at the Prague summit.

I have addressed that issue, at least to give my personal views as a Senator, for the last year. I felt it was important, as the Senator from Virginia has pointed out in this debate, for us to consider individually each of these countries, to initiate that debate a long time before the Prague summit or even before the trip our President is to take to visit with President Putin.

As the distinguished chairman of the Foreign Relations Committee has pointed out, he has made a number of trips to Europe to visit not only with the aspirants in the first round of NATO enlargement but with the current group. I went to Europe last September for a similar purpose. I made it a point to visit each of the Baltic

States to meet with the leadership of those countries, with their military people, as well as their diplomats, and continued on to Romania and Bulgaria for an equally interesting and important visit to enlarge my own understanding of where they stood, what they were doing, what kind of criteria they understood membership required.

I visited the NATO headquarters in Brussels in January at the invitation of our Ambassador Burns to address a NATO workshop which included 10 aspiring countries in a roundtable discussion. Of those 10, I have identified 7 that I believe are logical candidates if they fulfill the criteria. But that is a rigorous course. Ambassador Burns, on behalf of this country, has visited each of the countries that I have mentioned recently. He has gone through a rigorous outline of what our anticipations would be. This is not a free ride for any country, and meeting those criteria will take some doing in each of the seven cases that I have cited.

This legislation does not make that decision, even if this Senator and others have come to some conclusions about the merits of various countries. That is a debate still ahead of us. I would simply counsel my friends who are interested in this issue and all who have spoken this evening to continue visitation of the countries, to continue encouragement of meeting the criteria, to show interest on behalf of the United States in these countries. Those are the steps we ought to be taking presently, and they will lead to a formal and, I hope, a wise decision, long before there is a final Prague summit and our President makes a commitment, at least of his own resources, on behalf of the United States.

NATO's open-door policy toward new members, as established in article 10 of the Washington treaty, is truly fundamental. To retract it would risk undermining the tremendous gains that have been made across the region. The result of a closed-door policy would be the creation of new dividing lines across Europe. Those nations outside might become disillusioned and insecure and thus inclined to adopt the competitive and destabilizing security positions of Europe's past.

NATO's decision to enlarge in stages recognizes that not all new applicants are equally ready or equally willing to be security allies, and some states may never be ready. But the maintenance of the open door to future membership will continue to be a powerful motivating force in Europe.

NATO has launched a new initiative to expand cooperation and consultation with Russia. From my perspective, NATO enlargement need not be a zero-sum game. One can be a strong supporter of NATO enlargement and of a new United States-Russian strategic partnership, as I am. We need to continue to invest in the promotion of the security and the stability of Russia and the other newly independent states, and it is in the interest of both NATO and Russia for a democratic Russia to emerge and to regularize its cooperation with the alliance.

For this reason, I support the Bush administration's efforts to draw Russia closer to NATO, to deal with mutual security concerns in reciprocal fashion, and to support Russia's consolidation of a nonimperialist, peaceful democracy.

If NATO is to continue to be an effective organization meeting the security needs of its members, it must play a central role in addressing the major security challenges of our time, which in my judgment are the war on terrorism and the threats posed by weapons of mass destruction.

That will require NATO to change, and in a very large way. But the alliance has demonstrated in the past that with U.S. leadership, it has the capacity to adapt to new challenges. We must take the next logical step in a world in which terrorist ''Article V'' attacks on our countries can be planned in Germany, financed in Asia, and carried out in the United States. Under these circumstances, old distinctions between ''in'' and ''out of area'' have become meaningless. If Article V threats to our security can come from beyond Europe, NATO must be able to act beyond Europe to meet them.

If we cannot organize ourselves to meet this new threat, we will have given the terrorists a huge advantage. There is nothing they would like more than to see Western democracies divided on this key issue. We are now cooperating closely with our European allies. While we don't publicize it for understandable reasons, the security cooperation, the intelligence sharing is unprecedented. Today there are more Europeans on the ground in Afghanistan than Americans. It is Europe, not America, that is going to foot much of the bill for Afghan reconstruction. In those areas, Europeans have been exceptional allies.

But I have a sober understanding of where we differ with our allies and the hurdles we need to overcome if we are going to succeed. The Europeans have neglected their defenses. While I detect a growing willingness to try to remedy that, it is not going to be easy so long as their economies are in recession. It would be a historic mistake to let this opportunity to forge a new transatlantic understanding slip through our fingers. America is at war. The threat we face is global and existential. We need allies and coalitions to confront it effectively, and NATO is our premiere military alliance. Therefore, NATO enlargement should be pursued as part of a broader strategic dialog aimed at establishing common transatlantic approaches to meet the key strategic challenges in Europe and around the globe.

Fifty years ago, NATO's founders made a political decision that the United States and Europe needed a common strategy to meet common threats. Today we need to make a similar commitment with our allies to complete the vision of a united, free Europe, and to defend our common values and interests in Europe and beyond.

President Bush and his administration placed a continued NATO enlargement at the core of the transatlantic agenda. I ask unanimous consent to print in the RECORD a letter sent to leaders of the Senate from Secretary of State Colin Powell and Secretary of Defense Don Rumsfeld.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 7, 2002.

Hon. JESSE HELMS,
Committee on Foreign Relations,
U.S. Senate.

DEAR SENATOR HELMS: The Administration strongly supports S. 1572, the Freedom Consolidation Act. This bill, which reinforces the efforts of European democracies preparing themselves for the responsibilities of NATO membership, will enhance U.S. national security and advance vital American interests in a strengthened and enlarged Alliance.

Speaking in Warsaw last June, President Bush said that ''Yalta did not ratify a natural divide, it divided a living civilization.'' From the day the Iron Curtain descended across Europe, our consistent bipartisan commitment has been to overcome this division and build a Europe whole, free, and at peace. The 1997 Alliance decision to admit Poland, Hungary, and the Czech Republic brought us a step closer to this vision.

Later this year at NATO's Summit in Prague, we will have an opportunity to take a further historic step: to welcome those of Europe's democracies, that are ready and able to contribute to Euro-Atlantic security, into the strongest Alliance the world has known. As the President said in Warsaw, ''As we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.''

We believe that this bill, which builds on previous Congressional acts supportive of enlargement, would reinforce our nation's commitment to the achievement of freedom, peace, and security in Europe. Passage of the Freedom Consolidation Act would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threats to our common security.

We hope we can count on your support for this bill, and look forward to working closely with you in the months ahead as we prepare to make historic decisions at Prague.

Sincerely,

DONALD H. RUMSFELD,
Secretary of Defense.
COLIN L. POWELL,
Secretary of State.

Mr. LUGAR. They write, in part, Mr. President:

> We believe that this bill, which builds on previous congressional acts supportive of enlargement, would reinforce our Nation's commitment to the achievement of freedom, peace, and security in Europe. Passage of the Freedom Consolidation Act would greatly enhance our ability to work with aspirant countries as they prepare to join with NATO and work with us to meet the 21st century's threat to our common security.

We must seize this unprecedented opportunity to expand the zone of peace and security to all of Europe. It is time

to finish the job and the next step in passage of this important legislation is to act, and to act promptly.

Mr. President, I note the presence of the distinguished Senator from Ohio.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I thank the Senator from Indiana for his courtesy. I am pleased to have opportunity to speak today on behalf of the Freedom Consolidation Act.

I have long supported expansion of the NATO alliance to include Europe's new democracies, and I believe this piece of legislation sends an important signal to countries aspiring to join the alliance. The U.S. Senate supports the process of enlargement that began in Madrid in 1997, and believes NATO should remain open to Europe's new democracies able to accept the responsibilities that come with membership in the alliance.

During the cold war, as a public official in the State of Ohio, I remained a strong supporter of the captive nations, who were for so many years denied the right of self-determination by the former Soviet Union. That strong support of the captive nations was generated back in my youth. As a matter of fact, the first paper that I wrote in undergraduate school at Ohio University was about how the United States sold out Yugoslavia at Tehran and Yalta. That grieved me, and I wondered whether those nations would ever have the self-determination that they were promised.

When I was mayor of Cleveland during the 1980s, we celebrated the independence days of the captive nations at city hall—flying their flags, singing their songs, and praying that one day those countries would know the freedom that we enjoy in the United States.

In August of 1991, as communism's grip loosened, I wrote a letter to then-President George H.W. Bush urging him to recognize the independence of the Baltic nations. Now these countries are among those being considered for membership in the NATO alliance. I know the President remembers last year when we were in Vilnius, Lithuania, on the square before 2,000 Lithuanians. I could not help but think back 15 years and being at the Lithuanian hall of Our Lady of Perpetual Help and wondering if the Lithuania people would ever enjoy freedom. There they were before us, and I had tears rolling out of my eyes. They wanted to join NATO.

Last month, I had the opportunity to meet with representatives with ties to NATO-aspirant countries at a meeting organized by the Embassy of the Slovak Republic and cosponsored by the Polish American Congress, strong supporters of the Solidarity movement in Poland and great advocates of Poland becoming a member of NATO. The meeting included individuals from nine aspirant countries, including Albania, Bulgaria, Estonia, Latvia, Lithuania, Macedonia, Romania, Slovenia, and Slovakia, as well as Croatia, which was formally invited to join the NATO accession process at the NATO ministerial meeting this week. Representatives from the Czech and Hungarian communities were also there, who were also in favor of continued expansion of the alliance.

They came together to promote the merits of enlargement as a single, unified group, and to deliver the message that NATO expansion is in the best interest of the United States of America, Europe, and the broader international community of democracies.

The spirit of that meeting I think is encapsulated in this bill; it does not divide; it does not endorse one candidate country over another; rather, it encourages emerging Central and Eastern European democracies to continue reforms to promote democracy, the rule of law, the merits of free market economies, respect for human rights, and military reform. These values are the hallmark of the NATO alliance. And I can tell you that the progress that we have seen in those countries toward the issues I have just enunciated would not have been as aggressive if it wasn't involved in their trying to prove to the other NATO members that they were worthy of membership in NATO.

I strongly support that message, and I share the sentiments expressed by President Bush in remarks he delivered in Poland last June, when he was at the NATO summit in Prague. He said:

> We should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.

When NATO heads of state join in Prague this November for the summit of the alliance, three primary items will fill their agenda: First, discussion about capabilities and the future of the alliance; next, the selection of new members; and, finally, new relationships with Russia, Ukraine, and other members of the international community.

As the Senator from Indiana said, without a doubt, the events of September 11 have dramatically impacted the conversations that will take place in Prague. As the United States and other members of NATO consider each of these issues, it is within the broader context of a changed world post-9–11.

This reality was seen this week when Secretary of State Colin Powell joined his NATO colleagues for a NATO ministerial meeting in Reykjavik, Iceland. New threats facing the alliance in the aftermath of the terrorist attacks against the U.S. influenced discussions on Russia, as NATO foreign ministers reached a historic agreement on a new NATO-Russian Council, and they certainly influenced conversations about the urgent need to address the growing capabilities gap between the United States and our European allies, which I am sure the Senator from Virginia is very much concerned about.

They also influenced discussions on NATO enlargement, as the foreign ministers reaffirmed their support of the alliance at Prague.

Although there are, without a doubt, a number of pressing questions that the alliance must begin to answer, I believe NATO enlargement is still a high priority because of its importance to U.S. national security and peace in the world.

I strongly support a statement made by Under Secretary of State Mark Grossman in his testimony before the Foreign Relations Committee earlier this month, when he said:

> The events of the September 11 show us that the more allies we have, the better off we are going to be; the more allies we have to prosecute the war on terrorism, the better off we are going to be. And if we are going to meet these new threats to our security, we need to build the broadest and strongest coalition possible of countries that share our values and are able to act effectively with us. With freedom under attack, we must demonstrate our resolve to do as much as we can to advance our cause.

Since September 11, the United States and NATO have called on members of the international community to provide critical assistance in a number of areas outside of the traditional military realm. While these do not outweigh the need for improved defense capabilities, such as strategic airlift capabilities and improved communication systems, they are nonetheless critical to thwarting future terrorist attacks.

We have seen the benefit of these contributions as the international community continues to engage in a global campaign against terrorism. The nine NATO aspirant countries, as well as Croatia, have reached out to the United States in the aftermath of the September 11 attacks. They have pledged their solidarity, volunteered their resources, and shared intelligence information with the United States and NATO. They have decided to not act as aspirants, but as allies, and their strong support is highly important. Senator LUGAR, in his remarks, pointed out how much help they have given us so far.

As significant as this cooperation has been, the work is not done. It is critical that countries aspiring to join the alliance continue their efforts to make progress in areas outlined in the membership action plan—developing free market economies, promoting democracy and the rule of law, respecting the rights of minorities, implementing military reforms, and committing resources to their defense budgets, just as we are doing.

I have made it clear to all of these countries that are seeking membership in NATO that it is the MAP, the membership application plan—we are going to watch what you do, and there is not going to be any automatic entry into NATO; you are going to have to prove you are worthy and show us through your actions and also in your ability to use a good portion of your budget and invest it in defense.

As a Member of Congress who has long been involved with transatlantic issues, I understand the importance of NATO expansion to strengthening security and stability in Europe. I supported the enlargement of the alliance in 1997, and I will again support enlargement at Prague. I believe NATO should be open to further expansion in the future.

There are probably very few Members of this body who have visited all of the NATO aspirants. I have, with the exception of Slovakia. I have been impressed with what they are doing. I will visit Slovakia, Macedonia, and Slovenia after attending the National Assembly meeting in Bulgaria later this month.

Last year Senator DURBIN and I visited Estonia, Latvia, and Lithuania and were impressed with the commitment they were making to qualify themselves as members of NATO.

I remember before we attended the OSE meeting in Paris we visited with General Ralston at Normandy, and he spoke eloquently about what he had seen when he visited the Baltic countries, with heavy emphasis on communications, the BaltNet they put in place, which he said was better than countries that already belonged to NATO, and then being in Slovenia 2 years ago and seeing the communication system they put in place.

I will never forget General Kronkaitis, a former U.S. Army General who is now the adviser to the Lithuanian army, and how he really made me very proud of how he had inculcated the spirit that he received from being a member of our U.S. military.

I strongly support and believe NATO expansion demonstrates our country's commitment to freedom and democracy in the global arena, and I will continue to promote expansion of the alliance to include Europe's new democracies which demonstrate the ability to handle the responsibility of NATO membership.

Ronald Reagan used to talk about trust but verify. Although we have entered into some new negotiations with President Putin and Russia, my history makes me a little bit uneasy. One of the thoughts I had is that now that these countries, which I so longed to have freedom, have freedom, we verify they will continue to have freedom.

In other words, they have their self-determination, they have freedom, but the only thing that will make me comfortable before I am taken to some other place is that we verify this trustful relationship we have with Russia.

Mr. President, the only way I think we can verify that relationship is to make sure these democracies become part of NATO. That will assure me that the big boot of someone will not again step on those nations that have been through so much during the last century.

I urge my colleagues to join me in support of this important legislation which makes clear the Senate's strong support for NATO enlargement in Prague this November.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend my good friend from Ohio. He has a very clear understanding through many long years of travel experience and, indeed, his proud heritage. In many debates we have had in this Chamber, particularly with regard to the Baltics, he has brought an important perspective, and I commend him.

I am glad the Senator spoke with reference to Russia. I join with my colleague from Indiana. I hope our President is able to make further progress with President Putin. They made good progress to date. I am supportive of the arms control initiatives that will soon be brought to this Chamber. Ronald Reagan's credo, ''trust but verify,'' we should all follow.

I remember, I say to my colleagues, by coincidence I was visiting with Secretary of Defense Cohen, our former colleague, in NATO, sitting in the council room of the North Atlantic Council when for the first time a Russian marshal walked in and was seated those many years ago, and they started a relationship with Russia. Does my colleague remember that? I also remember there came a time when Russia abdicated that relationship and walked away from it.

I support the initiatives by the President, but let's be mindful of the past.

I wish to say to my good friends in the Chamber of the Senate tonight, I seem to be the sole vote of the conscience that I worry about this expansion. If we were to admit nine nations, I say to my dear friend from Ohio, nine nations—and that is what this document basically says. It sort of endorses, to use Senator LUGAR's word, this document we are about to adopt tomorrow morning endorses—does my colleague realize that if all nine go in, that will be 28 nations, give a nation or two; that is just about double the original size of NATO.

I am heartened by this debate because we have succeeded in this debate tonight to establish, No. 1, that the Senate will have the facts before it is to act intelligently at such time—I say intelligently, I also mean being well informed to make an intelligent decision about the facts of each of the aspirant countries before we hand them a final document as submitted by our President.

I say to my good friend from Delaware, in his earlier debate he said: We will have a chance to act. The President will send up a list of nations, and I was proud to do it last time. I remind the Senator, that will be too late for the Senate to act in an informed way.

If we examine the record tomorrow of this very fine debate, we will see he now recognizes that we need time, as does the Senator from Indiana, and both Senators committed to bringing the Senate through a hearing process on the facts on which to make a judgment.

Mr. VOINOVICH. Mr. President, will the Senator from Virginia yield for a question?

Mr. WARNER. I yield.

Mr. VOINOVICH. From what the Senator from Virginia just said, is it his understanding that if this bill passes tomorrow, that means we are automatically going to——

Mr. WARNER. No, and I am glad the Senator has raised that point. It was drawn up very skillfully in the House of Representatives, picking selective quotes from our great President, whom I support, but those of us in the Chamber recognize, and as I have elicited from the chairman of the Foreign Relations Committee, and as agreed upon by my distinguished friend from Indiana, the ranking member, this document commits us to nothing more than the authorization of specific amounts of dollars to the nations that are aspiring to join. That is all it is. But as it is reproduced and sent across the ocean to Europe and printed in the papers, I think people can say: Oh, the Senate has now acted; not maybe in finality, but we are one step closer before we have the facts before the body.

Mr. VOINOVICH. Mr. President, will the Senator yield?

Mr. WARNER. Yes.

Mr. VOINOVICH. I must tell the Senator that my support does not guarantee I will support all nine of those countries coming in because we are going to distinguish between those that are qualified and not qualified. As I mentioned in my remarks, I made it very clear to the leaders of these aspirant countries that they cannot take for granted that they are going to be admitted into NATO unless they comply with the requirements of the membership application plan.

I was with the President last Friday and discussed this issue with him. He made it very clear to me that in spite of the fact he has made some very strong statements about NATO expansion, he has made it very clear to those aspirant countries, to their Prime Ministers and Presidents, that they had to meet the requirements.

I want to make it clear, no one should assume from my vote on this and I hope a lot of others, that this is a layup shot and all these countries are going to be coming into NATO because they have a long way for that to happen.

Mr. WARNER. Mr. President, I draw to my colleagues' attention, ''this act may be cited as the Gerald B. H. Solomon Freedom Consolidation Act of 2001.''

What is freedom consolidation? I am not sure. That is what concerns me. There are a number of phrases in here carefully elicited from speeches, documents by our President and others, which portray—I know one of my great loves in life is to paint a little bit. It is like a montage. It is rather pretty. It is like a great painting, but if you look at

it from afar you might say, ''We hear that we're in.''

I am glad tonight the distinguished Senators from Ohio, Indiana, and Delaware have made it very clear in response to my questions, this document upon which we are about to vote tomorrow does nothing more than authorize sums of money.

Mr. LUGAR. May I respond to the distinguished Senator on that point?

Mr. WARNER. Yes.

Mr. LUGAR. I think the Senator is correct. I add that the actual authorization of money will go to seven of the nine countries.

Mr. WARNER. Yes.

Mr. LUGAR. The Senator is correct that the MAP program refers to nine, and therefore vigilantly we are looking at those criteria. I would further offer my assurance that I plan to work with the distinguished chairman of the Foreign Relations Committee so that hearings will elicit from the administration what the findings have been from this MAP program, and that will have some bearing upon the vote of the Senator for various individuals.

My purpose in giving speeches early on this issue—and the distinguished Senator has likewise been doing this—was to make sure the debate was of a better quality than the last time around, when in fact at the summit some decisions were made in what otherwise would be called international horse trading. Granted, criteria had been met, and a lot of debate had occurred, but in fact we are ahead of the game, as we ought to be.

I respect the Senator's questions to make certain we are vigilant in getting the facts and evaluating these countries closely.

Mr. WARNER. Mr. President, I thank my colleague for those comments.

Mr. DURBIN. Mr. President, I strongly support this bill, but at the outset I want to make clear what this bill does and does not do.

This bill makes a clear and unequivocal statement endorsing further enlargement of the North Atlantic Treaty Organization and it authorizes assistance to aspirant countries.

The bill does not choose which countries will be asked to join NATO in Prague in November, nor does it prejudge the vote in the Senate when the treaty changes that includes new members comes before the Senate for its advice and consent.

We want to pass this bill today to make a strong statement prior to the President's trip to Europe that the Senate welcomes another round of enlargement to include those countries that are ready to accept the responsibilities of membership.

Many nations aspire to join NATO including Estonia, Latvia, Lithuania, Slovenia, Slovakia, Romania, Bulgaria, Macedonia, Croatia, and Albania. It will be up to NATO to decide which countries have met the criteria of democratic governance and military preparedness.

I want to focus my remarks on the Baltic states, not because I oppose the membership of other aspirant states. I always confess my prejudice when I speak about the Baltic states. My mother was born in Lithuania. So when I speak of the Baltic countries, it is with particular personal feeling. I have visited Lithuania on four or five different occasions and have also visited Latvia and Estonia several times.

I went to Lithuania a few years ago, along with my late brother, Bill. We went to see the tiny town where our mother was born, Jurbarkas. When we were there, we found that we had relatives, cousins, that we never knew we had—family separated by the Iron Curtain.

I did not believe in my lifetime that I would see the changes that have taken place in those three tiny countries. When I first visited Lithuania back in 1979, it was under Soviet domination, and it was a rather sad period in the history of that country. The United States said for decades that we never recognized the Soviet takeover of the Baltic States. We always believed them to be independent nations that were unfortunately invaded and taken over by the Soviets.

But in 1979, I saw the efforts of the Soviet Union to impose Russian culture upon the people in Lithuania, Latvia, and Estonia.

The Soviets expatriated many of the local people and sent them off to Siberia and places in the far reaches of Russia; and then they sent Russians into the Baltic states in an effort to try to homogenize them into some entity that was more Russian that it was Baltic.

But it did not work. The people maintained—zealously maintained—their own cultures, and they kept their own religion, their own languages, and their own literature and their own dreams. I did not imagine in 1979 that I would ever see these Baltic states once against free, and yet I lived to see that happen.

On March 1, 1990, Lithuania re-asserted its independence from the domination of the Soviet Union. Latvia and Estonia followed with declarations canceling the Soviet annexation of their countries.

These declarations were not without cost. In January 1991, Soviet paratroopers stormed the Press House in Vilnius, injuring four people. Barricades were set up in front of the Lithuanian Parliament, the Seimas. On January 13, 1991, Soviet forces attacked the television station and tower in Vilnius, killing 14 Lithuanians. One woman was killed when she tried to block a Soviet armored personnel carrier. Five hundred people were injured during these attacks. In Latvia, peaceful, but courageous crowds surrounded the parliament building in Riga to prevent a Soviet attack.

The images of crowds of unarmed civilians facing down Soviet tanks to protect their parliaments in Vilnius and Riga was a powerful message of resistance that shocked Moscow and resonated throughout the Soviet Union. Their courage led the way for other Soviet Republics to throw off the yolk of Soviet Communist imperialism, resulting in the disintegration of the Soviet Union in August 1991.

Today these three nations have worked hard to become market economies, to watch their democracies flourish. The fact that they want so much to be part of NATO is an affirmation of great hope and great optimism for the future of Europe. As countries like Lithuania, Latvia, and Estonia, and so many others that were either part of the Warsaw Pact or even Soviet Republics become [part of NATO, they show the dramatic transformation into a democratic form and a new democratic vision in Europe, whole and free.

The Baltic countries have nurtured their relations with the West, but they have also worked to have good relations with Russia. Despite the bitter experienced of years of Soviet occupation each Baltic country has worked to be sure that its citizenship and language laws conform to European standards, taking care not to discriminate against ethnic Russians.

As a result of these steps, and because of the United States and NATO's efforts to engage Russia in a positive relationship with NATO, Russia's opposition to Baltic membership in NATO has evaporated, or at least receded to grudging acceptance.

The Baltic countries have also taken steps to fact up to the bitter history of the Holocaust, when hundreds of thousands of Lithuanian, Estonian, and Latvin Jews perished, by setting up a Holocaust museum, teaching about the history of the Holocaust in school, returning Torah scrolls, and working to restore Jewish property.

If we refuse to enlarge NATO further, we would have told these countries that despite their epic and inspiring struggle to liberate themselves from communism, the West had once again turned its back on them. We must make it clear that Russia is welcome to cooperate with the undivided, free, pros, and secure Europe that is being built.

Some people have questioned what these tiny countries would bring to NATO. NATO is not a country club, after all it is a military alliance.

When the Soviets troops finally left the Baltic countries, they took everything. There wasn't even a toilet seat left in a barracks, the drain pipes were cemented shut, and the military hardware was gone. They started from scratch. This has made their effort to building a military harder and more expensive, but in some ways, it has been a blessing. The old Soviet ways disappeared along with their equipment. Western ways of thinking about military organization were welcomed. In 10 years, with the help of the United States, Poland, Great Britain, Germany, the Nordic countries, and others

in Europe, these countries have built new militaries on a Western model.

To be sure, they are small countries, but they have their niche. The Baltic countries can and will make a positive contribution to NATO. They are building small militaries with a reserve system that can be called up in time of war. They have specialized in peacekeeping and logical support and have participated in missions in Bosnia, Kosovo, and now in Kyrgyzstan. They each are spending the requisite 2 percent of GDP on defense, but have also pooled their resources and cooperated on a Baltic Naval Squadron, a Baltic Defense College, and a Baltic Peacekeeping Battalion. They have worked together to create a joint air surveillance network that NATO will be able to use and are contributing some facilities, including an important former Soviet airbase.

When we ratified the membership of Poland, Hungary, and the Czech Republic, some in the Senate doubted their contributions, worried about cost burdens, and feared adding these new members would have NATO cumbersome and unworkable. These problems have not materialized; rather, Poland, Hungary, and the Czech Republic have been our staunch allies in NATO.

The model of the last round serves as well for this one. I believe we must complete the job we started in 1999 to expand NATO and cement a stable, democratic, whole, and free Europe.

Mr. HAGEL. Mr. President, I rise today in support of HR 3167, the Gerald B.H. Solomon Freedom Consolidation Act. I am a cosponsor of S. 1572, the Senate companion to this important bill.

Today freedom and democracy flourish from the Balkans to the Black Sea. One cannot help but marvel at the transformation over the last decade in Central and Eastern Europe. These countries have moved from members of the Warsaw Pact to allies of the United States in military operations in Bosinia, Kosovo, and Afghanistan.

An issue that has united these nations during this time of historic transformation has been the commitment to democratic reforms and closer relations with the United States. NATO membership, the strongest link between Europe and the United States, has been a cornerstone of the foreign and security policy goals of each of the member countries.

On May 19, 2000, the Foreign Ministers from nine NATO aspirant countries met in Vilnius, Lithuania to jointly reiterate their desire to firmly entrench their nations in the western community of democracies. Latvia, Lithuanaia, Estonia, Slovenia, Slovakia, Albania, Macedonia, Romania and Bulgaria were at various stages of readiness for membership. But from that day forward, these nations have demonstrated that they could work together to pursue their individual goals for security. In May 2001, Croatia joined this group—now called the ''Vilnius 10.''

NATO has recognized their aspirations and has made clear its intention to extend invitations for membership at the Prague summit this November. Each candidate nation will be judged on its own merits and progress.

And as the process of NATO enlargement moves forward, it is important to ensure that it does so in a way that enhances NATO and peace and stability in Europe.

The standards for new members are most clearly stated in Article X of the Washington Treaty of 1949 the founding NATO document, which provides two major criteria for membership. First, a nation must be, ''in a position to futher the principles of this Treaty.'' In other words, a nation must have a strong and demonstrated commitment to democratic ideals.

Second, the nation must be in a position ''to contribute to the security of the North Atlantic area.'' NATO is a military alliance, and new allies should strengthen, not weaken, transatlantic security.

Economic stability is part of these two requirements for joining the alliance. Military reforms and military commitments cost money, these nations must be able to pay for the commitments they make to the alliance. And economic stability also means political stability, a theme that has underlined our current debate on trade policy.

Each of the Vilnius nations will be examined on the criteria. I mentioned above. This leglslation does nothing to prejudge the decisions that will be made by the NATO member countries on which of the aspirant nations will be invited to join the alliance.

This legislation unequivocally declares congressional and Presidential support for continued responsible enlargement of NATO.

This legislation also provides financial assistance, in the form of foreign military financing, to NATO candidate countries as they conduct the reform and restructuring of their military forces to meet NATO requirements.

We must be wise enough to seize this moment of dramatic and positive changes in Europe, building onto what has been accomplished during the first 50 years of NATO. NATO expansion will help consolidate the freedom the nations of Central and Eastern Europe have secured by including them in the world's most successful alliance, NATO.

I strongly urge my colleagues to support this important legislation.

Mr. SMITH of Oregon. Mr. President, today we are considering the Gerald B.H. Solomon Freedom Consolidation Act. This bill, which passed overwhelmingly in the House of Representatives is identical to S. 1572 and has over 30 cosponsors here in the Senate was reported out unanimously by the Senate Foreign Relations Committee in December of last year.

The Gerald B.H. Solomon Freedom Consolidation Act reaffirms the Senate's support for continued enlargement of NATO, without naming any names of who should receive an invitation to join. It also demonstrates that extending security and stability in Europe through the enlargement of the most successful military alliance in modern history is not a partisan issue.

The bill endorses the vision of further enlargement of NATO articulated by President Bush on June 15, 2001, when he stated that, ''all of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom.''

It also endorses the statement of former President Clinton, who in 1996, said, ''NATO's doors will not close behind its first new members . . . [but] NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership.''

While President Bush said we should see how much and not how little we can do, inviting new members into the alliance is a serious exercise requiring careful consideration of applicant countries' capabilities and their commitment to democratic values.

When the time comes to select which countries should receive an invitation to join NATO, we should ensure that the inclusion of a particular candidate will make the alliance stronger.

In other words, does its military, geographic, political and public commitment strengthen the Atlantic alliance and its ability to preserve a stable and secure Europe?

NATO membership is not based solely on military capability. If NATO were only about aligning the worlds greatest militaries then its membership roster would include Israel and Russia or China and North Korea rather than Iceland and Norway.

I think we can all agree that values matter. Democratic values, the rule of law, religious freedoms, protection of minorities.

When the time comes to look at which countries should be invited to join the alliance from those participating in the MAP, Membership Action Plan, process, we certainly should examine what capabilities they bring to European security, the trans-Atlantic relationship and the global war on terror.

However, perhaps what is more important than what contribution they have made to KFOR, SFOR or Operation Enduring Freedom, or more important than their geography or the overflight rights they have granted, is what they are doing within their own country.

Are they advancing a democratic society, working to eliminate government corruption, preventing their country from being used as a transit for the trafficking of women and children, protecting the rights of minorities and settling regional divisions?

Is bigger better? It can be.

The countries actively being considered for NATO membership that are in

the MAP process all see the value of revitalizing the Atlantic alliance. They have demonstrated that they are ready to be an ally through contributions in Bosnia, Kosovo and Afghanistan.

Every Slovak, Latvian, or Romanian that is back filling NATO in KFOR or SFOR or engaged in Operation Enduring Freedom means one less American that is in harms way.

The time has come for NATO to address how decisions are made as not to repeat what came to be known in Kosovo as ''war by committee'' when target selection had to be cleared through the NATO capitals rather than the NATO military commander.

Supporters and opponents to NATO Enlargement agree that the growing capabilities gap between the United States and our European allies must be addressed and will be addressed at the NATO summit in Prague.

We in the United States must be able to turn to our NATO allies as they do us for capabilities to face the threats of today.

The world that we face has in fact changed and we, as well as our NATO allies, must do the real work of building the capabilities to address what Secretary Rumsfeld called asymmetrical threats even prior to September 11.

It seems to me that top on the list of threats that both we and Europe face is the growing threat of weapons of mass destruction.

At the Prague Summit in November, NATO must properly address what we can do together to address the threat posed by weapons of mass destruction in the hands of our new common enemy, global terrorism.

What NATO's mission will be in the future is an important question. Thirty-six years ago, in ''The Troubled Partnership,'' Henry Kissinger wrote of the difficulties in the Atlantic Alliance, and queried whether we and Europe had the same vision for the future of NATO.

Differences still exist, however, we should not jeopardize all that NATO is by focusing on what it is not; rather we should see how NATO can better address the threats that we see so clearly since September 11.

Mr. McCAIN. Mr. President, when I first came to Congress, Slovakia and Slovenia didn't exist at all, Bulgaria and Romania were hostile states in the darkest depths of the Soviet empire, and the Baltic states of Estonia, Latvia, and Lithuania lived only in the hearts and souls of their people, their sovereign nationhood snuffed out by Soviet annexation. This evening, we debate a clear and noncontroversial Sense of the Senate resolution expressing our support for these same nations' aspirations to join the North Atlantic Treaty Organization, the alliance we formed to counter the aggression that once placed each of these nations on the far side of the Iron Curtain, in one of the greatest organized assaults on our values since we claimed them as our own.

Our consideration of these nations' candidacy to join NATO at the Prague Summit in November is a victory for democracy, for freedom, for what we fought from 1941 until 1989 to bring about: a Europe whole and free. Our Alliance reflects Europe's continuing and historic transition from hostile division to a continental zone of enlightened rule within secure borders. But that transition remains incomplete.

NATO's fate, and that of Europe, rests upon completing the job we started at the 1999 Washington summit, and which we will continue in Prague this November. As President Bush stated last summer in Warsaw: all of Europe's new democracies, from the Baltics to the Black Sea, should have a chance to join the North Atlantic Alliance.

The last round of NATO enlargement demonstrated the importance of the alliance as a living, vibrant institution, committed to meeting the security challenges of the Euro-Atlantic region. Cold war-minded critics contended then that we were creating a new dividing line in Europe. But the result of enlargement was to extend stability and security eastwards, into lands where the absence of these qualities has frequently led to armed conflict in the past.

Critics of the last round of enlargement said NATO's consensual decision-making process would become bogged down by the addition of new members. But to the extent that consensus over NATO's response to Slobodan Milosevic's crimes in Kosovo was difficult to achieve, the newest members of the alliance often provided the strongest support within our councils for joint military action. NATO's newest members also made important human, material, and geographic contributions to the alliance's mission.

Now, critics argue that the new threats of terrorism and mass destruction bring NATO's mission and future into question. It is hard to understand why. Yes, America and some of our European allies have disagreed about how best to pursue the war on terrorism. But our shared conviction about the common values that require our defense is not in doubt. NATO is not less important after September 11; it is more important. For the first time in its history, the alliance invoked Article V, the mutual self-defense clause binding upon all members, after the terrorist attacks in New York and Washington. Until very recently, allied aircraft patrolled America's skies. Today, 16 of the existing 19 members of the alliance have boots on the ground alongside American forces in and around Afghanistan. Remarkably, a number of the nations that aspire to NATO membership have also deployed forces to support allied military operations. They don't yet have a treaty commitment, but they are acting like they do, in a gesture of goodwill that transcends mere rhetoric about our common values by putting men in harm's way to defend them.

Our fundamental goal at Prague must be to transform what has become a somewhat divisive trans-Atlantic debate about the role and relevance of our NATO partners in the war on terrorism into a concrete plan of action to align the alliance's purpose of collective defense with the threats of terrorism and weapons of mass destruction—dangers that threaten the people of Europe no less than the American people, as we saw most recently in the tragic bombing in Karachi, Pakistan that took the lives of 11 French nationals.

I believe the hand-wringing in Washington academic circles and the corridors of Brussels about the alliance's existential crisis is misplaced. Rather than engaging in a stifling, bureaucratic debate about NATO's core purpose, we should devote our attention to sustaining the success our Alliance has enjoyed in deterring Soviet aggression, bringing a stable peace to the Balkans, and uniting our community of values. The Bush administration's far-sighted agenda for Prague reflects an effort to build on NATO's successes in concert with our allies, in order that its future in the defense of freedom may be as storied as its past.

The Freedom Consolidation Act addresses the enlargement pillar of this agenda. We do not require the mere ceremonies of enlargement, and the new faces it brings to our councils, for fear of institutional failure, or for lack of some higher purpose. We must enlarge this alliance to complete the task we started in 1949: to create an impregnable zone of stability, security, and peace in Europe that is upheld by our joint military power, rooted in our resolve to defend this territory against aggression, and inspired by our commitment to the principles of liberty, to which we pledge our sacred honor.

In doing so, we replace the containment strategy of the cold war era with the enlargement of our community of values. We relegate Yalta's division of Europe to the history books. We forge a new Euro-Atlantic community, transformed by the values we fought the cold war to defend. And we celebrate the freedom that almost all European peoples enjoy today as a consequence of our mutual sacrifice.

Our task is to invigorate our alliance with this premise: that the Atlantic community is not a group of cold war-era military allies looking for new missions to stay relevant, but a political community of like-minded nations, challenging the cruel dictates of history and geography, that is dedicated to the principles of democracy, and to fostering a continent where war is unimaginable and security, guaranteed—even as it faces new and grave threats to these core principles. The threats have changed since 1949; our commitment to the defense of freedom has not. NATO's purpose remains sound, and its role, indispensable.

Seven nations are serious contenders to receive invitations to join our alliance in November. Three more are engaged in a longer-term process of preparing themselves to meet NATO's membership criteria. I cannot think of a better example of the triumph of our values, and the success of the institutions we have built to serve and protect them, than the urgency with which the aspirant nations now pursue membership in our alliance. We should welcome them, when they are ready. I believe the seven serious candidates for this round of enlargement will be. They hold their destiny in their hands, and we wish them well in working aggressively to meet the criteria for NATO membership. I hope we can soon call these nations our allies, in the truest sense of the word.

While I support a ''Big Bang'' enlargement of the alliance into northern, central, and southern Europe, I believe the southern dimension of NATO enlargement is perhaps the most compelling on strategic grounds. NATO's southeastern expansion into Bulgaria and Romania would secure Europe's southern flank, enhance stability in the western Balkans, and end Turkey's strategic isolation from the alliance. It would help diminish continuing frictions in Turkey's relationship with the EU, minimizing Turkish grievances over the question of an independent European security identity and opening the door to the development of effective coordination between the EU and NATO. A visionary enlargement of the NATO alliance to the south combined with the EU's historic expansion to the east would bring about a new and welcome cohesion of Turkey to Europe. This is in the interests of Turkey, the European Union, the United States, and NATO.

The most compelling defense of war is the moral claim that it allows the victors to define a stronger and more enduring basis for peace. Just as September 11 revolutionized our resolve to defeat our enemies, so has it brought into focus the opportunities we now have to secure and expand freedom.

Senate passage of the Freedom Consolidation Act sends an important signal to our allies, present and future, about America's commitment to sustaining the success our alliance has enjoyed for 50 years. It provides the administration an enthusiastic vote of confidence in its visionary campaign to enlarge and transform NATO to meet the new threats. It reminds us all that freedom's power is multiplied, not diminished, as more people share in it.

Former Estonian Prime Minister Mart Laar wrote a wonderful book about the Estonian resistance to Soviet occupation. He recalls the fervor with which Estonian patriots resisted Soviet aggression, and their dreadful realization that no outside power would intervene to save their nation from Soviet tyranny. He writes:

Nobody believed that Estonia would, for decades and decades, be left in the hands of the Soviets. That wasn't even a possibility. It's only a question of time, everybody thought. But after decades went by, the idea about the West coming to their aid disappeared. The fight in the forest became a personal thing. These people fought because they simply wanted to die as free men.

Today, Estonians, Latvians, Lithuanians, Slovenians, Slovakians, Bulgarians, and Romanians live as free men, and women, in testament to the same values for which patriots before them lived, and died. The values we in the U.S. Senate invoke today as we express our support for the right of these nations to choose their destiny in the collective defense of freedom.

Mr. LIEBERMAN. Mr. President, NATO, the North Atlantic Treaty Organization, is an alliance of free, democratic nations, unique in human history for its characteristics and its success. Today, the alliance's principled strength not only protects the peace and freedom of the transatlantic community, but contributes to building a world that is ever more free, more democratic, and more prosperous.

For years, physical defense of member nations' home soil, as defined under Article V of the North Atlantic Treaty, has been the core of our alliance. Since the end of the cold war, NATO has constantly reconsidered the landscape of threats to security and freedom and has responded to that changing landscape by defining new missions and new capability needs. In Bosnia and then Kosovo, NATO applied appropriate force just outside its immediate borders for the common good of stability in Europe. And it did so successfully with partner forces from non-NATO European states.

Partner states are learning from NATO and striving to emulate the alliance's standards of military professionalism, transparent civilian control of military power and resources, and the legal and civil foundations of popular legitimacy. Many of those partner states aspire to full membership in the alliance. I believe that opening membership to a large number of nations will make NATO an even more potent protector of transatlantic and global security from threats including terrorism, a better facilitator of regional conflict resolution, and a more influential incubator of democracy.

Senator WARNER reminds us, correctly, that the alliance is so successful because it provides history's standard for rigorous and professional military planning and execution. But NATO is also the flagship institution in America's post-WWII success in widening the circle of democracy, stability, and prosperity across the transatlantic region. The achievement of ''Europe, whole, free and at peace'' will likely be remembered as the greatest legacy of American foreign policy in the 20th century, because it is the foundation for greater opportunity in this century, as well as greater collective security.

I believe that any democratic European nation that meets NATO's criteria and can be a net contributor to the security of the alliance should be admitted. I support welcoming into NATO at the Prague summit as many candidate nations as meet these criteria.

Let us focus for a moment on the alliance's adaptation to new missions. The awful events of September 11th prompted NATO to invoke Article V and respond to attacks on American soil by supporting a war against an enemy half a world away from the United States. Technology has collapsed geographical distinctions to the point that today, a plot conceived anywhere in the world can pose just as serious a threat to NATO members' security as an aggressive military movement across a European border. Clearly, NATO accepts this new reality and must embrace a more expansive geographical understanding of its mission. This evolution in alliance thinking is realistic and healthy.

The aspirant states embrace this mission, too. Declaring their intent to act as de facto allies of the United States, partner states have offered enhanced information sharing, overflight rights, transit and basing privileges, military and police forces, medical units and transport support to U.S. efforts. Most of the aspirant states are participating in some fashion in the International Security Assistance Force in Afghanistan, working well with our forces under Central Command.

The North Atlantic Alliance has before it a summit meeting in Prague this November, at which all the crucial issues—adapting methods of operation, refining NATO's mission, committing to achieve the necessary capabilities, and enlargement—require our engagement. I trust that the administration is working with allies to achieve a consensus on enlargement before the Prague Summit. And I take the administration at its word that it will consult the Congress and especially the Senate regularly about summit issues, as it has done in the February 28 hearing of the Armed Services Committee and at staff level in the months before. In due course, the Senate will deliberate over the individual accession agreements that the alliance may negotiate with aspirant states. Our scrutiny of those candidates and their commitments will provide them with added impetus to raise democratic and military standards and be the best allies they can be.

The Freedom Consolidation Act of 2001, which I cosponsored here in the Senate, is our political signal that the Senate welcomes consideration of new members and holds fast to the vision of a Europe whole, free, and at peace, a vision which Presidents Bill Clinton and George W. Bush have articulated. It also authorizes part of the investment our Nation is making in states that share our vision. The bill will do the following: reaffirm Congressional support for continued NATO enlargement; designate Slovakia as eligible to

receive U.S. assistance under the NATO Participation Act of 1994; and, endorse the Foreign Military Financing (FMF) levels for the Baltic states, Slovenia, Romania, and Bulgaria that the administration sought for the current fiscal year.

In the Armed Services Committee on February 28 we had a thorough airing of questions about the aspirant states. NATO Supreme Commander General Ralston's testimony in particular illustrated that there is practical work going on with all of them and that they expect further scrutiny of their preparedness. The aspirants know they each have a case to make. They are busy in the Congress and expert community explaining their progress and asking what they need to do more or better. In terms of money and military-to-military cooperation, we are already doing what this bill conveys, both bilaterally and in NATO.

And so I urge my colleagues to join Senator HELMS, the other cosponsors and myself in sending this signal that America values the NATO alliance, that we value the security arrangements and political principles NATO so crucially advances, and that we value friendly states that share our values and vision.

Mr. KYL. Mr. President, I rise in strong support of H.R. 3167, the Freedom Consolidation Act of 2002.

The title of this bill says it all, our goal here today, and our goal when we enlarge NATO this November, is to consolidate the gains that freedom has made in Europe since 1989.

Thirteen years ago, in a series of wonderful evolutions and revolutions, the people of eastern Europe threw off the shackles of communism and sent the Warsaw Pact to the dustbin of history.

Since then, the many nations of eastern and central Europe, some of them brand new, have striven mightily to establish democratic institutions and develop market-based economies. This is nothing short of a Herculean task, given the magnitude of the problems that beset communist systems as they were in their terminal phase.

The people carrying out this difficult and historic transformation need and deserve all the support we can give them. One of the ways we can provide that support is to encourage the further enlargement of NATO. Membership in NATO will ease the strain on these newly free countries and assist in their transformation to market democracies.

This is true for several reasons. First, membership in NATO, with its bedrock security commitment contained in Article V, will promote a stable environment in which these countries can pursue reforms. Second, membership in NATO will foster an ever greater flow of information and ideas between the U.S., western Europe and these new democracies. Third, membership in NATO will require these nations to maintain democratic systems and uphold the rule of law, thus giving them the incentive to continually deepen their reform process.

These benefits of NATO enlargement, the consolidation of freedom, the encouragement of the reform process in former communist countries, and the expansion of the zone of stability and peace in Europe, are all very much in the U.S. interest.

I think that recognition of these benefits is why there has been such strong congressional support for NATO enlargement dating back to at least 1994. By reaffirming past statements of support for enlargement by Congress, by Presidents Bush and Clinton and by NATO itself, and by authorizing assistance to seven aspirant countries, this bill continues that tradition.

At Munich and Yalta, it was decided that, as Neville Chamberlain termed them, ''small, far-away'' countries could be sacrificed. The ghosts of those two tragic episodes have haunted Europe for over 60 years. A further round of NATO enlargement will help exorcize those ghosts. Therefore, as NATO prepares for its Prague Summit in November, I hope it will heed the words of President Bush, who stated last year that ''as we plan to enlarge NATO, . . . we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom.''

In other words, we should seek to offer NATO membership to as many new members as possible. That being said, NATO must of course be judicious in the selection process. NATO is not a club, it's an alliance. And enlargement is not a free pass to security for new members. NATO membership demands commitment from and places obligations upon those new members.

One of those obligations is the maintenance of adequate defense budgets. New members must be able to offer equipment, forces and capabilities that actually make a net contribution to NATO. As has been much discussed of late, NATO already suffers from the so-called capabilities gap. That is, as we have learned from the campaigns in the Balkans and Afghanistan, there is a large and growing gap between the military capabilities of the United States and most of its NATO allies.

Although the United States has reduced defense spending over the past decade or so, the cuts in Europe have been even more severe. This is reflected in the fact that while we devote over 3 percent of our GDP to defense, the European average is now below 2 percent. This simple fact goes a long way toward explaining why NATO, despite its very helpful and much appreciated invocation of Article V after September 11, has not participated in the campaign in Afghanistan. NATO should not exacerbate the capabilities gap by offering membership to countries that are not serious about actually contributing to a military alliance.

Still, NATO must seize this moment. This is a historic opportunity to make Europe whole again after decades of war, division, and tyranny. That is why I support this bill and hope it will pass overwhelmingly.

The PRESIDING OFFICER (Mr. DURBIN). The Senator from Virginia.

Mr. WARNER. Mr. President, I will close this debate, unless others seek recognition, by reiterating my concern is for the American service person—soldier, sailor, airman, and marine—who at some point in time, because of the articles of this treaty, ''an attack on one is an attack on all'', our service persons could be in the foxhole fighting, repelling that attack with someone who is not trained, not equipped, cannot communicate and all the other problems we have had in seeking a uniformity of standards and military capabilities among the NATO forces.

We are putting our people at risk. We are asking our taxpayers, again, to spend enormous sums of money as we did in the Balkan operations. I supported the Balkan operations. We did the right thing: 70 percent of the combat missions, 50 percent of the airlift.

This is not the lone dissenter, I suppose, in the Senate speaking. This is the Secretary General of NATO, Lord Robertson, whom my colleague from Indiana and I have met through many years, former Minister of Defense from Great Britain, now Secretary General of NATO, who said the following. And I will quote from Secretary General Robertson's speech on NATO's future at the February 2000 Wehrkunde Conference in Munich:

> The United States must have partners who can contribute their fair share to operations which benefit the entire Euro-Atlantic community. . . . But the reality is . . . hardly any European country can deploy usable and effective forces in significant numbers outside their borders, and sustain them for months or even years as we all need to do today. For all Europe's rhetoric, an annual investment of over $140 billion by NATO's European members—

That is the current 18, our Nation being the 19th. And I remind my colleagues, our military budget is $379 billion, which I am privileged to join with Chairman LEVIN to bring to the floor shortly. The total of all other 18 is $140 billion.

> For all Europe's rhetoric, an annual investment of over $140 billion by NATO's European members, we still need U.S. help to move, command, and provision a major operation. American critics of Europe's military incapability are right. So, if we are to ensure that the United States moves neither towards unilateralism nor isolationism, all European countries must show a new willingness to develop effective crisis management capabilities.

I am delighted we have had this debate tonight. I thank colleagues for coming over at this very late hour and participating. It has given me the opportunity to make my points, to elicit very important commitments from colleagues in position of authority. I am not discussing withdrawal from NATO, as may have been inferred by some. I have not reached any conclusion about any one or several countries at this

point in time as to whether they should or should not be admitted into NATO. I do not believe this is an open-door policy.

I read article 10. It is quite specific in the treaty. It says again, you must have the capability to contribute and bear your burden for the security of the entire NATO.

I support efforts by our President with regard to Russia. Again, I think we have covered that. To the extent that the additional nations in NATO can help in this war on terrorism, you will have my support. We have had a good debate. I will do everything I can, and now tonight I am assured by others, to see this is done before the final document is voted upon by the Senate.

I would like to add one thing to this debate. Our good colleague from Delaware, the chairman, said he thought perhaps tonight the only people following this debate would be the ambassadors of the aspirant countries and perhaps ambassadors from other countries, but I have found there is a remarkable infrastructure in the Nation's Capital, and perhaps elsewhere. Many of them are volunteers, such as Mrs. Julie Finley, who is a lifetime friend of mine and who has done a lot of hard work and constructive effort on her own initiative to invite members of the aspirant nations, be they the prime ministers or the defense ministers or the foreign ministers, to events so that colleagues can share and have the opportunity to meet them. So I think there is a tremendous infrastructure. They may not be watching this debate tonight, but I think they will make reference to the record that we have put together.

So I thank my good friend from Indiana because I believe what we have contributed tonight is a very important step towards strengthening NATO.

Mr. LUGAR. I agree with the distinguished Senator from Virginia. I would join him in paying tribute to Julie Finley, whose hospitality I have enjoyed. It has been an opportunity, as the Senator has suggested, for an educational experience about NATO members and aspirants to NATO.

I join the Senator also in his comments about Lord Robertson, who visited this country recently. He spoke to the Council on Foreign Relations and was very candid, as the Senator from Virginia has pointed out, about the obligations of European countries, the lack of lift capacity, the lack of sophisticated communication gear, the lack of the ability to bring in aircraft for specific strikes, the ordnance for this equipment. These are recognized problems.

This debate, and other ways we can focus on NATO, are very important in sharpening our own view of the alliance and of the possibilities of this alliance in our mutual fight against terrorism. I thank the Chair. I thank my distinguished colleague. On our side of the argument, I yield back the time allotted to Senator BIDEN and to myself.

The PRESIDING OFFICER. Under the previous order, the bill is considered read the third time.

The Senator from Nevada.

ORDER OF PROCEDURE—H.R. 3009

Mr. REID. I ask unanimous consent that the next Democrat amendments in the sequence be the following: Feingold amendment regarding extraneous provisions; a Feingold amendment regarding tax increases on fast track.

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

MORNING BUSINESS

Mr. REID. I ask that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

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

MYCHAL JUDGE POLICE AND FIRE CHAPLAINS PUBLIC SAFETY OFFICERS' BENEFIT ACT OF 2002 AND LAW ENFORCEMENT TRIBUTE ACT

Mr. LEAHY. Mr. President, yesterday I was honored to attend the 21st Annual National Peace Officers Memorial Day Services at the Capitol.

Sadly, last year was the deadliest year in law enforcement history since 1974. In 2001, 230 law enforcement officers were killed in the line of duty including 72 fallen heroes who were killed on September 11.

These brave public servants risked and sacrificed their own lives so that others might live. Each one of us owes these courageous men and women, and their families, a debt of gratitude that we can never fully repay.

During Police Memorial Week, I hope that Congress will act on two pieces of legislation to appropriately honor the families of brave public safety officers who sacrificed their own lives for their fellow Americans.

First, I urge the House of Representatives to take up the Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act of 2002, S. 2431.

The Senate passed this bipartisan legislation more than a week ago. It is needed to amend the Public Safety Officers' Benefit Program to permit the families of 10 public safety officers killed on September 11 to retroactively receive $250,000 each in Federal death benefits.

Senator CAMPBELL and I introduced this bipartisan measure, cosponsored by Senators SCHUMER, CLINTON, BIDEN and FEINGOLD, to retroactively restructure the Public Safety Officers' Benefit Program to provide benefits to fallen officers who died without a surviving spouse, child, or parent.

I commend Representatives MANZULLO and NADLER for their bipartisan leadership on the House version of this bill, H.R. 3297.

Named for Chaplain Mychal Judge, who was killed while responding with the New York City Fire Department to the September 11 terrorist attacks on the World Trade Center, our bipartisan legislation recognizes the invaluable service of police and fire chaplains in crisis situations by allowing for their eligibility in the Public Safety Officers' Benefit Program.

Father Judge, while deemed eligible for public safety officer benefits, was survived by his two sisters who, under current law, are ineligible to receive death benefits. This is simply wrong and must be remedied.

Indeed, Father Judge is among 10 public safety officers killed on September 11 whose survivors are ineligible for Federal death benefits because they are not surviving spouses, children, or parents of the officers. This bill would retroactively correct this injustice by expanding the list of those who may receive public safety officer benefits to the beneficiaries named on the most recently executed life insurance policy of the deceased officer. This change would go into effect on September 11 of last year to make sure the families of Father Judge and the nine other fallen heros receive their public safety officer benefits.

By taking up the Senate-passed Mychal Judge Police and Fire Chaplains Public Safety Officers' Benefit Act during Police Memorial Week, the House of Representatives can provide much-needed relief for 10 families of public safety officers who sacrificed their lives on September 11.

Second, I hope that later today the Senate will consider the Law Enforcement Tribute Act, S. 2179, introduced by Senator CARNAHAN.

The Senate Judiciary Committee unanimously approved this legislation to create a $3 million Department of Justice grant program to help States, local governments and Indian tribes establish permanent tributes to fallen public safety officers. I am proud to be an original cosponsor of Senator CARNAHAN's bill to honor officers killed in the line of duty.

During Police Memorial Week, the Senate should pass Senator CARNAHAN's legislation to provide Federal resources to our States and local communities to pay proper tribute to the brave public safety officers.

I hope Congress will act expeditiously on these two important pieces of legislation to salute public safety officers across the country and honor the brave men and women who gave the ultimate sacrifice to serve and protect us.

VOTE EXPLANATION

Mr. WARNER. Mr. President, I had the honor this morning of serving as the commencement speaker for the graduation ceremonies at the Virginia Military Institute. This longstanding

commitment was the reason I was necessarily absent for the vote on the motion to table amendment No. 3427 to H.R. 3009 offered by Senator GREGG.

Although my vote would not have affected the outcome, I would have voted against the motion to table.

NOVERMBER 2001 DOHA DECLARATION

MR. GRAHAM. Mr. President, I was unable to deliver this statement during the debate on this amendment Tuesday. However, I want to covey my strong support for the amendment that was offered by my colleagues from Massachusetts and California recognizing the November 2001 Doha Declaration on the TRIPS Agreement and Public Health. I am pleased that this amendment was adopted and included in this trade package.

I supported this amendment because I believe that the Declaration and the amendment, properly reaffirm the commitment of the United States and of all WTO members to the need to maintain strong global standards for intellectual property protection while underscoring that measure necessary to meet genuine public health emergencies in poor countries can and must be pursued within the TRIPS framework. Solving the problem of access to HIV/AIDS medicines lies in overcoming economic and social barriers to distribution and effective treatment. Undermining intellectual property protection is not part of the solution and will, indeed, only aggravate an already progress towards better treatment and, ultimately, a cure. Indeed as was documented in the October 17, 2001 issue of the Journal of the American Medical Association, in the sub-Saharan countries ravaged by AIDS there are very few if any patents on the books for HIV/AIDS medicines. The authors of this exhaustive study concluded that ''[T]he data suggest that patents in Africa have generally not been a factor in either pharmaceutical economics or antiretroviral drug treatment access.''

If I thought that this amendment's intenent was to contribute to the campaign to distort the meaning of the Doha Declaration and erode essential TRIPS protections, I would have opposed it. However, I have been assured that this was not the sponsors' intent, nor the effect of its terms, and I therefore support it.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred September 5, 1994 in Seattle, WA. A gay couple was physically assaulted by a group of people shouting anti-gay slurs. Two of the attackers, Candice Underwood and Steven Lee, were charged with malicious harassment 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.

ADDITIONAL STATEMENTS

HONORING LIEUTENANT COMMANDER WILLIAM MUSCHA

• Mr. DORGAN. Mr. President, almost 20 years ago I had the good fortune of selecting Bill Muscha, a boy from Fargo, ND, as my nominee for the Naval Academy. He had been a member of his high school ROTC, a newspaper carrier, a Merit Scholar, an altar boy, a violinist, an Eagle Scout, a Sunday schoolteacher, a good kid. He was bright, well mannered, disciplined, dedicated to his career choice. I was pleased at the caliber of this youth and proud to be able to send him to Annapolis.

Now, many years later, I have the painful duty of announcing to my colleagues here in the U.S. Senate, that Lieutenant Commander William Muscha has been killed in the line of duty. He was aboard a Navy Saberliner jet, out of the Pensacola Naval Air Station, which went down in the Gulf of Mexico on May 10.

As my colleagues understand so well, one of the great joys of serving in the Congress is being able to appoint young men and women to the Nation's military academies. Inevitably, these are the best and brightest, star scholars, skilled athletes, shining patriots, engaging youngsters who are unusually mature, who already know what they want to do with their lives. When they are selected, their families are exuberant, their schools celebrate, and their hometowns swell with pride, and the students thank us warmly for the great favor we have bestowed on them.

But the truth is that these youngsters are the ones that the Members of Congress should be thanking. Senators don't need any plaudits for doing their job. The tributes always ought go instead to these wonderful teenagers who volunteer to serve their Nation in positions that are difficult, challenging, and dangerous. America is extraordinarily fortunate to have these kids step forward every year and pledge to defend their homeland.

Commander Muscha is a proud symbol of this Nation's tradition of citizen soldiers, the youngsters who come out of our high schools and neighborhoods, and pledge their lives to defend us. His sudden death is a sobering reminder of the hazards of military life. The perils of that career, dangers which led to the unhappy loss of Commander Muscha, are one reason why the men and women of the Armed Services are so respected by the American people. As their representative, I am both humbled and honored to stand here today, and salute this North Dakota patriot, and to send the Nation's sympathies to his grieving family.

He leaves his wife, Tamara, and their six children, Kara, Riley, Andrew, Molly, Zachary, and Emily: his parents, Robert and Carol Muscha; a sister, Major Diane Jones, and her husband, Scott; and the American Nation.•

HONORING BRIGID DEVRIES

• Mr. BUNNING. Mr. President, I rise today to congratulate and honor Brigid DeVries of Lexington, Kentucky, for being named the sixth commissioner of the Kentucky High School Athletic Association. Brigid DeVries, an assistant commissioner with the KHSAA for the past 23 years, is the first female head of the KHSAA and one of only four women across the entire United States to serve as commissioner or executive director of a state athletics association.

Ms. DeVries, a Lexington native, attended the University of Kentucky and graduated with a bachelor's degree in Health, Physical Education and Recreation in 1971. After graduating from UK, Ms. DeVries became a physical education teacher at Nicholas County Elementary School. Her next position took her out of Kentucky to the state of Ohio, where she served as the women's swimming and diving and track and field coach at Ohio University. After three years at Ohio University, Ms. DeVries returned to her alma mater, where she took over as men's and women's diving coach from 1980–1990. In 1979, she was hired as assistant commissioner of the KHSAA, and in 1994 was named executive assistant commissioner. Among other duties, she has directed the organization's gender-equity program, conducted eligibility investigations and assisted in management of the state football and basketball championships.

Ms. DeVries has the experience, education and intensity to fill this position without fear, hesitation, or reluctance. She has been a teacher, coach and administrator for many years now and certainly is qualified to lead the KHSAA for many years to come. I wish her the best of luck throughout her tenure as commissioner and look forward to charting her success.•

TRIBUTE TO MAJOR GENERAL NANCY R. ADAMS

• Mr. INOUYE. Mr. President, I rise today to recognize a great American and a true heroine in the Department of Defense who has honorably served

our country for over 34 years: Major General Nancy R. Adams, United States Army Nurse Corps. Major General Adams has had a brilliant career in the military. She quickly rose through the Army ranks as a medical-surgical nurse totally dedicated to caring for people. Her leadership abilities and talents were quickly recognized, and her performance in a variety of roles was exemplary. Her exceptional career includes many prestigious assignments, such as: Chief of the Army Nurse Corps, Commanding General of the Center of the U.S. Army Center for Health Promotion and Preventive Medicine, Commanding General of William Beaumont Army Medical Center and the Southwest Regional Medical Command, and culminated with her assignment as Commanding General of Tripler Army Medical Center and the Pacific Regional Medical Command.

Major General Adams initiated numerous changes that have improved the delivery of health care to our men and women in uniform and their families, and she has led the fight to improve business practices in the Department of Defense. She has played a key role in the delivery of care to our deserving veterans, always emphasizing the need for an integrated system that puts patients' needs first. Such perseverance and commitment to the health of this Nation has garnered her numerous accolades not only from military and civilian health care organizations but from academic institutions as well. She has been a champion for women's rights in the military and holds the distinction of being the senior ranking women on active duty at this time in the United States Army. Major General Adams has fostered the proud and cherished traditions of the military with her unselfish service. Her performance reflects greatly on herself, the United States Army Medical Command, the United States Army, the Department of Defense, and the United States of America. I extend my deepest appreciation on behalf of a grateful Nation for her dedicated service. Congratulations, Major General Nancy Adams. I wish you Godspeed.●

IN MEMORY OF BERNICE BROWN

● Mrs. BOXER. Mr. President, I ask my colleagues today to reflect on the rich life and legacy of Bernice Layne Brown. Mrs. Brown was the matriarch of a remarkable California family, one that has had a profound and positive effect on my State for the past 60 years.

Bernice Brown was the wife of the late Governor of California Pat Brown, and mother of another former Governor, Oakland Mayor Jerry Brown; as well as mother to former California State Treasurer Kathleen Brown; Cynthia Brown Kelly and Barbara Casey Siggins.

A true treasure to the Brown family and to all Californians, Bernice Brown, at the age of 93, died of natural causes on May 8, 2002 at her home in Beverly Hills. Mrs. Brown was the daughter of San Francisco Police Captain Arthur Layne. In her high school years, she met Pat Brown, and eloped with him in 1930 after making her living as a teacher. They were married for an impressive 65 years.

During the beginning of her husband's political career, she focused her time on raising their children. Although liking to avoid the spotlight, she was a wonderful asset to her family's campaigns and political careers and represented her family with dignity, respect and grace. While famous for her elegance and decorum, she was also an experienced campaigner who never shied away from giving frank advice to the various members of her political brood.

Bernice Brown will be missed not only by her loving family, but by the people of California, who grew to respect her quiet ways in the fray of politics. California has lost a remarkable matriarch, and we will never forget the legacy she has left us.●

CONGRATULATIONS TO GERALD K. OLSON

● Mr. DORGAN. Mr. President, I rise today to congratulate Gerald K. Olson on becoming the new Chairman of the American Association of Airport Executives.

One of the most rewarding aspects of being a United States Senator is that I frequently have the opportunity to meet wonderful people who were born and raised in North Dakota and are making a difference in people's lives through their chosen profession. Although he may no longer reside in our great State, Jerry Olson is one of those individuals that North Dakotans are proud to call one of their own.

Jerry grew up on a farm eight miles southwest of Minot where his parents still live and he graduated from the University of North Dakota in 1982. Although the aviation department started out with just two small aircraft and two faculty members, what is now known as the John D. Odegard School of Aerospace Sciences has evolved into one of the great aerospace programs in the country.

It should not surprise anyone that Jerry Olson had a hand in shaping that successful program when he was a student in Grand Forks and when he later managed airports in Williston, ND and Cheyenne, WY. During his entire professional career, Jerry has been a strong advocate for continuing education and has spent a great deal of his time helping and nurturing students studying airport administration at the University of North Dakota.

For approximately twenty years, Jerry has also worked hard to improve air service for those who live in small communities in North Dakota, Wyoming and around the country. People in rural areas who are fighting for better access to the commercial aviation system have no better advocate than Jerry Olson. And despite all the contributions he has made to aviation over the years, I suspect Jerry's most proud of the fact that he is a dedicated husband and father.

I know I speak on behalf of all North Dakotans when I thank Gerald K. Olson for his service and congratulate him on becoming the new chairman of the American Association of Airport Executives.●

TRIBUTE TO DR. FAYE GLENN ABDELLAH

● Mr. INOUYE. Mr. President, I rise to pay tribute to Dr. Faye Glenn Abdellah, who is about to retire after 49 years of service to the Federal Government and the Nation. Dr. Abdellah is currently serving as the Founding Dean of the Graduate School of Nursing, GSN, Uniformed Services University of the Health Sciences, USUHS. It does not seem so long ago that the United States Senate recognized Dr. Abdellah's induction into the National Women's Hall of Fame in October of 2000 for a lifetime spent establishing and leading essential health care programs for our country.

I have had the privilege of knowing Dr. Abdellah for many years, and I would be remiss if I were to focus only on the last nine years of Dr. Abdellah's service as Dean of the GSN. Dr. Abdellah is a nurse, and educator, a researcher, and an internationally recognized leader in nursing. As the first nurse to hold the rank of Rear Admiral, Upper Half, and the title of Deputy Surgeon General of the United States, her incredible leadership abilities have resulted in many truly remarkable accomplishments. Her numerous achievements include: the development of the first tested coronary care unit, which saved thousands of lives, the authorship or co-authorship, of more than 152 publications, some of which have been translated into six languages and which have altered nursing theory and practice, and the receipt of almost 90 professional and academic honors and eleven honorary degrees, all recognizing her innovative work in nursing research and health care. She has the unique honor of being elected as a Charter Fellow of the American Academy of Nursing where she later served as the Academy's Vice President and President.

Dr. Abdellah was also the recipient of the prestigious Allied Signal Award in 1989 and the Institute of Medicine's Gustav O. Lienhard Award in 1992. In 1994, the American Academy of Nursing presented her with ''The Living Legend'' Award; in 1999, she was elected to the Hall of Fame for Distinguished Graduates and Scholars at Columbia University. On April 30, 2001, she received the ''Breaking Ground in Women's Health Award'' in Chicago, IL. Her military awards include: the Surgeon General's Medallion and Medal, two United States Public Health Service

Distinguished Service Medals; the USUHS Distinguished Service and Meritorious Service Medals, the Secretary of the Department of Health Education and Welfare Distinguished Service Award, and two Founders Medals from the Association of Military Surgeons of the United States. Dr. Abdellah is renowned as an expert in health policies related to long-term care, mental retardation, the developmentally disabled, aging, hospice, and AIDS; her pioneering contributions have substantially and lastingly improved our Nation's health.

In 1993, the Congress directed the initiation of a demonstration program for the preparation of family nurse practitioners to meet the needs of the uniformed services. Of course, the individual who stepped forward to assist the USUHS President, James A. Zimble, M.D., Vice Admiral, Retired, was Dr. Abdellah. In the short time since its establishment, the USUHS Graduate School of Nursing has: recruited and retained a qualified faculty, successfully established curricula for two programs, identified accredited clinical practice sites and completed memoranda of understanding with 19 military treatment facilities, submitted self-studies and received full accreditation for the two GSN programs from three professional accrediting entities, received formal approval and permanent status on February 26, 1996, from Health Affairs, Office of the Secretary of Defense, initiated, implemented, and continuously reviewed the outcomes evaluation process for both academic programs, and has awarded 157 Masters of Science in Nursing Degrees to advanced practice nurse graduates through the Nurse Practitioner and Certified Registered Nurse Anesthesia Programs. All GSN graduates have passed their certification examinations, and 97 percent, of 152, of the GSN graduates remain on active duty.

One of the most successful and innovative programs between the Departments of Defense and Veterans Affairs is the Distance Learning Program established at the USUHS GSN. In 1999, the collaborative efforts of Dr. Abdellah with the Department of Veterans Affairs, VA, in the area of distance learning successfully demonstrated a cost-effective form of advanced education where nursing students can receive advanced training in critically-required specialty areas while maintaining their current positions at the VA medical centers. Twenty-six students, through a ''virtual commencement exercise,'' graduated from the VA/DoD Distance Learning Program on May 18, 1999. The virtual graduation was broadcast from USUHS and linked with eight VA Medical Centers located across the United States, and all graduates were eligible to sit for the American Nurses Association Credentialing Examination for Adult Nurse Practitioners. This graduation marked the first virtual advanced-level graduation for either the VA or DoD. A second class, with students located in ten VA Medical Centers, graduated in May of 2001, for a total of 60 distance learning graduates. A third class is ongoing. The exerpience gained by both the GSN and the VA will allow future projects in distance learning to benefit from the lessons learned and the technologies tested during the twenty-month program.

I believe that the recent grant of full accreditation by the National League for Nursing Accrediting Commission, NLNAC, sums up Dr. Abdellah's successful leadership at the USUHS GSN. The accrediting commission pointed out in its summary findings to the University that the mission and philosophy of the USUHS GSN is grounded in the University's mission and in the mission of the Uniformed Services. The GSN curriculum is designed to be specific to the unique mission of military service nurses: to serve in times of war and peace. The GSN students expressed a clear understanding that the program keeps them connected to their mission and prepares them to function immediately after completing the program. The GSN is successfully preparing unique advanced practice nurses to deliver care for the Uniformed Services during disaster relief and humanitarian interventions and, by doing so, ensures military readiness.

As my friend Dr. Abdellah reaches the conclusion of her second career of service to our Nation, I take this opportunity to say, without reservation, thank you for all that you have done and will continue to do for our great nation. You may be assured that the Congress, the United States Public Health Service, the Department of Defense, and the Uniformed Services University of the Health Sciences take great pride in all of your accomplishments. Thank you for another job well done and for your tremendous dedication and love for our country.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 85

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of the national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. I have sent the enclosed notice, stating that the Burma emergency is to continue beyond May 20, 2002, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on May 17, 2001.

The crisis between the United States and Burma, constituted by the actions and policies of the Government of Burma, including its policies of committing large-scale repression of the democratic opposition in Burma, that led to the declaration of a national emergency on May 20, 1997, has not been resolved. These policies are hostile to U.S. interests and pose a continuing unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to Burma and maintain in force the sanctions against Burma to respond to this threat.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 16, 2002*.

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA—PM 86

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

GEORGE W. BUSH.

THE WHITE HOUSE, *May 16, 2002*.

MESSAGE FROM THE HOUSE

At 5:42 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 3295) to establish a program to provide funds to States to replace

punch card voting systems, to establish the Election Assistance Commission to assist in the administration of Federal elections and to otherwise provide assistance with the administrations and to otherwise provide assistance with the administration of certain Federal election laws and programs, to establish minimum election administration standards for States and unites of local government with responsibility for the administration of Federal elections, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members to be the managers of the conference on the part of the House:

From the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Mr. NEY, Mr. EHLERS, Mr. DOOLITTLE, Mr. REYNOLDS, Mr. HOYER, Mr. FATTAH, and Mr. DAVIS of Florida.

From the Committee on Armed Services, for consideration of sections 601 and 606 of the House bill, and section 404 of the Senate amendments, and modifications committed to conference: Mr. STUMP, Mr. MCHUGH, and Mr. SKELTON.

From the Committee on the Judiciary, for consideration of sections 216, 221, and title IV sections 502, and 503 of the House bill, and sections 101, 102, 104, subtitles A, B, and C of title II, sections 311, 501, and 502 of the Senate amendments, and modifications committed to conference: Mr. SENSENBRENNER, Mr. CHABOT, and Mr. CONYERS.

From the Committee on Science for consideration of sections 221–5, 241–3, 251–3, and 261 of the House bill, and section 101 of the Senate amendments, and modifications committed to conference: Mr. BOEHLERT, Mrs. MORELLA, and Mr. BARCIA.

That Ms. JACKSON-LEE of Texas is appointed in lieu of Mr. BARCIA for consideration of sections 251–3 of the House bill, and modifications committed to conference.

From the Committee on Ways and Means for consideration of sections 103 and 503 of the Senate amendments, and modifications committed to conference: Mr. THOMAS, Mr. SHAW, and Mr. RANGEL.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4737. An act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 1840. An act to extend eligibility for refugee status of unmarried sons and daughters of certain Vietnamese refugees.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4737. An act to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Finance.

The Committee on Indian Affairs was discharged from the further consideration of the following title; which was referred to the Committee on Energy and Natural Resources:

S. 934. A bill to require the Secretary of the Interior to construct the Rocky Boy's North Central Montana Regional Water System in the State of Montana, to offer to enter into an agreement with the Chippewa Cree Tribes to plan, design, construct, operate, maintain and replace the Rocky Boy's Rural Water System, and to provide assistance to the North Central Montana Regional Water Authority for the planning, design, and construction of the noncore system, and for other purposes.

The following measure, having been reported from the Committee on the Judiciary, was referred to the Committee on Finance:

S. 848. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

MEASURE PLACED ON THE CALENDAR

The following bill, previously received from the House of Representatives for concurrence, was read the first and second times by unanimous consent, and placed on the calendar.

H.R. 4546. To authorize appropriations for fiscal year 2003 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

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–7074. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Significant Issues Raised in Finalizing Proposed Guidance on Changes in Annual Accounting Period'' (Ann. 2002–53) received on May 13, 2002; to the Committee on Finance.

EC–7075. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Under Secretary for Enforcement, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7076. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role, a nomination, and a nomination confirmed for the position of Commissioner of Customs, Customs Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7077. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Commissioner of Customs, Customs Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7078. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant General Counsel (Treasury)/Chief Counsel, Internal Revenue Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7079. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination and a nomination withdrawn for the position of Assistant General Counsel (Treasury)/Chief Counsel, Internal Revenue Service, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7080. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary (Financial Markets), Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7081. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary (Public Affairs), Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7082. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination and a nomination confirmed for the position of Treasurer of the United States, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7083. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Under Secretary for Domestic Finance, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7084. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, Department of the Treasury, received on October 4, 2002; to the Committee on Finance.

EC–7085. A communication from the Senior Attorney Federal Register Certifying Officer, Financial Management Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Rules and Procedures for Efficient Federal-State Funds Transfer'' (31 CFR Part 205) received on May 10, 2002; to the Committee on Finance.

EC–7086. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Automatic Approval of Accounting Period Changes by Flowthrough Entities'' (Rev. Proc. 2002–38) received on May 13, 2002; to the Committee on Finance.

EC–7087. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Prior Approval of Adoption, Change, or Retention of and Annual Accounting Period'' (Rev. Proc. 2002–39) received on May 13, 2002; to the Committee on Finance.

EC–7088. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled ''Procedures for Automatic Approval of Annual Accounting Period Changes by Corporations'' (Rev. Proc. 2002–37) received on May 13, 2002; to the Committee on Finance.

EC–7089. A communication from the Executive Director, The District of Columbia Retirement Board, transmitting, pursuant to law, the report of financial disclosure statements for calendar year 2001; to the Committee on Governmental Affairs.

EC–7090. A communication from the Director, National Science Foundation, transmitting, pursuant to law, the Annual Report on the National Oceanographic Partnership Program for Fiscal Year 2002; to the Committee on Armed Services.

EC–7091. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period October 1, 2001 through March 31, 2002; ordered to lie on the table.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–243. A engrossed resolution adopted by the Assembly of the State of Wisconsin relative to the authorization of funding for modernization of lock and dam infrastructure on the Upper Mississippi and Illinois Rivers' Inland Waterways Transportation System; to the Committee on Environment and Public Works.

2001 ASSEMBLY RESOLUTION 56

Whereas, the state of Wisconsin borders or contains over 360 miles of the upper Mississippi River and 11 navigation locks and dams along those borders; and

Whereas, many of Wisconsin's locks and dams are more than 60 years old and only 600 feet long, making them unable to accommodate modern barge tows of 1,200 feet long, nearly tripling locking times and causing lengthy delays and ultimately increasing shipping costs; and

Whereas, the use of 1,200-foot locks has been proven nationwide as the best method of improving efficiency, reducing congestion, and modernizing the inland waterways; and

Whereas, the construction of the lock and dam system has spurred economic growth and a higher standard of living in the Mississippi and Illinois river basin, and today supplies more than 300,000,000 tons of the nation's cargo, supporting more than 400,000 jobs, including 90,000 in manufacturing; and

Whereas, more than 60% of American agricultural exports, including corn, wheat, and soybeans, are shipped down the Mississippi and Illinois rivers on the way to foreign markets; and

Whereas, Wisconsin farmers, producers, and consumers rely on efficient transportation to remain competitive in a global economy, and efficiencies in river transport offset higher production costs compared to those incurred by foreign competitors; and

Whereas, the upper Mississippi and Illinois rivers lock and dam system saves our nation more than $1.5 billion in higher transportation costs each year, and failing to construct 1,200-foot locks will cause farmers to use more expensive alternative modes of transportation, including trucks and trains; and

Whereaas, according to the U.S. Army Corps of Engineers, congestion along the upper Mississippi and Illinois rivers is costing Wisconsin and other producers and consumers in the basin $98,000,000 per year in higher transportation costs; and

Whereas, river transportation is the most environmentally friendly form of transporting goods and commodities, creating almost no noise pollution and emitting 35% to 60% fewer pollutants than either trucks or trains, according to the U.S. Environmental Protection Agency; and

Whereas, moving away from river transport would add millions of trucks and railcars to our nation's infrastructure, adding air pollution, traffic congestion, and greater wear and tear on highways; and

Whereas, backwater lakes created by the lock and dam system provide breeding grounds for migratory waterfowl and fish; and

Whereas, the lakes and 500 miles of wildlife refuge also support a one-billion-dollar per year recreational industry, including hunting, fishing, and tourism jobs; and

Whereas, upgrading the system of locks and dams on the upper Mississippi and Illinois rivers will provide 3,000 construction and related jobs over a 15-year to 20-year period; and

Whereas, in 1999 the state of Wisconsin shipped 1,100,000 tons of commodities, including grain, coal, chemicals, aggregates, and other products; and

Whereas, 3,900,000 tons of commodities, including grain, coal, chemicals, aggregates, and other products, were shipped to, from, and within Wisconsin by barge, representing $313,000,000 in value; and

Whereas, shippers moving by barge in Wisconsin realized a savings of approximately $40,000,000 compared to other transportation modes; and

Whereas, Wisconsin docks shipped products by barge to 6 states and received products from 11 states; and

Whereas, there are approximately 20 manufacturing facilities, terminals, and docks on the waterways of Wisconsin, representing thousand of jobs in the state; and

Whereas, the U.S. Army Corps of Engineers is conducting a collaborative navigation study of the economic and environmental factors to be considered when examining capital improvements to the upper Mississippi River system; and

Whereas, the navigation study will release initial results in a summer 2002 report; now, therefore,

Resolved by the assembly, That the Wisconsin assembly formally recognizes the upper Mississippi River as a river of statewide significance for natural, navigational, and recreational benefits; and, be it further

Resolved, That the Wisconsin assembly recognizes the importance of timely modernization of the inland waterway transportation infrastructure to Wisconsin agriculture and industry in this state, the region, and the nation and, pending results of the navigation study, urges Congress to authorize funding to construct 1,200-foot locks on the upper Mississippi and Illinois river system; and, be it further

Resolved, That the assembly chief clerk shall transmit copies of this resolution to the president and secretary of the U.S. senate, the speaker and clerk of the U.S. house of representatives, the chair of the senate committee on commerce, science, and transportation, the chair of the house committee on transportation and infrastructure, and the members of the congressional delegation from this state.

POM–244. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to the Death Tax; to the Committee on Finance.

SENATE RESOLUTION NO. 195

Whereas, Under tax relief legislation passed in 2001, the federal death tax was temporarily—not permanently—eliminated; and

Whereas, Women and minorities are very often owners of small and medium sized businesses, and the death tax prevents their children from reaping the rewards of a lifetime trying to make a better life; and

Whereas, Farmers will face losing their farms if the federal government resumes the heavy taxation of the estates of people who invested most of their earnings back into their farms; and

Whereas, Employees suffer when they lose their jobs because many small and medium sized businesses are liquidated to pay death taxes and because high capital costs depress the number of new businesses that could offer them a job; and

Whereas, If the federal estate tax had been repealed in 1996, over the next nine years the United States economy would have averaged as much as $11 billion per year in extra output, and an average of 145,000 new jobs would have been created; and

Whereas, the persistent uncertainty created by the sunset provision prevents families and small businesses from taking full advantage of the repeal; and

Whereas, Having passed both houses of the Congress of the United States, elimination of the death tax has proven to hold widespread bipartisan support; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to repeal permanently the federal death tax; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–245. A resolution adopted by the Board of Commissioners of Warren County, Georgia relative to a U.S. Postal stamp honoring the late Senator Tom Watson; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 1209: A bill to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, and for other purposes..

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 268: A resolution designating May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 672: A bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens ''age-out'' while awaiting immigration processing, and for other purposes.

S. 848: A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 2179: A bill to authorize the Attorney General to make grants to States, local governments, and Indian tribes to establish permanent tributes to honor men and women who were killed or disabled while serving as law enforcement or public safety officers.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Richard R. Clifton, of Hawaii, to be United States Circuit Judge for the Ninth Circuit.

Christopher C. Conner, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

Joy Flowers Conti, of Pennsylvania, to be United States District Judge for the Western District of Pennsylvania.

John E. Jones III, of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER (by request):

S. 2526. A bill to amend title 38, United States Code, to modify provisions governing certain programs administered by the Department of Veterans Affairs and for other purposes; to the Committee on Veterans' Affairs.

By Mr. AKAKA (for himself and Mr. COCHRAN):

S. 2527. A bill to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. HAGEL, Ms. SNOWE, Mr. KYL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. BURNS, Mr. BINGAMAN, Mr. CAMPBELL, Mr. WYDEN, and Mr. ALLARD):

S. 2528. A bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. HARKIN, Mrs. CLINTON, and Mr. JOHNSON):

S. 2529. A bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program; to the Committee on Finance.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 2530. A bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers; to the Committee on Governmental Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. CLINTON:

S. Res. 271. A resolution expressing the sense of the Senate regarding the effectiveness of the AMBER plan in responding to child abductions; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 318

At the request of Mr. DASCHLE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 318, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance.

S. 326

At the request of Ms. COLLINS, the name of the Senator from California (Mrs. FEINSTEIN) 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. 454

At the request of Mr. BINGAMAN, the names of the Senator from Utah (Mr. HATCH) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 454, a bill to provide permanent funding for the Bureau of Land Management Payment in Lieu of Taxes program and for other purposes.

S. 486

At the request of Mr. LEAHY, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 486, a bill to reduce the risk that innocent persons may be executed, and for other purposes.

S. 554

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 554, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 603

At the request of Mr. LIEBERMAN, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 603, a bill to provide for full voting representation in the Congress for the citizens of the District of Columbia to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes.

S. 672

At the request of Mr. LEAHY, his name and the names of the Senator from Utah (Mr. HATCH) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 672, a bill to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens ''age-out'' while awaiting immigration processing, and for other purposes.

S. 1022

At the request of Mr. WARNER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1067

At the request of Mr. GRASSLEY, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1067, a bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

S. 1140

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1350

At the request of Mr. DAYTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1350, a bill to amend the title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1383

At the request of Mrs. CLINTON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1383, a bill to amend the Internal Revenue Code of 1986 to clarify the treatment of incentive stock options and employee stock purchases.

S. 1549

At the request of Mr. LIEBERMAN, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1549, a bill to provide for increasing the

technically trained workforce in the United States.

S. 1554

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1554, a bill to amend the Internal Revenue Code of 1986 to provide an increased low-income housing credit for property located immediately adjacent to qualified census tracts.

S. 1572

At the request of Mr. LUGAR, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1572, a bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes.

S. 1686

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1686, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 1828

At the request of Mr. LEAHY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1828, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 1839

At the request of Mrs. CLINTON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statures of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 2210

At the request of Mr. BIDEN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 2210, a bill to amend the International Financial Institutions Act to provide for modification of the Enhanced Heavily Indebted Poor Countries (HIPC) Initiative.

S. 2268

At the request of Mr. MILLER, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Idaho (Mr. CRAPO), the Senator from Wyoming (Mr. THOMAS), the Senator from Montana (Mr. BAUCUS), the Senator from Alabama (Mr. SESSIONS), the Senator from Alaska (Mr. STEVENS), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 2268, a bill to amend the Act establishing the Department of Commerce to protect manufacturers and sellers in the firearms and ammunition industry from restrictions on interstate or foreign commerce.

S. 2428

At the request of Mr. KERRY, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 2428, a bill to amend the National Sea Grant College Program Act.

S. 2440

At the request of Mr. ROBERTS, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2440, a bill to designate the Department of Veterans Affairs medical and regional office center in Wichita, Kansas, as the ''Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center''.

S. 2458

At the request of Mrs. HUTCHISON, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 2458, a bill to enhance United States diplomacy, and for other purposes.

S. 2483

At the request of Mr. CLELAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of 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.

S. 2489

At the request of Mrs. CLINTON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2489, a bill to amend the Public Health Service Act to establish a program to assist family caregivers in accessing affordable and high-quality respite care, and for other purposes.

S. 2525

At the request of Mr. KERRY, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2525, a bill to amend the Foreign Assistance Act of 1961 to increase assistance for foreign countries seriously affected by HIV/AIDS, tuberculosis, and malaria, and for other purposes.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 258

At the request of Mr. SMITH of New Hampshire, the names of the Senator from Kentucky (Mr. BUNNING) and the Senator from Pennsylvania (Mr. SANTORUM) were added as cosponsors of S. Res. 258, a resolution urging Saudi Arabia to dissolve its ''martyrs'' fund and to refuse to support terrorism in any way.

S. RES. 267

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 267, a resolution expressing the sense of the Senate regarding the policy of the United States at the 54th Annual Meeting of the International Whaling Commission.

S. RES. 270

At the request of Mr. CAMPBELL, the names of the Senator from Washington (Mrs. MURRAY), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. Res. 270, a resolution designating the week of October 13, 2002, through October 19, 2002, as ''National Cystic Fibrosis Awareness Week.''

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Washington (Ms. CANTWELL), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 28

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Con. Res. 28, a concurrent resolution calling for a United States effort to end restrictions on the freedoms and human rights of the enclaved people in the occupied area of Cyprus.

S. CON. RES. 107

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. Con. Res. 107, a concurrent

resolution expressing the sense of Congress that Federal land management agencies should fully support the Western Governors Association ''Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment,'' as signed August 2001, to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National prescribed Fire Strategy that minimizes risks of escape.

S. CON. RES. 110

At the request of Mrs. FEINSTEIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Con. Res. 110, a concurrent resolution honoring the heroism and courage displayed by airline flight attendants on a daily basis.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER (by request):

S. 2526. A bill to amend title 38, United States Code, to modify provisions governing certain programs administered by the Department of Veterans Affairs and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce legislation requested by the Secretary of Veterans Affairs, as a courtesy to the Secretary and the Department of Veterans Affairs, VA. Except in unusual circumstances, it is my practice to introduce legislation requested by the administration so that such measures will be available for review and consideration.

This ''by-request'' bill contains four sections, which amend existing sections or provisions of title 38. The first section would expand the Secretary of Veterans Affairs' authority to pay plot and interment allowances to State veterans cemeteries for all eligible peacetime veterans. Currently, the Secretary can only provide a plot allowance if the veteran served during wartime, was discharged for a service-connected disability, was receiving VA disability compensation or pension, or died in a VA facility. This amendment would facilitate States' participation in VA's State Cemeteries Grant Program, SCGP. Under the SCGP, VA pays for the construction of the cemetery, but the States bear the future maintenance costs. This provision would allow States to receive allowances for approximately 1,200 additional interments annually.

The second section of this bill would authorize the Secretary of Veterans Affairs to lease the undeveloped land and unused or underused buildings of the National Cemetery System and retain the proceeds from these leases, as well as agricultural licenses. The National Cemetery Administration, NCA, is endowed with thousands of acres of land, some of which is unused because it is not suitable for NCA development or has not yet been developed for NCA use. Currently, the NCA is authorized to issue limited-term agricultural licenses for these lands, and all profits must be deposited with the U.S. Treasury. However, some NCA land would be suitable for other purposes. This provision is meant to provide the Secretary with greater flexibility in using NCA lands to generate revenues, while allowing the NCA to become more self-sufficient by keeping profits within the administration.

The third section of this bill would modify amendments made by the Veterans' Claims Assistance Act of 2000, VCAA, which imposed a 1-year time limit for veterans to submit evidence—such as medical records—necessary to substantiate their claims for benefits. Prior to the enactment of the VCAA, a 1-year time limitation was imposed on information—such as complete contact information—necessary to complete a veteran's application for benefits. This provision was not included in the VCAA. The Secretary asserts that this requires VA to keep claims open indefinitely if they lack information for the application, while not allowing VA to make a payment on a claim that required the veteran to submit evidence to substantiate it, even if the claim could be granted on other grounds. This provision would reinstate the original time limitation on information for applications and rescind the current limitation on evidence to substantiate.

Section four of this bill would eliminate the reporting requirement on certain advance planning projects. Currently, VA cannot obligate more than $500,000 from its advance planning fund without submitting a report on the proposed obligation to both committees of Congress. However, VA argues that such reports are redundant for projects that have already been authorized by Congress, creating unnecessary and untimely delays. Accordingly, VA proposes that Congress eliminate this reporting requirement for already authorized projects.

Again, Mr. President, I submit this for the review and consideration of my colleagues at the request of the administration.

I ask unanimous consent that the text of the bill and Secretary Principi's transmittal letter that accompanied the draft legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2526

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

SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans' Programs Amendments Act of 2002''.

(b) REFERENCES.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 2. BURIAL PLOT ALLOWANCE.

(a) IN GENERAL.—Section 2303(b) is amended—

(1) in the matter preceding paragraph (1), by striking ''a burial allowance under such section 2302, or under such subsection, who was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, or who is a veteran of any war'' and inserting ''burial in a national cemetery under section 2402 of this title''; and

(2) in paragraph (2) by striking ''(other than a veteran whose eligibility for benefits under this subsection is based on being a veteran of any war)'' and inserting ''is eligible for a burial allowance under section 2302 of this title or under subsection (a) of this section, or was discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty, and such veteran''.

(b) APPLICABILITY.—The amendments made by section 2(a) shall apply with respect to the burial of persons dying on or after the date of enactment of this Act.

SEC. 3. LEASE OF LAND AND BUILDINGS; RETENTION OF PROCEEDS.

(a) IN GENERAL.—Chapter 24 is amended by adding at the end thereof the following new section:

§ 2412. Lease of land and buildings; retention of proceeds.

''(a) The Secretary may lease for a term not exceeding 3 years undeveloped land and unused or underutilized buildings, or parts or parcels thereof, belonging to the United States and part of the National Cemetery System established by section 2400 of this title. Any lease made to any public or nonprofit organization may be made without regard to the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5). Notwithstanding section 321 of the Act of June 30, 1932 (40 U.S.C. 303b), or any other provision of law, a lease made pursuant to this subsection to any public or nonprofit organization may provide for the maintenance, protection or restoration by the lessee as a part or all of the consideration for the lease. Prior to execution of any such lease, the Secretary shall give appropriate public notice of the Secretary's intention to do so in the newspaper of the community in which the lands or buildings are located.

''(b) Notwithstanding any other provision of law, proceeds from the lease of National Cemetery land or buildings and from agricultural licenses shall be deposited to the National Cemetery Administration account to assist cemetery operations and maintenance of cemetery property.''.

(b) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 24 is amended by adding at the end thereof the following new item:

''2412. Lease of land and buildings; retention of proceeds.''.

SEC. 4. TIME LIMITATION ON RECEIPT OF CLAIM INFORMATION PURSUANT TO REQUEST BY DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5102 is amended by adding at the end thereof the following new subsection:

''(c) TIME LIMITATION.—(1) If information that claimant and the claimant's representative, if any, are notified under subsection (b) is necessary to complete an application is not received by the Secretary within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

''(2) This subsection shall not apply to any application or claim for Government life insurance benefits.''.

(b) REPEAL OF SUPERSEDED PROVISIONS.—Section 5103 is amended—

(1) by striking ''(a) REQUIRED INFORMATION AND EVIDENCE.—'' ; and

(2) by striking subsection (b).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000 (Public Law 106–475; 114 Stat. 2096).

SEC. 5. MODIFICATION OF LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING.

Section 8104 is amended by adding at the end thereof the following new subsection:

''(g) Subsection (f) shall not apply with respect to the obligation of funds for a project if the project is specifically authorized by law prior to the obligation of funds.''.

Hon. RICHARD B. CHENEY,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: I am transmitting a draft bill, the ''Veterans' Programs Amendments Act of 2002''. I request that this draft bill be referred to the appropriate committee for prompt consideration and enactment.

BURIAL PLOT ALLOWANCE

Section 2(a) of the draft bill would amend 38 U.S.C. §2303(b) to authorize payment of the burial plot allowance to states for each veteran interred in a state veterans' cemetery at no cost to the veteran's estate or survivors.

Under current section 2303(b)(1), the Secretary of Veterans Affairs is authorized to pay to a state a $300 plot or interment allowance for each eligible veteran buried in a qualifying state veterans' cemetery. Such allowance is authorized only if the veteran: (1) was a veteran of any war; (2) was discharged from active service for a service-connected disability; (3) was receiving Department of Veterans Affairs (VA) compensation or pension at the time of death; or (4) died in a VA facility. The proposed amendment would expand this authority to permit payment of the plot allowance to states for burial in state veterans' cemeteries of all eligible peacetime veterans.

This amendment would encourage state participation in the State Cemetery Grants Program (SCGP). In 1978, Congress established the SCGP to complement VA's national cemetery system by assisting states in providing burial plots for veterans in areas where existing national cemeteries cannot satisfy veterans' burial needs. State officials have indicated to VA that they consider future maintenance costs when deciding whether to pursue a state cemetery grant. To the extent that the amendment would help defray those maintenance costs and encourage states to establish veterans' cemeteries, it would make the benefit of burial in such a cemetery an accessible option for more veterans.

This amendment would allow states to receive plot allowance payments for approximately 1,200 additional interments annually. The costs associated with the enactment of this provision would be $360,000 for fiscal year (FY) 2003 and $3.6 million for the ten-year period from FY 2003 through FY 2012.

LEASE OF LAND AND BUILDINGS; RETENTION OF PROCEEDS

Section 3(a) of the bill would authorize the Secretary of Veterans Affairs to lease undeveloped acreage and unused and underutilized buildings of the National Cemetery System and to retain the proceeds from leases or agricultural licenses.

Land is the primary asset entrusted to the National Cemetery Administration (NCA), which currently maintains approximately 14,650 acres. Land dedicated for burial purposes is developed in ten-year increments using a ''just-in-time'' approach that carefully monitors depletion of gravesites, projected burial requirements and estimated timing for new construction activities. Additionally, certain sections of many national cemeteries are unsuitable for development into burial sections due to the presence of wetlands, rock outcroppings or sloped terrain. Acreage that is unsuitable for burial purposes and land not yet needed for development represents a significant underutilized asset.

Amending existing law to authorize NCA to enter into lease agreements would provide NCA with more flexibility in finding current uses for land that otherwise would remain idle until it was needed for development. It also would permit buildings that are currently not in use to be leased and by so doing, to be maintained by the lessee. This authority is similar to the lease authority given to the Veterans Health Administration (VHA).

NCA already has authority to execute limited-term agricultural licenses and has done so at certain national cemeteries. The license permits grazing, sod farming or planting rotational crops on unused acreage. These activities directly benefit the cemetery by keeping the land cleared, attractive and well maintained. However, receipts for the use of this land must be deposited with the U.S. Treasury. Additionally, NCA has historic lodges and other buildings that could generate revenue for the cemetery if NCA were able to retain the proceeds from leases.

The receipts retained by NCA would assist in maintaining national cemeteries. The money would be deposited in the National Cemetery Administration account to be used for grounds maintenance, e.g., mowing, trimming, and fertilizing, as well as building maintenance. The additional funds will help to maintain national cemeteries as shrines dedicated to our Nation's history, nurturing patriotism and honoring the service and sacrifice veterans have made on behalf of the United States.

We estimate that section 3 of the bill would generate annual proceeds of approximately $100,000.

TIME LIMITATION ON RECEIPT OF CLAIM INFORMATION

Section 4(a) and (b) of the draft bill would make a technical correction to the statutory provisions created by the Veterans Claims Assistance Act of 2000 (VCAA), Pub. L. No. 106–475, 114 Stat. 2096. Section 4(c) would make that correction effective as if enacted immediately after the VCAA.

Prior Law

Before the enactment of the VCAA, 38 U.S.C. §5103(a) required VA, if a claimant's application for benefits was incomplete, to notify the claimant of the evidence necessary to complete the application. Section 5103(a) further provided: ''If such evidence is not received within one year from the date of such notification, no benefits may be paid or furnished by reason of such application.''

In accordance with former section 5103(a), VA regulations provide that, if evidence requested in connection with a claim is not furnished within one year after the date of request, the claim will be considered abandoned. After the expiration of one year, VA will take no further action unless it receives a new claim. Furthermore, should the right to benefits be finally established, benefits based on such evidence would commence no earlier than the date the new claim was filed. 38 C.F.R. §3.158(a).

Before the enactment of the VCAA, title 38, United States Code, contained no provision requiring VA to notify a claimant of the evidence necessary to substantiate a claim.

Current Law

Section 3(a) of the VCAA struck former 38 U.S.C. §§5102 and 5103 and added new sections 5102 and 5103. 114 Stat. at 2096–97. Now section 5102(b) requires VA, if a claimant's application for a benefit is incomplete, to notify the claimant (and his or her representative, if any) of the information necessary to complete the application. Section 5102 contains no provision concerning a time limitation for the submission of information necessary to complete an application.

Now section 5103(a) requires VA, upon receipt of a complete or substantially complete application for benefits, to notify the claimant (and his or her representative, if any) of any information and evidence not previously provided to VA that is necessary to substantiate the claim. Furthermore, that notice must indicate which portion of that information and evidence, if any, is to be provided by the claimant and which portion, if any, VA will attempt to obtain on the claimant's behalf. Section 5103(b)(1) provides, in the case of information or evidence that the claimant is notified is to be provided by him or her, if VA does not receive such information or evidence within one year from the date of such notification, no benefit may be paid or furnished by reason of the claimant's application.

Implications

As a result of the amendments made by the VCAA, the statutory provision imposing a one-year limitation now relates to the substantiation of claims rather than to the completion of applications. We do not believe Congress intended this change from prior law. This change raises several potential problems.

Without a statutory limitation of one year to complete an application, VA no longer has a statutory basis for closing an application as abandoned. Thus, if a claimant were to submit an incomplete application for benefits, but not respond to VA's notice of the information necessary to complete it until many years later, the award of any benefit granted on the basis of that application would have to be effective from the date of the application, even though the claimant took no action to complete it for many years. Further, it appears that VA would be unauthorized to close or deny the claim based on the claimant's failure to respond. We do not believe Congress intended this result. Rather, we believe that the former one-year statutory limitation on the time available to complete an application should be restored.

The statutory limitation of one year to substantiate a claim also raises potential problems. One such problem is the possibility that courts will interpret the provision to preclude VA from deciding a claim until one year has expired from the date VA gives notice of the information and evidence necessary to substantiate the claim. Exactly that interpretation has been offered by several veterans' service organizations challenging VA's regulations implementing the VCAA. Under those regulations, as part of VA's notice under section 5103(a), VA will request the claimant to provide any evidence in the claimant's possession that pertains to the claim. We ask for the evidence within 30 days, but tell the claimant that one year is available to respond. If the claimant has not responded to the request within 30 days, VA may decide the claim before expiration of the one year, based on all the information and evidence contained in the file, including information and evidence it has obtained on the claimant's behalf. However, VA will have to readjudicate the claim if the claimant subsequently provides the information and evidence within one year of the date of the request. 38 C.F.R. §3.159(b)(1).

VA issued those rules ''to allow for the timely processing of claims.'' 66 Fed. Reg. 17,834, 17,835 (2001). Once an application had been substantially completed, VA does not want to have to wait one year to decide the claim, given the large backlog of claims awaiting adjudication by VA and the Secretary's commitment to reducing the backlog and shortening the time VA takes to adjudicate claims. What VA considers to be Congress' inadvertent moving of the one–year limitation from the provision relating to completion of applications to the provision relating to the substantiation of claims could impede VA's efforts to improve service to veterans. VA doubts that Congress intended to require VA, after requesting evidence from a claimant, to keep the claim open and pending for a full year if the claimant has not yet responded.

Furthermore, section 5103(b)(1)'s clear and unambiguous language appears to prohibit the payment of benefits even though VA could allow a claim. For example, VA might be able to allow a claim on the basis of evidence VA obtained on the claimant's behalf, even though the claimant has not provided the evidence requested of him or her. Or VA might find clear and unmistakable error in a prior denial and need to grant benefits on the claim that was erroneously denied. Yet section 5103(b)(1) prohibits the payment or furnishing of any benefit if VA does not receive within one year the information or evidence the claimant is to provide according to VA's notice. Surely, Congress did not intend such a result.

Finally, some of VA's pro-veteran regulations will have to be changed unless the one–year time limitation is removed from section 5103. For example, 38 C.F.R. §20.1304(a) permits an appellant to submit additional evidence during the 90 days following notice that an appeal has been certified to the Board of Veterans' Appeals and the appellate record has been transferred to the Board. That 90–day period may extend beyond the one–year period following notice of the information and evidence necessary to substantiate the claim given under section 5103(a), in which case it would conflict with the statutory mandate that ''no benefit may be paid or furnished by reason of the claimant's application'' if VA does not receive the evidence within one year from the date of the section 5103(a) notice. Another potentially conflicting regulation is 38 C.F.R. §3.156(b), which deems new and material evidence received before expiration of the one-year appeal period (beginning when notice of the decision on a claim is sent) or before an appellate decision is made if a timely appeal is filed to have been filed in connection with the claim pending at the beginning of the appeal period. Because the one–year appeal period necessarily extends beyond the one-year substantiation period, the regulation authorizes the grant of benefits based on evidence not timely received under section 5103(b), contrary to the statutory mandate.

Accordingly, we propose a technical amendment to sections 5102 and 5103 that would prevent these problems. Our draft bill would restore the one-year limitation to section 5102 and remove it from section 5103. It would make these technical amendments effective as if enacted immediately after the VCAA.

LIMITATION ON OBLIGATIONS FOR ADVANCE PLANNING

Section 5 of the bill would eliminate the limitation on certain obligations for advance planning.

Section 8104(f) of title 38, United States Code, currently provides that the Secretary may not obligate funds on an amount in excess of $500,000 from the Advance Planning Fund of the Department until the Secretary submits to the committees of Congress a report on the proposed obligation, and a period of 30 days has passed after the date the committees have received the report.

The reporting requirement was established to ensure that the VA committees were knowledgeable of VA project development activities. At present, these committees participate in the authorization process and, as a result, are knowledgeable of the projects that have already been authorized by Congress. However, because the reporting requirement still applies to projects that have already been authorized by Congress, the Secretary is precluded from funding these projects until after a report is submitted to the committees and the 30–day period has passed. The current limitation places a two to three month delay on those projects that have already been authorized by Congress.

The proposed legislation would eliminate the limitation only for those projects that have already been authorized by Congress in accordance with 38 U.S.C. §8104(2). Consequently, the elimination of this limitation would remove the duplication of effort on the part of VA and Congress.

The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress.

Sincerely yours,

ANTHONY J. PRINCIPI.

Enclosure.

SECTION-BY-SECTION ANALYSIS

DRAFT BILL: ''VETERANS' PROGRAMS AMENDMENTS ACT OF 2002''

Section 1. Short Title; References to Title 38, United States Code

Section 1(a) would state the short title to the Act: the Veterans' Programs Amendments Act of 2002. Section 1(b) would provide that all amendments made by the Act, unless otherwise specified, are to a section or other provision of title 38, United States Code.

Section 2. Burial Plot Allowance

Section 2(a) would amend 38 U.S.C. 2303(b) to authorize payment of the burial plot allowance to states for each veteran interred in a state veterans' cemetery at no cost to the veteran's estate or survivors. Currently, section 2303(b)(1) authorizes VA to pay a state a $300 plot or interment allowance for each eligible veteran buried in a qualifying state veterans' cemetery. Such allowance is authorized only if the veteran: (1) was a veteran of any war; (2) was discharged from active service for a service-connected disability; (3) was receiving VA compensation or pension at the time of death; or (4) died in a VA facility. The proposed amendment would expand this authority to permit payment of the plot allowance to states for burial in state veterans' cemeteries of all eligible peacetime veterans.

Section 2(b) would make the amendments made by subsection (a) applicable to burial of persons dying on or after the date of the Act's enactment.

Section 3. Lease of Land and Buildings; Retention of Proceeds

Section 3(a) would add to Chapter 24 of title 38, United States Code, new section 2412. Section 2412(a) would authorize the Secretary of Veterans Affairs to lease, for a term not to exceed 3 years, undeveloped land and unused or underutilized buildings, or parts or parcels thereof, of the National Cemetery System. This authority would mirror the Secretary's authority in section 8122 of title 38, to lease land or buildings at a VA medical facility. A lease made to a public or nonprofit organization can be made without regard to the advertising requirements of section 5 of title 41, United States Code, and it can provide for the public or nonprofit to maintain, protect or restore the property in lieu of monetary consideration. Section 2421(b) would authorize the proceeds generated by the lease or the proceeds received from an agricultural license to be deposited to the National Cemetery Administration account to assist cemetery operations and maintenance of cemetery property.

Section 3(b) would add to the table of contents at the beginning of chapter 24 a new item to reflect the addition of section 2412.

Section 4. Time Limitation on Receipt of Claim Information Pursuant to Request by Department of Veterans Affairs

Section 4(a) and (b) would remove a time limitation from 38 U.S.C. §5103 and restore it to 38 U.S.C. §5102. The provision, currently in section 5103(b), prohibits VA from paying or furnishing any benefit by reason of an application if VA has not received certain information and evidence within one year of notifying the claimant that the information and evidence is necessary to substantiate the claim and that the claimant is to provide them. If moved to section 5102, the provision would prohibit VA from paying or furnishing any benefit by reason of an application if VA has not received certain information within one year of notifying the claimant that the information is necessary to complete the application.

Section 4(c) would make the amendments made by subsections (a) and (b) effective as if enacted on November 9, 2000, immediately after the enactment of the Veterans Claims Assistance Act of 2000, Pub. L. No. 106–475, 114 Stat. 2096.

Section 5. Modification of Limitation on Obligations for Advanced Planning

Section 5 would add to the end of section 8104 of title 38, United States Code, a new subsection (g) eliminating a limitation on the obligation of funds from the Advance Planning Fund for certain projects. At present, 38 U.S.C. §8104(f) provides that the Secretary may not obligate funds on an amount in excess of $500,000 from the Advanced Planning Fund of the Department until the Secretary submits to the committees of Congress a report on the proposed obligation and a period of 30 days has passed after the date the committees have received the report. The reporting requirement applies to projects that have already been authorized by Congress, and the Secretary is therefore precluded from funding these projects until after a report is submitted to the Committees and the 30-day period has passed. The current limitation places a two to three month delay on those projects that have already been authorized by Congress. Elimination of this limitation, as contemplated by section 5, would remove duplication of effort on the part of VA and Congress for those projects that have been authorized in accordance with title 38 U.S.C. §8104.

By Mr. AKAKA (for himself and Mr. COCHRAN):

S. 2527. A bill to provide for health benefits coverage under chapter 89 of title 5, United States Code, for individuals enrolled in a plan administered by the Overseas Private Investment Corporation, and for other purposes; to the Committee on Governmental Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce legislation to provide health care coverage under the Federal Employees Health Benefits

Program, FEHBP, to individuals enrolled in a health care plan administered by the Overseas Private Investment Corporation, OPIC. I am pleased to be joined by my good friend Senator COCHRAN in this endeavor.

In the 1980s, a number of Federal banking-related agencies—including OPIC, the Office of Comptroller of the Currency, the Office of Thrift Supervision, and the Farm Credit Administration—established separate health insurance plans outside the FEHBP. The agencies were able to offer enhanced benefits at significantly lower costs because of the demographics of their workforce. However, increasing health care costs, an aging workforce, and an overall reduction in the Federal workforce has made it economically impractical for these agencies to maintain their separate programs. As a result, all of these agencies, except OPIC, discontinued their separate programs through legislation and transferred their employees to the FEHBP. Legislative action is needed because current law requires that Federal employees participate in a FEHBP plan for the 5 years prior to retirement in order to retain coverage after retirement.

OPIC established its separate program in 1982 and discontinued offering the plan to new employees on January 1, 1995. There are 21 retirees and 18 near-retirees who would be affected by the change. Due to the large costs involved in covering retirees in the FEHBP, OPIC would be required to pay the employees health benefits fund for the benefits provided by this legislation. OPIC has agreed to pay this amount from its existing appropriated resources. It is estimated that OPIC will save approximately $300,000 per year in premiums when the transfer occurs.

I ask my colleagues to support this legislation and for 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. 2527

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

SECTION 1. CONTINUATION OF HEALTH BENEFITS COVERAGE FOR INDIVIDUALS ENROLLED IN A PLAN ADMINISTERED BY THE OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) ENROLLMENT IN CHAPTER 89 PLAN.—For purposes of the administration of chapter 89 of title 5, United States Code, any period of enrollment under a health benefits plan administered by the Overseas Private Investment Corporation before the effective date of this Act shall be deemed to be a period of enrollment in a health benefits plan under chapter 89 of such title.

(b) CONTINUED COVERAGE.—

(1) IN GENERAL.—Any individual who, on June 30, 2002, is covered by a health benefits plan administered by the Overseas Private Investment Corporation may enroll in an approved health benefits plan described under section 8903 or 8903a of title 5, United States Code—

(A) either as an individual or for self and family, if such individual is an employee, annuitant, or former spouse as defined under section 8901 of such title; and

(B) for coverage effective on and after June 30, 2002.

(2) INDIVIDUALS CURRENTLY UNDER CONTINUED COVERAGE.—An individual who, on June 30, 2002, is entitled to continued coverage under a health benefits plan administered by the Overseas Private Investment Corporation—

(A) shall be deemed to be entitled to continued coverage under section 8905a of title 5, United States Code, for the same period that would have been permitted under the plan administered by the Overseas Private Investment Corporation; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a of such title for coverage effective on and after June 30, 2002.

(3) UNMARRIED DEPENDENT CHILDREN.—An individual who, on June 30, 2002, is covered as an unmarried dependent child under a health benefits plan administered by the Overseas Private Investment Corporation and who is not a member of family as defined under section 8901(5) of title 5, United States Code—

(A) shall be deemed to be entitled to continued coverage under section 8905a of such title as though the individual had, on June 30, 2002, ceased to meet the requirements for being considered an unmarried dependent child under chapter 89 of such title; and

(B) may enroll in an approved health benefits plan described under section 8903 or 8903a of such title in accordance with section 8905a for continued coverage effective on and after June 30, 2002.

(c) TRANSFERS TO THE EMPLOYEES HEALTH BENEFITS FUND.—

(1) IN GENERAL.—The Overseas Private Investment Corporation shall transfer to the Employees Health Benefits Fund established under section 8909 of title 5, United States Code, amounts determined by the Director of the Office of Personnel Management, after consultation with the Overseas Private Investment Corporation, to be necessary to reimburse the Fund for the cost of providing benefits under this section not otherwise paid for by the individuals covered by this section.

(2) AVAILABILITY OF FUNDS.—The amounts transferred under paragraph (1) shall be held in the Fund and used by the Office in addition to amounts available under section 8906(g)(1) of title 5, United States Code.

(d) ADMINISTRATION AND REGULATIONS.—The Office of Personnel Management—

(1) shall administer this section to provide for—

(A) a period of notice and open enrollment for individuals affected by this section; and

(B) no lapse of health coverage for individuals who enroll in a health benefits plan under chapter 89 of title 5, United States Code, in accordance with this section; and

(2) may prescribe regulations to implement this section.

By Mr. DOMENICI (for himself, Mr. BAUCUS, Mr. HAGEL, Ms. SNOWE, Mr. KYL, Mr. SMITH of Oregon, Mr. SMITH of New Hampshire, Mr. GRAHAM, Mr. BURNS, Mr. BINGAMAN, Mr. CAMPBELL, Mr. WYDEN, and Mr. ALLARD):

S. 2528. A bill to establish a National Drought Council within the Federal Emergency Management Agency, to improve national drought preparedness, mitigation, and response efforts, and for other purposes; to the Committee on Environment and Public Works.

Mr. DOMENICI. Mr. President, I rise today to introduce the National Drought Preparedness Act of 2002. Severe droughts are not solely the curse of the Southwest. Lately, it has been apparent that every region in the United States can be hit by drought. We have certainly experienced our share of drought in the Southwest, but we have also seen the phenomenon occur in the Pacific Northwest, California, the Great Basin States, and this year in Maryland, Virginia, Pennsylvania, and Delaware. According to the recent Drought Monitor, a joint production of the National Drought Mitigation Center, USDA, NOAA, and the Climate Prediction Center, nearly a third of the United States is currently in a moderate to extreme drought.

Currently, the State of New Mexico and much of the Rocky Mountain States are near or below 50 percent of normal based on low snow pack. Along the east coast, precipitation in many places is 8–20 inches below normal over the last year.

Drought is a unique emergency situation; it creeps in unlike other abrupt weather disasters. Without a national drought policy we constantly live not knowing what the next year will bring. If we find ourselves facing a drought, towns could be scrambling to drill new water wells, fire could sweep across bone dry forests and farmers, and ranchers could be forced to watch their way of life blow away with the dust. We must be vigilant and prepare ourselves for quick action when the next drought cycle begins. Better planning on our part could limit some of the damage felt by drought. I propose that this bill is the exact tool needed for facilitating better planning.

The impacts of drought are also very costly. According to NOAA, there have been 12 different drought events since 1980 that resulted in damages and costs exceeding $1 billion each. In 2000, severe drought in the South-Central and Southeastern States caused losses to agriculture and related industries of over $4 billion. Western wildfires that year totaled over $2 billion in damages. The Eastern drought in 1999 led to $1 billion in losses. These are just a few of the statistics.

While drought affects the economic and environmental well-being of the entire Nation, the United States has lacked a cohesive strategy for dealing with serious drought emergencies. As many of you know, the impact of drought emerges gradually rather than suddenly as is the case with other natural disasters.

In 1996, every part of New Mexico suffered from severe drought. As a result, I convened a special Multi-State Drought Task Force of Federal, State, local, and tribal emergency management agencies to coordinate efforts to respond to drought. The task force was headed up by the Federal Emergency Management Agency, and included

every Federal agency that has programs designed to deal with drought. The task force found that although the Federal Government has many drought-related programs on the books, the real problem is that there is no integrated, coordinated system of implementing those programs.

With the recommendations from the Western Governors' Association, the National Governors' Association, and the Multi-State Drought Task Force, I introduced the National Drought Policy Act of 1997. This piece of legislation, which was signed into law, was the first step toward establishing a coherent, effective national drought policy. The legislation created a commission comprised of representatives of those Federal, State, local, and tribal agencies and organizations most involved in drought issues. The bill further charged the commission with providing recommendations on a permanent and systematic federal process to address this particular type of devastating natural disaster.

The commission included representatives from USDA, Interior, the Army, FEMA, SBA and Commerce—all agencies with current drought-related programs. The commission also included non-Federal members such as representatives from the National Governors' Association, the U.S. Conference of Mayors, and four persons representing those groups that are always hardest hit by drought emergencies.

The commission was charged with determining what needs existed on the Federal, State, local, and tribal levels with regard to drought; reviewing existing drought programs; and determining what gaps exist between the needs of drought victims and those programs currently designed to deal with drought. Finally, the commission was charged with making recommendations on how Federal drought laws and programs could be better integrated into a comprehensive national drought policy.

Ultimately, the commission concluded that ''we must adopt a forward-looking stance to reduce this nation's vulnerability to the impacts of drought. Preparedness—including drought planning, plan implementation, proactive mitigation, risk management, resource stewardship, consideration of environmental concerns, and public education—must become the cornerstone of national drought policy.'' The guiding principles of drought policy should be one, favoring preparedness over insurance, insurance over relief, and incentives over regulation; two, setting research priorities based on the potential of the research results to reduce drought impacts; and three, coordinating the delivery of Federal services through cooperation and collaboration with non-Federal entities.

I am pleased to be following through on what I started in 1997. The bill that I am introducing today is the next step in implementing a national, cohesive drought policy. The bill recognizes that drought is a recurring phenomenon that causes serious economic and environmental loss and that a national drought policy is needed to ensure an integrated, coordinated strategy.

The National Drought Preparedness Act of 2002 does the following: It creates national policy for drought. This will hopefully move the country away from the costly, ad-hoc, response-oriented approach to drought, and move us toward a pro-active, preparedness approach. The new national policy would provide the tools and focus, similar to the Stafford Act, for Federal, State, tribal and local governments to address the diverse impacts and costs caused by drought.

The bill would improve delivery of Federal drought programs. This would ensure improved program delivery, integration, and leadership. To achieve this intended purpose, the bill establishes the National Drought Council, designating USDA as the lead Federal agency. The council and USDA would provide the coordinating and integrating function for Federal drought programs, much like FEMA provides that function for other natural disasters under the Stafford Act.

The act will provide new tools for drought preparedness planning. Building on existing policy and planning processes, the bill would assist States, local governments, tribes, and other entities in the development and implementation of drought preparedness plans. The bill does not mandate State and local planning, but is intended to facilitate plan development and implementation through establishment of the drought assistance fund.

The bill would improve forecasting and monitoring by facilitating the development of the National Drought Monitoring Network in order to improve the characterization of current drought conditions and the forecasting of future droughts. Ultimately, this would provide a better basis to trigger Federal drought assistance.

Finally, the bill would authorize FEMA to provide reimbursement to States for reasonable staging and prepositioning costs when there is a threat of a wildfire.

Mr. President I ask unanimous consent that 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. 2528

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''National Drought Preparedness Act of 2002''.

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

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.
Sec. 4. Effect of Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

Sec. 101. Membership and voting.
Sec. 102. Duties of the Council.
Sec. 103. Powers of the Council.
Sec. 104. Council personnel matters.
Sec. 105. Authorization of appropriations.
Sec. 106. Termination of Council.

Subtitle B—National Office of Drought Preparedness

Sec. 111. Establishment.
Sec. 112. Director of the Office.
Sec. 113. Detail of government employees.

Subtitle C—Drought Preparedness Plans

Sec. 121. Drought Assistance Fund.
Sec. 122. Drought preparedness plans.
Sec. 123. Federal plans.
Sec. 124. State and tribal plans.
Sec. 125. Regional and local plans.
Sec. 126. Plan elements.

TITLE II—WILDFIRE SUPPRESSION

Sec. 201. Grants for prepositioning wildfire suppression resources.

SEC. 2. FINDINGS.

Congress finds that—

(1) regional drought disasters in the United States cause serious economic and environmental losses, yet there is no national policy to ensure an integrated and coordinated Federal strategy to prepare for, mitigate, or respond to such losses;

(2) State, tribal, and local governments have to coordinate efforts with each Federal agency involved in drought monitoring, planning, mitigation, and response;

(3) effective drought monitoring—

(A) is a critical component of drought preparedness and mitigation; and

(B) requires a comprehensive, integrated national program that is capable of providing reliable, accessible, and timely information to persons involved in drought planning, mitigation, and response activities;

(4) the National Drought Policy Commission was established in 1998 to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies;

(5) according to the report issued by the National Drought Policy Commission in May 2000, the guiding principles of national drought policy should be—

(A) to favor preparedness over insurance, insurance over relief, and incentives over regulation;

(B) to establish research priorities based on the potential of the research to reduce drought impacts;

(C) to coordinate the delivery of Federal services through collaboration with State and local governments and other non-Federal entities; and

(D) to improve collaboration among scientists and managers; and

(6) the National Drought Council, in coordination with Federal agencies and State, tribal, and local governments, should provide the necessary direction, coordination, guidance, and assistance in developing a comprehensive drought preparedness system.

SEC. 3. DEFINITIONS.

In this Act:

(1) COUNCIL.—The term ''Council'' means the National Drought Council established by section 101(a).

(2) CRITICAL SERVICE PROVIDER.—The term ''critical service provider'' means an entity that provides power, water (including water provided by an irrigation organization or facility), sewer services, or wastewater treatment.

(3) DIRECTOR.—The term ''Director'' means the Director of the Federal Emergency Management Agency.

(4) DIRECTOR OF THE OFFICE.—The term ''Director of the Office'' means the Director of the Office appointed under section 112(a).

(5) DROUGHT.—The term ''drought'' means a major natural disaster that is caused by a deficiency in precipitation—

(A) that may lead to a deficiency in surface and subsurface water supplies (including rivers, streams, wetlands, ground water, soil moisture, reservoir supplies, lake levels, and snow pack); and

(B) that causes or may cause—

(i) substantial economic or social impacts; or

(ii) physical damage or injury to individuals, property, or the environment.

(6) FUND.—The term ''Fund'' means the Drought Assistance Fund established by section 121(a).

(7) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) MITIGATION.—The term ''mitigation'' means a short- or long-term action, program, or policy that is implemented in advance of or during a drought to minimize any risks and impacts of drought.

(9) NATIONAL DROUGHT MONITORING NETWORK.—The term ''National Drought Monitoring Network'' means a comprehensive network that collects and integrates information on the key indicators of drought, including stream flow, ground water levels, reservoir levels, soil moisture, snow pack, climate (including precipitation and temperature), and forecasts, in order to make usable, reliable, and timely assessments of drought, including the severity of drought.

(10) NEIGHBORING COUNTRY.—The term ''neighboring country'' means Canada and Mexico.

(11) OFFICE.—The term ''Office'' means the National Office of Drought Preparedness established under section 111.

(12) TRIGGER.—The term ''trigger'' means the thresholds or criteria that must be satisfied before mitigation or emergency assistance may be provided to an area—

(A) in which drought is emerging; or

(B) that is experiencing a drought.

SEC. 4. EFFECT OF ACT.

This Act does not affect—

(1) the authority of a State to allocate quantities of water under the jurisdiction of the State; or

(2) any State water rights established as of the date of enactment of this Act.

TITLE I—DROUGHT PREPAREDNESS

Subtitle A—National Drought Council

SEC. 101. MEMBERSHIP AND VOTING.

(a) IN GENERAL.—There is established a council to be known as the ''National Drought Council''.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Council shall be composed of—

(A) the Director;

(B) the Secretary of the Interior;

(C) the Secretary of the Army;

(D) the Secretary of Agriculture;

(E) 4 members appointed by the Federal co-chair appointed under subsection (f), in coordination with the National Governors Association, of whom—

(i) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region I, II, or III;

(ii) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region IV or VI;

(iii) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region V or VII; and

(iv) 1 member shall be the Governor of a State from Federal Emergency Management Agency Region VIII, IX, or X;

(F) 1 member appointed by the Federal co-chair, in coordination with the National Association of Counties;

(G) 1 member appointed by the Federal co-chair, in coordination with the United States Conference of Mayors;

(H) 1 member appointed by the Secretary of the Interior, in coordination with Indian tribes, to represent the interests of tribal governments; and

(I) 1 member appointed by the Secretary of Agriculture, in coordination with the National Association of Conservation Districts, to represent local soil and water conservation districts.

(2) DATE OF APPOINTMENT.—The appointment of each member of the Council shall be made not later than 120 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member of the Council shall be appointed for a term of 2 years.

(2) VACANCIES.—A vacancy on the Council—

(A) shall not affect the powers of the Council; and

(B) shall be filled in the same manner as the original appointment was made.

(d) MEETINGS.—

(1) IN GENERAL.—The Council shall meet at the call of the co-chairs.

(2) FREQUENCY.—The Council shall meet at least semiannually.

(e) QUORUM.—A majority of the members of the Council shall constitute a quorum, but a lesser number may hold hearings or conduct other business.

(f) CO-CHAIRS.—

(1) IN GENERAL.—There shall be a Federal co-chair and non-Federal co-chair of the Council.

(2) APPOINTMENT.—

(A) FEDERAL CO-CHAIR.—The Director shall be Federal co-chair.

(B) NON-FEDERAL CO-CHAIR.—The Council members appointed under subparagraphs (E) through (I) of subsection (b)(1) shall select a non-Federal co-chair from among the members appointed under those subparagraphs.

(g) DIRECTOR OF THE OFFICE.—

(1) IN GENERAL.—The Director of the Office shall serve as Director of the Council.

(2) DUTIES.—The Director of the Office shall serve the interests of all members of the Council.

SEC. 102. DUTIES OF THE COUNCIL.

(a) IN GENERAL.—The Council shall—

(1) not later than 1 year after the date of the first meeting of the Council, develop a comprehensive National Drought Policy Action Plan that—

(A)(i) delineates and integrates responsibilities for activities relating to drought (including drought preparedness, mitigation, research, risk management, training, and emergency relief) among Federal agencies; and

(ii) ensures that those activities are coordinated with the activities of the States, local governments, Indian tribes, and neighboring countries;

(B) is consistent with—

(i) this Act and other applicable Federal laws; and

(ii) the laws and policies of the States for water management;

(C) is integrated with drought management programs of the States, Indian tribes, local governments, and private entities; and

(D) avoids duplicating Federal, State, tribal, local, and private drought preparedness and monitoring programs in existence on the date of enactment of this Act;

(2) evaluate Federal drought-related programs in existence on the date of enactment of this Act and make recommendations to Congress and the President on means of eliminating—

(A) discrepancies between the goals of the programs and actual service delivery;

(B) duplication among programs; and

(C) any other circumstances that interfere with the effective operation of the programs;

(3) make recommendations to the President, Congress, and appropriate Federal Agencies on—

(A) the establishment of common interagency triggers for authorizing Federal drought mitigation programs; and

(B) improving the consistency and fairness of assistance among Federal drought relief programs;

(4) coordinate and prioritize specific activities that will improve the National Drought Monitoring Network by—

(A) taking into consideration the limited resources for—

(i) drought monitoring, prediction, and research activities; and

(ii) water supply forecasting; and

(B) providing for the development of an effective drought information delivery system that—

(i) communicates drought conditions and impacts to—

(I) decisionmakers at the Federal, regional, State, tribal, and local levels of government;

(II) the private sector; and

(III) the public; and

(ii) includes near-real-time data, information, and products developed at the Federal, regional, State, tribal, and local levels of government that reflect regional and State differences in drought conditions;

(5) encourage and facilitate the development of drought preparedness plans under subtitle C, including establishing the guidelines under sections 121(c) and 122(a);

(6) based on a review of drought preparedness plans, develop and make available to the public drought planning models to reduce water resource conflicts relating to water conservation and droughts;

(7) develop and coordinate public awareness activities to provide the public with access to understandable, and informative materials on drought, including—

(A) explanations of the causes of drought, the impacts of drought, and the damages from drought;

(B) descriptions of the value and benefits of land stewardship to reduce the impacts of drought and to protect the environment;

(C) clear instructions for appropriate responses to drought, including water conservation, water reuse, and detection and elimination of water leaks; and

(D) information on State and local laws applicable to drought; and

(8) establish operating procedures for the Council.

(b) CONSULTATION.—In carrying out this section, the Council shall consult with groups affected by drought emergencies, including groups that represent—

(1) agricultural production, wildlife, and fishery interests;

(2) forestry and fire management interests;

(3) the credit community;

(4) rural and urban water associations;

(5) environmental interests;

(6) engineering and construction interests; and

(7) the portion of the science community that is concerned with drought and climatology.

(c) REPORTS TO CONGRESS.—

(1) ANNUAL REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of the first meeting of the Council, and annually thereafter, the Council shall submit to Congress a report on the activities carried out under this title.

(B) INCLUSIONS.—

(i) IN GENERAL.—The annual report shall include a summary of drought preparedness plans completed under sections 123 through 125.

(ii) INITIAL REPORT.—The initial report submitted under subparagraph (A) shall include any recommendations of the Council under paragraph (2) or (3) of subsection (a).

(2) FINAL REPORT.—Not later than 7 years after the date of enactment of this Act, the Council shall submit to Congress a report that recommends—

(A) amendments to this Act; and

(B) whether the Council should continue.

SEC. 103. POWERS OF THE COUNCIL.

(a) HEARINGS.—The Council may hold hearings, meet and act at any time and place, take any testimony and receive any evidence that the Council considers advisable to carry out this title.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Council may obtain directly from any Federal agency any information that the Council considers necessary to carry out this title.

(2) PROVISION OF INFORMATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on request of the Federal co-chair or non-Federal co-chair, the head of a Federal agency may provide information to the Council.

(B) LIMITATION.—The head of a Federal agency shall not provide any information to the Council that the Federal agency head determines the disclosure of which may cause harm to national security interests.

(c) POSTAL SERVICES.—The Council may use the United States mail in the same manner and under the same conditions as other agencies of the Federal Government.

(d) GIFTS.—The Council may accept, use, and dispose of gifts or donations of services or property.

(e) FEDERAL FACILITIES.—If the Council proposes the use of a Federal facility for the purposes of carrying out this title, the Council shall solicit and consider the input of the Federal agency with jurisdiction over the facility.

SEC. 104. COUNCIL PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Council who is not an officer or employee of the Federal Government shall serve without compensation.

(2) FEDERAL EMPLOYEES.—A member of the Council who is an officer or employee of the United States shall serve without compensation in addition to the compensation received for services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Council shall be allowed travel expenses at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Council.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $2,000,000 for each of fiscal years 2003 through 2010.

SEC. 106. TERMINATION OF COUNCIL.

The Council shall terminate 8 years after the date of enactment of this Act.

Subtitle B—National Office of Drought Preparedness

SEC. 111. ESTABLISHMENT.

The Director shall establish directly under the Director an office to be known as the ''National Office of Drought Preparedness'' to provide assistance to the Council in carrying out this title.

SEC. 112. DIRECTOR OF THE OFFICE.

(a) APPOINTMENT.—

(1) IN GENERAL.—The Director shall appoint a Director of the Office under sections 3371 through 3375 of title 5, United States Code.

(2) QUALIFICATIONS.—The Director of the Office shall be a person who has experience in—

(A) public administration; and

(B) drought mitigation or drought management.

(b) POWERS.—The Director of the Office may hire such other additional personnel or contract for services with other entities as necessary to carry out the duties of the Office.

SEC. 113. DETAIL OF GOVERNMENT EMPLOYEES.

(a) IN GENERAL.—An employee of the Federal Government may be detailed to the Office without reimbursement, unless the Federal co-chair, on the recommendation of the Director of the Office, determines that reimbursement is appropriate.

(b) CIVIL SERVICE STATUS.—The detail of an employee shall be without interruption or loss of civil service status or privilege.

Subtitle C—Drought Preparedness Plans

SEC. 121. DROUGHT ASSISTANCE FUND.

(a) ESTABLISHMENT.—There is established within the Federal Emergency Management Agency a fund to be known as the ''Drought Assistance Fund''.

(b) PURPOSE.—The Fund shall be used to pay the costs of—

(1) providing technical and financial assistance (including grants and cooperative assistance) to States, Indian tribes, local governments, and critical service providers for the development and implementation of drought preparedness plans under sections 123 through 125;

(2) providing to States, Indian tribes, local governments, and critical service providers the Federal share, as determined by the Federal co-chair, in consultation with the other members of the Council, of the cost of mitigating the overall risk and impacts of droughts;

(3) assisting States, Indian tribes, local governments, and critical service providers in the development of mitigation measures to address environmental, economic, and human health and safety issues relating to drought;

(4) expanding the technology transfer of drought and water conservation strategies and innovative water supply techniques;

(5) developing post-drought evaluations and recommendations; and

(6) supplementing, if necessary, the costs of implementing actions under section 102(a)(4).

(c) GUIDELINES.—

(1) IN GENERAL.—The Federal co-chair of the Council shall, in consultation with other members of the Council, promulgate guidelines implementing this section.

(2) REQUIREMENTS.—The guidelines shall—

(A) ensure the distribution of amounts from the Fund within a reasonable period of time;

(B) take into consideration regional differences; and

(C) prohibit the use of amounts from the Fund for Federal salaries that are not directly related to the provision of drought assistance.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out the purposes described in subsection (b).

SEC. 122. DROUGHT PREPAREDNESS PLANS.

(a) IN GENERAL.—The Director, in consultation with the Council, shall publish guidelines for administering a national program to provide technical and financial assistance to States, Indian tribes, local governments, and critical service providers for the development, maintenance, and implementation of drought preparedness plans.

(b) REQUIREMENTS.—To build on the experience and avoid duplication of efforts of Federal, State, local, tribal, and regional drought plans in existence on the date of enactment of this Act, the guidelines may recognize and incorporate those plans.

SEC. 123. FEDERAL PLANS.

(a) IN GENERAL.—The Director, the Secretary of Agriculture, the Secretary of the Interior, the Secretary of the Army, and other appropriate Federal agency heads shall develop and implement Federal drought preparedness plans for agencies under the jurisdiction of the appropriate Federal agency head.

(b) REQUIREMENTS.—The Federal plans—

(1) shall be integrated with each other;

(2) may be included as components of other Federal planning requirements;

(3) shall be integrated with drought preparedness plans of State, tribal, and local governments that are affected by Federal projects and programs; and

(4) shall be completed not later than 2 years after the date of enactment of this Act.

SEC. 124. STATE AND TRIBAL PLANS.

States and Indian tribes may develop and implement State and tribal drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describes mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with State, tribal, and local water plans in existence on the date of enactment of this Act.

SEC. 125. REGIONAL AND LOCAL PLANS.

Local governments and regional water providers may develop and implement drought preparedness plans that—

(1) address monitoring of resource conditions that are related to drought;

(2) identify areas that are at a high risk for drought;

(3) describe mitigation strategies to address and reduce the vulnerability of an area to drought; and

(4) are integrated with corresponding State plans.

SEC. 126. PLAN ELEMENTS.

The drought preparedness plans developed under sections 123 through 125—

(1) shall be consistent with Federal and State laws, contracts, and policies;

(2) shall allow each State to continue to manage water and wildlife in the State;

(3) shall address the health, safety, and economic interests of those persons directly affected by drought;

(4) may include—

(A) provisions for water management strategies to be used during various drought or water shortage thresholds, consistent with State water law;

(B) provisions to address key issues relating to drought (including public health, safety, economic factors, and environmental issues such as water quality, water quantity, protection of threatened and endangered species, and fire management);

(C) provisions that allow for public participation in the development, adoption, and implementation of drought plans;

(D) provisions for periodic drought exercises, revisions, and updates;

(E) a hydrologic characterization study to determine how water is being used during times of normal water supply availability to anticipate the types of drought mitigation actions that would most effectively improve water management during a drought;

(F) drought triggers;

(G) specific implementation actions for droughts;

(H) a water shortage allocation plan, consistent with State water law; and

(I) comprehensive insurance and financial strategies to manage the risks and financial impacts of droughts; and

(5) shall take into consideration—

(A) the financial impact of the plan on the ability of the utilities to ensure rate stability and revenue stream; and

(B) economic impacts from water shortages.

TITLE II—WILDFIRE SUPPRESSION

SEC. 201. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

Title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) is amended by adding at the end the following:

"SEC. 205. GRANTS FOR PREPOSITIONING WILDFIRE SUPPRESSION RESOURCES.

''(a) FINDINGS AND PURPOSE.—

''(1) FINDINGS.—Congress finds that—

''(A) droughts increase the risk of catastrophic wildfires that—

''(i) drastically alter and otherwise adversely affect the landscape for communities and the environment;

''(ii) because of the potential of such wildfires to overwhelm State wildfire suppression resources, require a coordinated response among States, Federal agencies, and neighboring countries; and

''(iii) result in billions of dollars in losses each year;

''(B) the Federal Government must, to the maximum extent practicable, prevent and suppress such catastrophic wildfires to protect human life and property;

''(C) not taking into account State, local, and private wildfire suppression costs, during the period of 1996 through 2000, the Federal Government expended over $630,000,000 per year for wildfire suppression costs;

''(D) it is more cost-effective to prevent wildfires by prepositioning wildfire fighting resources to catch flare-ups than to commit millions of dollars to respond to large uncontrollable fires; and

''(E) it is in the best interest of the United States to invest in catastrophic wildfire prevention and mitigation by easing the financial burden of prepositioning wildfire suppression resources.

''(2) PURPOSE.—The purpose of this section is to encourage the mitigation and prevention of wildfires by providing financial assistance to States for prepositioning of wildfire suppression resources.

''(b) AUTHORIZATION.—The Director of the Federal Emergency Management Agency (referred to in this section as the 'Director') may reimburse a State for the cost of prepositioning wildfire suppression resources on potential multiple and large fire complexes when the Director determines, in accordance with national and regional severity indices of the Forest Service, that a wildfire event poses a threat to life and property in the area.

''(c) ELIGIBILITY.—Wildfire suppression resources of the Federal Government, neighboring countries, and any State other than the State requesting assistance are eligible for reimbursement under this section.

''(d) REIMBURSEMENT.—

''(1) IN GENERAL.—The Director may reimburse a State for the costs of prepositioning of wildfire suppression resources of the entities specified in subsection (c), including mobilization to, and demobilization from, the staging or prepositioning area.

''(2) REQUIREMENTS.—For a State to receive reimbursement under paragraph (1)—

''(A) any resource provided by an entity specified in subsection (c) shall have been specifically requested by the State seeking reimbursement; and

''(B) staging or prepositioning costs—

''(i) shall be expended during the approved prepositioning period; and

''(ii) shall be reasonable.''.

By Mr. BINGAMAN (for himself, Mr. THOMAS, Mr. MURKOWSKI, Mr. TORRICELLI, Mr. HARKIN, Mrs. CLINTON, and Mr. JOHNSON):

S. 2529. A bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators THOMAS, MURKOWSKI, TORRICELLI, HARKIN, CLINTON, and JOHNSON entitled ''The Medicare Incentive Payment Program Improvement Act of 2002'' is designed to improve the flow of needed bonus payments to physicians serving Medicare patients in health professions shortage areas, HPSA.

In my own State the flight of physicians from underserved areas has affected both primary care and specialty services alike. In many areas the shortages of specialists exceeds that of primary care physicians. The New Mexico Health Policy Commission reported in its year 2000 report that 22 percent of residents in Los Alamos and Santa Fe were unable to receive needed specialist care.

With only 170 physicians per 100,000 people, New Mexico ranks well behind the national average with regard to primary care and specialist physicians. The physician shortage problem is further compounded by the disproportionate decline in physicians from rural and underserved areas.

New Mexico, like many States, has a growing proportion of its rural population becoming older and sicker. According to the latest census, over 20 million of our citizens live in physician shortage areas.

Lack of adequate reimbursement, in the face of increasing costs, is a critical factor leading to the shortage of physician services in HPSAs. Physicians flee rural and shortage areas for many reasons including inadequate reimbursement, family hardships and quality-of-life issues. Although it is beyond our scope to address all these issues, we can fix the reimbursement component.

The Medicare Incentive Payment Program, MIPP, created by the Omnibus Budget Reconciliation Act of 1987, was meant to assist physicians in defraying the higher costs and burdens of serving Medicare patients in shortage areas. These 10 percent ''bonuses'' are an essential component in our ongoing effort to ensure Medicare beneficiaries access to medical services.

Unfortunately the Medicare Incentive Payment Program has fared poorly, with few providers choosing to receive the payments. In fact, the total annual physician payments have never exceeded $100 million because of a series of disincentives in the legislation.

The program requires a provider to do a number of things to obtain the bonus payments. First, providers must be aware that NIPP payments are available to them. Many providers are unaware of the program's existence. Next, physicians must find out if the patient's medical care occurred in a shortage area. Following this a unique code must be attached to the Medicare claim, which is then forwarded to the carrier. Finally, after all these steps, providers are subjected to automatic Medicare audits, just for accepting these payments.

Providers committed to serving Medicare patients in underserved areas deserve the support assured by the original legislation's intent.

The Medicare Incentive Payment Improvement Act of 2002 addresses and improves shortcomings in the original legislation by: placing the burden for determining the bonus eligibility on the Medicare carrier; eliminating automatic provider audits; directing the Center for Medicare and Medicaid Services to establish a Medicare incentive payment program educational program for providers; establishing an ongoing analysis of the programs' ability to improve Medicare beneficiaries access to physician services; continue to provide the original 10 percent add-on bonus for Part B physician payments in health provider shortage areas.

Medicare carriers are the logical arbiters to determine whether physician services occurred in a shortage area. Physicians, already overworked, lack sufficient time, resources, and training to research and determine whether a service was provided in a HPSA. By placing the responsibility on carriers, with their sophisticated information systems, the physician's administrative burdens will be reduced.

The automatic audits triggered by this program, costly, time intensive, and unwarranted, will be lifted under our legislation. By placing the responsibility on carriers to determine payment eligibility the need for provider audits is eliminated.

While the MIPP program is intended to improve beneficiaries' access to physician services, there is no measure of the program's effect on physician availability. The legislation offered today directs CMS, to perform, as ongoing analysis, whether these payments actually do improve beneficiaries access to physician services.

I believe these improvements, in addition to others listed above, will greatly improve patient's access to care.

The following organizations have expressed their support for this legislation: American College of Physicians/American Society of Internal Medicine, the American Academy of Family Physicians and the American Geriatrics Society.

Mr. President, I ask unanimous consent that a fact sheet, letters of support, and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2529

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 ''Medicare Incentive Payment Program Improvement Act of 2002''.

SEC. 2. PROCEDURES FOR SECRETARY, AND NOT PHYSICIANS, TO DETERMINE WHEN BONUS PAYMENTS UNDER MEDICARE INCENTIVE PAYMENT PROGRAM SHOULD BE MADE.

Section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)) is amended—

(1) by inserting ''(1)'' after ''(m)''; and

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

''(2) The Secretary shall establish procedures under which the Secretary, and not the physician furnishing the service, is responsible for determining when a payment is required to be made under paragraph (1).''.

SEC. 3. EDUCATIONAL PROGRAM REGARDING THE MEDICARE INCENTIVE PAYMENT PROGRAM.

The Secretary of Health and Human Services shall establish and implement an ongoing educational program to provide education to physicians under the medicare program on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)).

SEC. 4. ONGOING STUDY AND ANNUAL REPORT ON THE MEDICARE INCENTIVE PAYMENT PROGRAM.

(a) ONGOING STUDY.—The Secretary of Health and Human Services shall conduct an ongoing study on the medicare incentive payment program under section 1833(m) of the Social Security Act (42 U.S.C. 1395*l*(m)). Such study shall focus on whether such program increases the access of medicare beneficiaries who reside in an area that is designated (under section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A))) as a health professional shortage area to physicians' services under the medicare program.

(b) ANNUAL REPORTS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit to Congress a report on the study conducted under subsection (a), together with recommendations for such legislation and administrative actions as the Secretary considers appropriate.

THE MEDICARE INCENTIVE PAYMENT PROGRAM IMPROVEMENT ACT OF 2002—FACT SHEET

The proposed legislation by Sen. Jeff Bingaman (D–NM) will improve the flow of needed bonus payments to physicians serving Medicare beneficiaries in Health Professions Shortage Areas (HPSA's). These providers care for patients under difficult circumstances without the financial or infrastructure resources of their colleagues practicing in non-shortage areas.

The Act streamlines the flow of a 10% bonus payment for all part-B physicians services provided in geographic HPSA's. In addition, the legislation further improves the existing Medicare Incentive Payment Program by reducing the administrative burden to providers and providing an educational program.

The Medicare Incentive Payment Program was initially created and later modified under the Omnibus Budget Reconciliation Acts of 1987 and 1989. The program has fared poorly with little uptake by providers. Total payments fell following the 1997 Balanced Budget Amendment with total payments of $100 million in 1996 and $90 million in 1997.

The present program requires a provider to have knowledge of and perform a number of items in order to obtain the payment.

Have knowledge the program exists. Many providers are unaware of the bonuses.

Determine if the patient encounter took place in a geographic HPSA.

Attach the proper modifier to the claim.

Undergo a stringent audit process by the intermediary. This risk alone deters many providers from participation.

The MIP program although sound in concept has proven difficult to execute. In order for the programs initial goals to be fully realized it must be utilized, i.e., payment to providers serving Medicare beneficiary's in geographic HPSA's

The Medicare Incentive Program Improvment Act of 2002 will:

Continue to provide the 10% add on bonus to all Part-B payments in Geographic HPSA's.

Place the responsibility for determining bonus eligibility on the Medicare carrier.

Eliminate the audit burden.

Call for the Center for Medicare and Medicaid Services to establish a MIP Educational Program for providers.

Establish an ongoing analysis of the programs ability to improve Medicare's patient's access to physician services.

ACP-ASIM,
April 17, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of the American College of Physicians-American Society of Internal Medicine (ACP-ASIM), we wish to extend our support for your draft Medicare Incentive Payment (MIP) Program legislation. ACP-ASIM—represents 115,000 physicians and medical students—is the largest medical specialty society and second largest physician organization in the United States. Internists provide care to more Medicare patients than any other physician specialty.

The MIP Program provides a 10 percent bonus payment to physicians serving Medicare patients in geographic Health Professions Shortage Areas (HPSA). We support provisions in your proposal that seeks to improve the existing MIP Program by placing the burden for determining the bonus eligibility on the Medicare carrier, and not the individual physician. In addition, we support provisions in the proposal that require the Center for Medicare and Medicaid Services (CMS) to establish a MIP educational program for providers, and also establish initiatives that provide an analysis of the programs ability to improve Medicare beneficiary's access to physician services. We hope these initiatives will provide needed incentives to recruit and retain physicians into shortage areas.

While we support the draft MIP legislation, we are concerned that unless Congress fixes the overall physician payment update formula within the Medicare program, a 10 percent bonus of a declining payment will not solve the problem of physicians providing services to patients in HPSA. Therefore, we hope you will continue to be supportive of a legislative solution to replace the seriously flawed formula in current law for updating the Medicare physician fee schedule, and base annual updates on changes in physicians' input prices as has been recommended by the Medicare Payment Advisory Commission in its March 1 Report to Congress. If left in place, the current update methodology, tied to the performance of the overall economy, will lower Medicare payments for physician services by 28.1 percent in real terms by 2005.

Thank you again, Senator Bingaman for your continued leadership to the present and future viability of the Medicare program.

Sincerely,

SARA E. WALKER,
President.

THE AMERICAN GERIATRICS SOCIETY,
May 16, 2002.

The Hon. JEFF BINGAMAN,
United States Senate, Washington, DC.

DEAR SENATOR BINGAMAN: The American Geriatrics Society (AGS), an organization of over 6,000 geriatricians and other health care professionals who are specially trained in the management of care for frail, chronically ill older patients, extends our support for your draft Medicare Incentive Payment (MIP) Program legislation.

The MIP Program provides a 10 percent bonus payment to physicians serving Medicare patients in Geographic Health Professions Shortage Areas (HPSA). We support provisions in your proposal that seek to improve the existing MIP by placing the burden for determining the bonus eligibility on the Medicare carrier, and not the individual physician. Finally, we support provision that would improve our ability to provide Medicare beneficiary access to physician services under the MIP Program.

We look forward to working with you on this and other important Medicare initiatives during this Congress. If you should have comments or questions on this letter, please contact Susan Emmer in our Washington office at 301–320–3873.

Sincerely,

KENNETH BRUMMEL-SMITH, MD,
President.

AMERICAN ACADEMY OF FAMILY PHYSICIANS,
May 16, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The American Academy of Family Physicians and its 93,500 members nationwide commend you for introducing the ''Medicare Incentive Payment Program Improvement Act of 2002.'' This bill would make any physician practicing in a Health Professional Shortage Area (HPSA) eligible for a ten-percent bonus. The bill would also charge the Secretary of Health and Human Services to conduct an ongoing program to provide education to physicians on the Medicare Incentive Payment (MIP) program. The Secretary would also be directed to conduct an ongoing study of the MIP program, which shall focus on whether such a program increases the access to physicians' services for those Medicare beneficiaries who reside in a HPSA.

Created in 1989, the MIP program provides bonus payments to physicians who practice in HPSAs in an effort to entice more physicians to those areas. According to a Medicare Payment Advisory Commission (MedPAC) report dated June 2001, a recent decline in the bonus payments to physicians has caused concern that several aspects of the program design are compromising its effectivess.

For example, currently the MIP ten-percent bonus is paid to physicians practicing in HPSAs only upon submission of the claim form with a special coding modifier attached to each service identified. Since the bonus payment is predicated upon the use of this special coding modifier, and since, due to the inherent instability of the HPSA designation, physicians cannot always be certain if they are practicing in a shortage area, the use of the MIP has been less than expected.

In 1996, 75 percent of participating rural physicians, or about 18,700 doctors, received less than $1,520 each in bonus payments for the year. In addition to the complexities described above, the low level of payments may be attributable to carriers being required to review claims of physicians who receive the largest bonus payments. A 1999 study by the Health Care Financing Administration (HCFA) suggested this policy may discourage physicians from applying for the MIP program. More importantly, a 1999 General Accounting Office (GAO) report suggested the ten-percent bonus payments may be insufficient to have a significant influence on recruitment or retention of primary care physicians.

The American Academy of Family Physicians urges Congress to pass the ''Medicare Incentive Payment Program Improvement Act of 2002,'' which would make any physician practicing in a HPSA automatically eligible for the ten-percent bonus without having to engage in any special billing or coding processes or submitting to a higher level of claims review. Such action will ensure that rural Medicare patients can continue to receive the care they depend on and deserve. Please let us know how we can assist in the effort to gain support for this important legislation.

Sincerely,

RICHARD G. ROBERTS,
Board Chair.

Mr. THOMAS. Mr. President, I am pleased to rise today to introduce the Medicare Incentive Payment Program Improvement Act of 2002 with my distinguished colleague Senator BINGAMAN. This legislation makes important improvements to the current Medicare Incentive Payment, MIP Program. These refinements will go a long way in ensuring eligible rural physicians receive the Medicare bonus payment to which they are entitled.

The Medicare Incentive Payment Program was created in 1987 under the Omnibus Budget Reconciliation Act to serve as an incentive tool to recruit physicians to practice in Health Professional Shortage Areas, HPSAs, by providing a 10-percent Medicare bonus payment. There are approximately 2,800 federally designated HPSAs—75 percent of which are located in rural areas. In my State of Wyoming, over half of the counties are designated as a health professional shortage area and have a difficult time recruiting physicians.

Unfortunately, this well-intended program has not worked well due to the burden it places on providers. Under the current MIP programmatic structure, physicians are required to determine if the patient encounter occurred in a designated underserved areas, they must attach a code modifier to the billing claim and must undergo a stringent audit. Additionally, there is evidence that many physicians who would be eligible are not even aware of the program.

Therefore, the legislation we are introducing today alleviates the administrative burden on rural physicians by requiring Medicare carriers to determine eligibility. The Medicare Incentive Payment Program Improvement Act of 2002 also requires the Centers for Medicare and Medicaid Services to establish a MIP education program for providers and establishes ongoing analysis of the MIP Program's ability to improve access to physician services for Medicare beneficiaries.

All physicians are currently struggling with the recent Medicare payment reduction of 5.4 percent in addition to the ever-increasing regulatory burden of participating in the Medicare Program. As rural providers tend to be disproportionately impacted by Medicare payment cuts, it has never been more important to ensure that the few rural physician incentive programs that exist have a positive effect on the stability of our rural health care delivery system. I strongly urge all my Senate colleagues interested in rural health to cosponsor the Medicare Incentive Payment Program Improvement Act of 2002.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 271—EXPRESSING THE SENSE OF THE SENATE REGARDING THE EFFECTIVENESS OF THE AMBER PLAN IN RESPONDING TO CHILD ABDUCTIONS

Mrs. CLINTON submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 271

Whereas communities should implement an emergency alert plan such as the AMBER (America's Missing: Broadcast Emergency Response) Plan to expedite the recovery of abducted children;

Whereas the AMBER Plan, a partnership between law enforcement agencies and media officials, assists law enforcement, parents, and local communities to respond immediately to the most serious child abduction cases;

Whereas just as in a storm emergency, when warnings are broadcast locally, under AMBER, radio and television stations, as a public service, interrupt programming with a critical message from law enforcement regarding the description of a missing child;

Whereas the AMBER Plan was created in 1996 in memory of 9-year-old Amber Hagerman who was kidnapped and murdered in Arlington, Texas;

Whereas in response to community concern, the Association of Radio Managers with the assistance of area law enforcement in Arlington, Texas, created the AMBER Plan;

Whereas statistics from the Department of Justice show that 74 percent of kidnapped children who are later found murdered are killed within the first 3 hours of their abduction;

Whereas since the first few hours during which a child is missing are critical, the AMBER plan helps the community respond quickly;

Whereas since the first AMBER alert in 1997, AMBER plans have helped to recover 16 children throughout the country;

Whereas the National Center for Missing and Exploited Children endorses the AMBER Plan and is promoting the use of such emergency alert plans nationwide;

Whereas the AMBER Plan is responsible for reuniting children with their searching parents: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the AMBER Plan is a powerful tool in fighting child abductions; and

(2) the AMBER Plan should be used in communities across the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3428. Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) 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.

SA 3429. Mr. KYL (for himself, Mr. GRAMM, and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3430. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3431. Mrs. BOXER (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3432. Mrs. BOXER (for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3433. Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3434. Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, Ms. MIKULSKI, Mr. DURBIN, Mr. DEWINE, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3433 proposed by Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra.

SA 3435. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3436. Mr. GRAHAM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3437. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

SA 3438. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) to the bill (H.R. 3009) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3428. Mr. DODD (for himself and Mr. LIEBERMAN) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) 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; as follows:

Section 2102(b)(11) is amended by striking subparagraph (C) and inserting the following new subparagraphs:

''(C) to ensure that the parties to a trade agreement reaffirm their obligations as members of the ILO and their commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up, and strive to ensure that such labor principles and the core labor standards set forth in section 2113(2) are recognized and protected by domestic law;

''(D) recognizing the rights of parties to establish their own labor standards, and to adopt or modify accordingly their labor laws and regulations, parties shall strive to ensure that their laws provide for labor standards consistent with the core labor standards and shall strive to improve those standards in that light;

''(E) to recognize that it is inappropriate to encourage trade by relaxing domestic labor laws and to strive to ensure that parties to a trade agreement do not waive or otherwise derogate from, or offer to waive or otherwise derogate from, their labor laws as an encouragement for trade;

''(F) to strengthen the capacity of United States trading partners to promote respect for core labor standards and reaffirm their obligations and commitments under the ILO Declaration on Fundamental Principles and Rights at Work and its Follow-up;''.

SA 3429. Mr. KYL (for himself, Mr. GRAMM, and Mr. NICKLES) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) 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; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. 4203. LIMITATION ON USE OF CERTAIN REVENUE.

Notwithstanding any other provision of law, any revenue generated from custom user fees imposed pursuant to Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) may be used only to fund the operations of the United States Customs Service.

SA 3430. Mr. KERRY submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) 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:

Section 2102(b) is amended by striking paragraph (3) and inserting the following new paragraph:

(3) FOREIGN INVESTMENT.—The principal negotiating objective of the United States regarding foreign investment is to reduce or eliminate artificial or trade distorting barriers to trade-related foreign investment. A trade agreement that includes investment provisions shall—

(A) reduce or eliminate exceptions to the principle of national treatment;

(B) provide for the free transfer of funds relating to investment;

(C) reduce or eliminate performance requirements, forced technology transfers, and other unreasonable barriers to the establishment and operation of investments;

(D) ensure that foreign investors are not granted greater legal rights than citizens of the United States possess under the United States Constitution;

(E) limit the provisions on expropriation, including by ensuring that payment of compensation is not required for regulatory measures that cause a mere diminution in the value of private property;

(F) ensure that standards for minimum treatment, including the principle of fair and equitable treatment, shall grant no greater legal rights than United States citizens possess under the due process clause of the United States Constitution;

(G) provide that any Federal, State, or local measure that protects public health, safety and welfare, the environment, or public morals is consistent with the agreement unless a foreign investor demonstrates that the measure was enacted or applied primarily for the purpose of discriminating against foreign investors or investments, or demonstrates that the measure violates a standard established in accordance with subparagraph (E) or (F);

(H) ensure that—

(i) a claim by an investor under the agreement may not be brought directly unless the investor first submits the claim to an appropriate competent authority in the investor's country;

(ii) such entity has the authority to disapprove the pursuit of any claim solely on the basis that it lacks legal merit; and

(iii) if such entity has not acted to disapprove the claim within a defined period of time, the investor may proceed with the claim;

(I) improve mechanisms used to resolve disputes between an investor and a government through—

(i) procedures to ensure the efficient selection of arbitrators and the expeditious disposition of claims;

(ii) procedures to enhance opportunities for public input into the formulation of government positions; and

(iii) establishment of a single appellate body to review decisions in investor-to-government disputes and thereby provide coherence to the interpretations of investment provisions in trade agreements; and

(J) ensure the fullest measure of transparency in the dispute settlement mechanism, to the extent consistent with the need to protect information that is classified or business confidential, by—

(i) ensuring that all requests for dispute settlement are promptly made public;

(ii) ensuring that—

(I) all proceedings, submissions, findings, and decisions are promptly made public;

(II) all hearings are open to the public; and

(III) establishing a mechanism for acceptance of amicus curiae submissions from businesses, unions, nongovernmental organizations, and other interested parties.

SA 3431. Mrs. BOXER (for herself and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) 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:

On page 31, between lines 20 and 21, insert the following:

''(D) SERVICE WORKERS.—

''(i) IN GENERAL.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall establish a program to provide assistance under this chapter to domestic operators of motor carriers who are adversely affected by competition from foreign owned and operated motor carriers.

''(ii) DATA COLLECTION SYSTEM.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall put in place a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation for each worker.

''(iii) REPORT.—Not later than 2 years after the date of enactment of the Trade Adjustment Assistance Reform Act of 2002, the Secretary shall report to Congress the results of a study on ways for extending the programs in this chapter to adversely affected service workers, including recommendations for legislation.

SA 3432. Mrs. BOXER (for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr. REID) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) 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:

SEC. ___. IMPACT OF TRADE ON WOMEN.

(a) FINDINGS.—Congress makes the following findings:

(1) United States international trade, social development, and international development policy should be linked with the goal of improving women's social and economic status in the United States and abroad.

(2) Enhancing women's status not only improves individual lives, but also eliminates market inefficiencies and leads to greater economic growth and trade.

(b) ADVISORY COMMITTEE FOR TRADE, GENDER, AND DEVELOPMENT POLICY.—

(1) ESTABLISHMENT.—The United States Trade Representative, pursuant to section 135(c)(2) of the Trade Act of 1974 (19 U.S.C. 2155(c)(2), shall establish within the Office of the United States Trade Representative a Trade, Gender, and Development Policy Advisory Committee (in this section referred to as the ''Advisory Committee'') to provide policy advice on issues involving trade, gender, and international development.

(2) DUTIES.—The Advisory Committee shall be responsible for the following:

(A) Providing the Trade Representative with policy advice on issues involving gender, development, and trade.

(B) Advising the Trade Representative on—

(i) positions, text, and other negotiating objectives and bargaining positions before the United States enters into trade agreements;

(ii) the operation of any trade agreement once entered into; and

(iii) any other matter relating to the development, implementation, and administration of United States trade policy, including issues pertaining to gender and development concerns in trade negotiations.

(C) Submitting a report to the President, to Congress, and to the Trade Representative after the bracketed texts have been drafted for bilateral and multilateral negotiations that analyzes the effects of bracketed text on women in the United States and abroad.

(D) Providing an advisory opinion on whether the agreement protects and promotes the interests of women in the United States and abroad and suggesting changes to the text to make it conform to international

agreements that the United States has signed.

(E) Submitting a report to the President, to Congress, and to the Trade Representative at the conclusion of negotiations for bilateral and multilateral agreements, including an advisory opinion on the effects of the agreement on the interests of women in the United States, and in the developing world.

(3) MEMBERSHIP.—

(A) NUMBER AND APPOINTMENT.—The Advisory Committee shall be composed of not more than 35 members, appointed by the Trade Representative, who shall include, but not be limited to, representatives from women's interest groups, private voluntary organizations, international aid organizations, and appropriate representatives from Federal departments and agencies. The membership of the Advisory Committee shall be broadly representative of key sectors and groups of the economy with an interest in trade, gender, and international development policy issues.

(B) TERM.—Members of the Advisory Committee shall be appointed for a term of 2 years and may be reappointed for additional terms.

(C) POLITICAL AFFILIATION.—Members may be appointed to the Advisory Committee without regard to political affiliation.

(D) VACANCY.—A vacancy in the Advisory Committee shall be filled in the manner in which the original appointment was made.

(E) CHAIRPERSON.—The Chairperson of the Advisory Committee shall be designated by the Trade Representative at the time of appointment.

(4) DESIGNEES.—The Trade Representative may request 1 or more members of the Advisory Committee to designate a staff-level representative for discussions of technical issues related to trade and environmental policy.

(5) SUBCOMMITTEES.—The Advisory Committee may establish such subcommittees as its members deem necessary, subject to the provisions of the Federal Advisory Committee Act and the approval of the Trade Representative's designee.

SA 3433. Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) proposed an amendment to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) 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; as follows:

On page 164, between lines 16 and 17, insert the following:

SEC. 604. APPLICATION TO CERTAIN STEELWORKER RETIREES AND ELIGIBLE BENEFICIARIES.

(a) ELIGIBILITY FOR ASSISTANCE WITH HEALTH INSURANCE COVERAGE AND INTERIM ASSISTANCE.—

(1) INTERNAL REVENUE CODE OF 1986.—Section 6429(c) of the Internal Revenue Code of 1986, as added by section 601 of this division, is amended to read as follows:

''(c) ELIGIBLE INDIVIDUAL.—

''(1) IN GENERAL.—For purposes of this section, the term 'eligible individual' means an individual who is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002.

''(2) STEELWORKER RETIREES.—

''(A) IN GENERAL.—During the period described in subparagraph (B), such term includes an individual who—

''(i) is not described in paragraph (1); and

''(ii) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(B) PERIOD DESCRIBED.—For purposes of subparagraph (A), the period described in this subparagraph is the period that begins on the date the individual described in subparagraph (A) first is enrolled in qualified health insurance and ends on the earlier of—

''(i) 1-year after such date; or

''(ii) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

''(C) LIMITATION.—In no event may the period described in subparagraph (B) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) is issued to any eligible individual described in paragraph (1).''.

(2) WORKFORCE INVESTMENT ACT OF 1998.—Section 173 of the Workforce Investment Act of 1998, as amended by section 603 of this division, is amended—

(A) in subsection (f)(4), by striking subparagraph (B) and inserting the following:

''(B) ELIGIBLE WORKER.—

''(i) IN GENERAL.—The term 'eligible worker' means an individual who—

''(I) is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002;

''(II) does not have other specified coverage; and

''(III) is not imprisoned under Federal, State, or local authority.

''(ii) STEELWORKER RETIREES.—

''(I) IN GENERAL.—During the period described in subclause (II), such term includes an individual who—

''(aa) is not described in clause (i); and

''(bb) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(II) PERIOD DESCRIBED.—For purposes of subclause (I), the period described in this subclause is the period that begins on the date the individual described in subclause (I) first is enrolled in health insurance coverage described in paragraph (1)(A) and ends on the earlier of—

''(aa) 1-year after such date; or

''(bb) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

''(III) LIMITATION.—In no event may the period described in subclause (II) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) of the Internal Revenue Code of 1986 is issued to any eligible worker described in clause (i).''; and

(B) in subsection (g), by striking paragraph (5) and inserting the following:

''(5) DEFINITION OF ELIGIBLE WORKER.—

''(A) IN GENERAL.—In this subsection, the term 'eligible worker' means an individual who is a member of a group of workers certified after April 1, 2002 under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) and who is determined to be qualified to receive payment of a trade adjustment allowance under such chapter (as so in effect).

''(B) STEELWORKER RETIREES.—

''(i) IN GENERAL.—During the period described in clause (ii), such term includes an individual who—

''(I) is not described in subparagraph (A); and

''(II) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(ii) PERIOD DESCRIBED.—For purposes of clause (i), the period described in this clause is the period that begins on the date the individual described in clause (i) first receives assistance under this subsection and ends on the earlier of—

''(I) 1-year after such date; or

''(II) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.''.

(b) REVENUE PROVISIONS.—

(1) PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.—

(A) IN GENERAL.—

(i) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(I) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(II) by inserting ''full or partial'' after ''facilitate''.

(ii) Section 6159(c) of such Code (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(B) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to agreements entered into on or after the date of the enactment of this Act.

(2) DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.—

(A) IN GENERAL.—Subchapter A of chapter 67 of the Internal Revenue Code of 1986 (relating to interest on underpayments) is amended by adding at the end the following new section:

''SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

''(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

''(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating

to interest on underpayments), the tax shall be treated as paid when the deposit is made.

''(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

''(d) PAYMENT OF INTEREST.—

''(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

''(2) DISPUTABLE TAX.—

''(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

''(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

''(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

''(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

''(i) has a reasonable basis for its treatment of such item, and

''(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

''(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

''(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

''(e) USE OF DEPOSITS.—

''(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

''(B) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.''.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 of such Code is amended by adding at the end the following new item:

''Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.''.

(C) EFFECTIVE DATE.—

(i) IN GENERAL.—The amendments made by this paragraph shall apply to deposits made after the date of the enactment of this Act.

(ii) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this paragraph) shall be treated as the date such amount is deposited for purposes of such section 6603.

SA 3434. Mr. DASCHLE (for himself, Mr. ROCKEFELLER, Mr. WELLSTONE, Ms. MIKULSKI, Mr. DURBIN, Mr. DEWINE, Mr. VOINOVICH, and Ms. STABENOW) proposed an amendment to amendment SA 3433 proposed by Mr. ROCKEFELLER (for himself, Ms. MIKULSKI, Mr. WELLSTONE, Mr. DURBIN, Mr. DEWINE, Ms. STABENOW, Mr. VOINOVICH, and Mr. SPECTER) to the amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) 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; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. 604. APPLICATION TO CERTAIN STEELWORKER RETIREES AND ELIGIBLE BENEFICIARIES.

(a) ELIGIBILITY FOR ASSISTANCE WITH HEALTH INSURANCE COVERAGE AND INTERIM ASSISTANCE.—

(1) INTERNAL REVENUE CODE OF 1986.—Section 6429(c) of the Internal Revenue Code of 1986, as added by section 601 of this division, is amended to read as follows:

''(c) ELIGIBLE INDIVIDUAL.—

''(1) IN GENERAL.—For purposes of this section, the term 'eligible individual' means an individual who is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002.

''(2) STEELWORKER RETIREES.—

''(A) IN GENERAL.—During the period described in subparagraph (B), such term includes an individual who—

''(i) is not described in paragraph (1); and

''(ii) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(B) PERIOD DESCRIBED.—For purposes of subparagraph (A), the period described in this subparagraph is the period that begins on the date the individual described in subparagraph (A) first is enrolled in qualified health insurance and ends on the earlier of—

''(i) 1-year after such date; or

''(ii) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

''(C) LIMITATION.—In no event may the period described in subparagraph (B) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) is issued to any eligible individual described in paragraph (1).''.

(2) WORKFORCE INVESTMENT ACT OF 1998.—Section 173 of the Workforce Investment Act of 1998, as amended by section 603 of this division, is amended—

(A) in subsection (f)(4), by striking subparagraph (B) and inserting the following:

''(B) ELIGIBLE WORKER.—

''(i) IN GENERAL.—The term 'eligible worker' means an individual who—

''(I) is qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974, as amended by section 111 of the Trade Adjustment Assistance Reform Act of 2002;

''(II) does not have other specified coverage; and

''(III) is not imprisoned under Federal, State, or local authority.

''(ii) STEELWORKER RETIREES.—

''(I) IN GENERAL.—During the period described in subclause (II), such term includes an individual who—

''(aa) is not described in clause (i); and

''(bb) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(II) PERIOD DESCRIBED.—For purposes of subclause (I), the period described in this subclause is the period that begins on the date the individual described in subclause (I) first is enrolled in health insurance coverage described in paragraph (1)(A) and ends on the earlier of—

''(aa) 1-year after such date; or

''(bb) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.

''(III) LIMITATION.—In no event may the period described in subclause (II) begin before the date a qualified health insurance credit eligibility certificate described in section 7527(b) of the Internal Revenue Code of 1986 is issued to any eligible worker described in clause (i).''; and

(B) in subsection (g), by striking paragraph (5) and inserting the following:

''(5) DEFINITION OF ELIGIBLE WORKER.—

''(A) IN GENERAL.—In this subsection, the term 'eligible worker' means an individual who is a member of a group of workers certified after April 1, 2002 under chapter 2 of title II of the Trade Act of 1974 (as in effect on the day before the effective date of the Trade Adjustment Assistance Reform Act of 2002) and who is determined to be qualified to receive payment of a trade adjustment allowance under such chapter (as so in effect).

''(B) STEELWORKER RETIREES.—

''(i) IN GENERAL.—During the period described in clause (ii), such term includes an individual who—

''(I) is not described in subparagraph (A); and

''(II) would have been eligible to be certified as an eligible retiree or eligible beneficiary as a result of a qualifying event that is a qualified closing defined in section 912(c)(1) of the Trade Act of 1974 (as amended by S.2189, as introduced on April 17, 2002) for purposes of participating in the Steel Industry Retiree Benefits Protection program under that Act (as so amended).

''(ii) PERIOD DESCRIBED.—For purposes of clause (i), the period described in this clause is the period that begins on the date the individual described in clause (i) first receives assistance under this subsection and ends on the earlier of—

''(I) 1-year after such date; or

''(II) the date trade adjustment assistance, vouchers, allowances, and other payments or benefits terminate under section 285(a) of the Trade Act of 1974, as amended by the Trade Adjustment Assistance Reform Act of 2002.''.

(3) RULE OF CONSTRUCTION.—Nothing in section 6429(c)(2) of the Internal Revenue Code of 1986 (as amended by this subsection) or in subsection (f)(4)(B)(ii) or (g)(5)(B) of section 173 of the Workforce Investment Act of 1998 (as so amended) shall be construed as making an individual described in such section 6429(c)(2), subsection (f)(4)(B)(ii), or (g)(5)(B) eligible for any trade adjustment assistance available to individuals who are qualified to receive payment of a trade adjustment allowance under section 235 of the Trade Act of 1974 (as amended by section 111 of this division) if an individual described in such section 6429(c)(2), subsection (f)(4)(B)(ii), or

(g)(5)(B) would not otherwise be eligible for such assistance.

(b) REVENUE PROVISIONS.—

(1) PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.—

(A) IN GENERAL.—

(i) Section 6159(a) of the Internal Revenue Code of 1986 (relating to authorization of agreements) is amended—

(I) by striking ''satisfy liability for payment of'' and inserting ''make payment on'', and

(II) by inserting ''full or partial'' after ''facilitate''.

(ii) Section 6159(c) of such Code (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting ''full'' before ''payment''.

(B) REQUIREMENT TO REVIEW PARTIAL PAYMENT AGREEMENTS EVERY TWO YEARS.—Section 6159 of such Code is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

''(d) SECRETARY REQUIRED TO REVIEW INSTALLMENT AGREEMENTS FOR PARTIAL COLLECTION EVERY TWO YEARS.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall apply to agreements entered into on or after the date of the enactment of this Act.

(2) DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.—

(A) IN GENERAL.—Subchapter A of chapter 67 of the Internal Revenue Code of 1986 (relating to interest on underpayments) is amended by adding at the end the following new section:

''SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

''(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

''(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

''(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

''(d) PAYMENT OF INTEREST.—

''(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

''(2) DISPUTABLE TAX.—

''(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

''(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

''(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

''(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

''(i) has a reasonable basis for its treatment of such item, and

''(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

''(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

''(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

''(e) USE OF DEPOSITS.—

''(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

''(B) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.''.

(B) CLERICAL AMENDMENT.—The table of sections for subchapter A of chapter 67 of such Code is amended by adding at the end the following new item:

''Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.''.

(C) EFFECTIVE DATE.—

(i) IN GENERAL.—The amendments made by this paragraph shall apply to deposits made after the date of the enactment of this Act.

(ii) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this paragraph) shall be treated as the date such amount is deposited for purposes of such section 6603.

SA 3435. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself, and Mr. GRASSLEY) 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:

Section 204(b) of the Andean Trade Preference Act, as amended by section 3102, is amended by striking paragraph (3)(D), and inserting the following:

''(D) SPECIAL RULE FOR CERTAIN TUNA PRODUCTS.—

''(i) IN GENERAL.—The President may proclaim duty-free treatment under this Act for tuna that is harvested by United States vessels, ATPEA beneficiary country vessels, or Philippine vessels, and is prepared or preserved in any manner, in airtight containers in an ATPEA beneficiary country or the Philippines. Such duty-free treatment may be proclaimed in any calendar year for no more than—

''(I) 32,000,000 pounds of tuna harvested by ATPEA beneficiary country vessels or United States vessels, and prepared or preserved in any manner, in airtight containers in an ATPEA beneficiary country; and

''(II) 32,000,000 pounds of tuna harvested by Philippine vessels or United States vessels, and prepared or preserved in any manner, in airtight containers in the Philippines.

''(ii) UNITED STATES VESSEL.—For purposes of this subparagraph, a 'United States vessel' is a vessel having a certificate of documentation with a fishery endorsement under chapter 121 of title 46, United States Code.

''(iii) ATPEA VESSEL.—For purposes of this subparagraph, an 'ATPEA vessel' is a vessel—

''(I) which is registered or recorded in an ATPEA beneficiary country;

''(II) which sails under the flag of an ATPEA beneficiary country;

''(III) which is at least 75 percent owned by nationals of an ATPEA beneficiary country or by a company having its principal place of business in an ATPEA beneficiary country, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of an ATPEA beneficiary country and of which, in the case of a company, at least 50 percent of the capital is owned by an ATPEA beneficiary country or by public bodies or nationals of an ATPEA beneficiary country;

''(IV) of which the master and officers are nationals of an ATPEA beneficiary country; and

''(V) of which at least 75 percent of the crew are nationals of an ATPEA beneficiary country.

''(iv) PHILIPPINE VESSEL.—For purposes of this subparagraph, a 'Philippine vessel' is a vessel—

''(I) which is registered or recorded in the Philippines;

''(II) which sails under the flag of the Philippines;

''(III) which is at least 75 percent owned by nationals of the Philippines or by a company having its principal place of business in the Philippines, of which the manager or managers, chairman of the board of directors or of the supervisory board, and the majority of the members of such boards are nationals of the Philippines and of which, in the case of a company, at least 50 percent of the capital is owned by the Philippines or by public bodies or nationals of the Philippines;

''(IV) of which the master and officers are nationals of the Philippines; and

''(V) of which at least 75 percent of the crew are nationals of the Philippines.''

SA 3436. Mr. GRAHAM (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself, and Mr. GRASSLEY) 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 end of title XLII, insert the following:

SEC. 4203. CREATION OF TARIFF-RATE QUOTA FOR ORGANIC SUGAR IMPORTS.

(a) AMENDMENT TO ADDITIONAL UNITED STATES NOTES.—Additional United States Note 5(a)(1) of chapter 17 of the Harmonized Tariff Schedule of the United States is amended—

(1) in the second sentence, by striking ''may'' and inserting ''shall''; and

(2) by adding at the end the following: ''The quota quantity reserved for the importation of specialty sugars shall include a minimum quantity to be reserved for the importation of certified organic sugar in an amount not less than 12,000 metric tons to be

charged against the aggregate quantity for raw cane sugar or against the aggregate quantity for sugars, syrups, and molasses other than raw cane sugar in such proportions as the Secretary shall determine based on information available to the Secretary concerning the polarization of the certified organic sugar imported hereunder.''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect not later than 15 days after the date of enactment of this Act.

SA 3437. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself, and Mr. GRASSLEY) 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 end of subtitle D of title XI, insert the following:

SEC. 1183. DUTY DRAWBACK FOR CERTAIN ARTICLES.

(a) IN GENERAL.—Section 313 of the Tariff Act of 1930 (19 U.S.C. 1313) is amended by adding at the end the following new subsection:

''(y) ARTICLES SHIPPED TO THE UNITED STATES INSULAR POSSESSIONS.—Articles shall be eligible for drawback under this section if duty was paid on the merchandise upon importation into the United States and the person claiming the drawback demonstrates that the merchandise was exported from the United States and entered the customs territory of the United States Virgin Islands, American Samoa, Wake Island, Midway Islands, Kingman Reef, Guam, Canton Island, Enderbury Island, Johnston Island, or Palmyra Island.''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of enactment of this Act.

SA 3438. Mr. INOUYE submitted an amendment intended to be proposed to amendment SA 3401 proposed by Mr. BAUCUS (for himself and Mr. GRASSLEY) 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:

Section 204(b) of the Andean Trade Preference Act, as amended by section 3102, is amended by striking paragraph (3)(D).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, May 16, 2002, at 2:30 p.m. in open session to receive testimony on the Crusader artillery system.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, May 16, 2002, at 9:30 a.m. in SH–216. The purpose of the hearing is to receive testimony on S.J. Res. 34, the President's recommendation of the Yucca Mountain site for development of a repository, and the objections of the Governor of Nevada to the President's recommendation.

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

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Thursday, May 16, 2002, at 9:30 a.m. to conduct a business meeting to consider S. 1961, the Water Investment Act, and any other business pending before the Committee. The business meeting will be held in SD–406.

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

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, May 16, 2002, at 10:30 a.m. to hear testimony on ''Tanf Reauthorization: Building Stronger Families.''

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

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 16, 2002, at 10:30 a.m. to hold a hearing titled, ''The Nuclear Posture Review.''

Witnesses

Panel 1: Admiral Bill Owens (USN ret.), Former Vice Chairman of the Joint Chiefs of Staff, Co-CEO and Vice Chairman, Teledesic LLC, Bellevue, WA; and Dr. John Foster, Jr., Former Director, Lawrence Livermore National Laboratory, Former Director, Defense Research and Engineering, Chairman of the Board, Pilkington Aerospace, Inc., St. Helen's UK.

Panel 2: Dr. Steven Weinberg, Winner of the Nobel Prize in Physics (1979), Professor of Physics, University of Texas, Austin, TX; Mr. Joseph Cirincione, Senior Associate and Director, Nonproliferation Project, Carnegie Endowment for International Peace, Washington, DC; and Dr. Loren B. Thompson, Chief Operating Officer, Lexington Institute, Adjunct Professor, Georgetown University, Washington, DC.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, May 16, 2002, at 2:30 p.m. to hold a hearing to consider the nominations of Todd Walter Dillard to be United States Marshal for the Superior Court of the District of Columbia and Robert R. Rigsby to be Associate Judge of the Superior Court of the District of Columbia.

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

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 16, 2002 at 10:00 a.m. in Dirksen Room 226.

Agenda

Nominations

D. Brooks Smith to be a U.S. Circuit Court Judge for the 3rd Circuit, Richard R. Clifton to be a U.S. Circuit Court Judge for the 9th Circuit, Christopher C. Conner to be a U.S. District Court Judge for the Middle District of Pennsylvania, Joy Flowers Conti to be a U.S. District Court Judge for the Western District of Pennsylvania, and John E. Jones, III to be a U.S. District Court Judge for the Middle District of Pennsylvania.

Bills

S. 848, Social Security Number Misuse Prevention Act of 2001 [Feinstein/Gregg].

S. 1742, Restore Your Identity Act of 2001 [Cantwell].

S. 1868, National Child Protection Improvement Act [Biden/Thurmond].

S. 2179, Law Enforcement Tribute Act [Carnahan/Leahy/Schumer].

S. 672, Child Status Protection Act [Feinstein/Boxer/Graham/Kennedy/Hagel/DeWine].

H.R. 1209, Child Status Protection Act [Gekas/Jackson-Lee].

Resolution

S. Res. 268, A resolution designating May 20, 2002 as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens [Dodd/Lieberman].

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

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs be authorized to meet on May 16, 2002, at 2:30 p.m. on Examining Enron: Consumer Impact of Enron's Influence on State Pension Funds.

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

SUBCOMMITTEE ON EMPLOYMENT, SAFETY, AND TRAINING

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Employment, Safety, and Training, be authorized to meet for a hearing on Career Path Training for Low-Skill, Low-Wage Workers: Exploring the Intersections between WIA and TANF during the session of the Senate on Thursday, May 16, 2002 at 10:00 a.m.

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

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that during consideration of H.R. 3167, privileges of the floor be granted to Lauren Marcott, a State Department fellow on the staff of the Senate Committee on Foreign Relations.

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

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the Senator from New Mexico, Mr. BINGAMAN, as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 107th Congress.

SEQUENTIAL REFERRAL OF S. 934

Mr. REID. I ask unanimous consent that S. 934, the Rocky Boy's/North Central Montana Regional Water System Act of 2001 be discharged from the Committee on Indian Affairs and then referred to the Committee on Energy and Natural Resources; further, that if and when the Committee on Natural Resources reports S. 934, then the measure be referred to the Committee on Indian Affairs.

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

REFERRAL OF S. 848

Mr. REID. I ask unanimous consent that S. 848, the Social Security Number Misuse Prevention Act of 2002, reported today by the Judiciary Committee, be referred to the Committee on Finance.

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

Mr. BAUCUS. Mr. President, the social security number was originally devised to administer the Social Security program. Despite the limited purpose for which it was intended, the social security number is now widely used by Federal, State and local governments, businesses, health care providers, educational institutions, and others for identification and recordkeeping.

The unintended consequence of this widespread use is that social security numbers have been used to facilitate a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

Because the Federal Government requires virtually every individual in the United States to have a social security number to seek employment, to pay taxes, to qualify for social security benefits, it is necessary and appropriate for the Federal Government to take steps to prevent the abuse of social security numbers.

Last year, Senator FEINSTEIN and Senator GREGG introduced a bill, S. 848, designed to protect social security numbers. Based on the fact that one section of the bill amends Title 18, the so called ''criminal code,'' and another section of the bill gives the Attorney General certain rulemaking authority, the bill was referred to the Judiciary Committee.

However, the purpose of this bill is to protect social security numbers, which as a matter of law falls within the scope of Social Security Act, which as a matter of jurisdiction falls within the purview of the Financial Committee.

The Social Security Act, which led to the creation of the social security number, has been amended numerous times to protect Social Security numbers and the Social Security Office of Inspector General has been given authority to enforce these protections. A careful review of S. 848 clearly shows that the preponderance of its provisions fall within the scope of the Finance Committee's jurisdiction.

Therefore, it is my view that this bill, S. 848, should have been referred to the Finance Committee.

Unfortunately, there is no provision in Senate rules to correct this mistake and refer S. 848 to the Finance Committee once it has already been referred to the Judiciary Committee.

When the Judiciary Committee scheduled a markup of this bill on May 2, Senator GRASSLEY and I sent a letter to the chairman and ranking member of the Judiciary Committee urging them to postpone markup until these questions of jurisdiction could be resolved. Following our discussions with Senator FEINSTEIN, Senator GRASSLEY and I have agreed to withdraw our objections to the Judiciary Committee proceeding to markup S. 848, based on the following three conditions:

First, in the event that S. 848 is reported out of the Judiciary Committee, it will be referred to the Finance Committee.

Second, it should be understood that this agreement to a sequential referral does not cede our claim of jurisdiction to this legislation and should not prejudice the referral of future legislation on this matter.

Third, it is my intention to have the Finance Committee consider S. 848 as soon as the committee schedule permits.

ORDERS FOR FRIDAY, MAY 17, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. tomorrow morning, Friday, May 17; that following the prayer and 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 a.m. with Senators permitted to speak for up to 5 minutes each, with the first half of the time under the control of the Republican leader or his designee and the second half of the time under the control of the majority leader or his designee; that at 10 a.m. the Senate resume consideration of H.R. 3167, the Gerald B.H. Solomon Freedom Consolidation Act, under the previous order.

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

PROGRAM

Mr. REID. We appreciate the patience of the Presiding Officer. The Senate will vote on this matter tomorrow morning at approximately 10:30. Following disposition of the bill, the Senate will resume consideration of the trade act.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:43 p.m., adjourned until Friday, May 17, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 16, 2002:

DEPARTMENT OF TRANSPORTATION

EMIL H. FRANKEL, OF CONNECTICUT, TO BE AN ASSISTANT SECRETARY OF TRANSPORTATION, VICE EUGENE A. CONTI, JR., RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

JEFFREY SHANE, OF THE DISTRICT OF COLUMBIA, TO BE ASSOCIATE DEPUTY SECRETARY OF TRANSPORTATION, VICE STEPHEN D. VAN BEEK, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

DENNIS L. SCHORNACK, OF MICHIGAN, TO BE COMMISSIONER ON THE PART OF THE UNITED STATES ON THE INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA, VICE THOMAS L. BALDINI, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

DEPARTMENT OF EDUCATION

GERALD REYNOLDS, OF MISSOURI, TO BE ASSISTANT SECRETARY FOR CIVIL RIGHTS, DEPARTMENT OF EDUCATION, VICE NORMA V. CANTU, RESIGNED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

FEDERAL ELECTION COMMISSION

MICHAEL E. TONER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2007, VICE DARRYL R. WOLD, TERM EXPIRED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

EXTENSIONS OF REMARKS

STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 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.

I respectfully request that the following testimonials be included in the CONGRESSIONAL RECORD.

ON BEHALF OF STEPHANIE HORVATH, KATIE BLANCHARD, CADY MERRILL, AND JESSE BUTLER REGARDING ABORTION

STEPHANIE HORVATH. We are doing our presentation on abortion.

Abortion is never an easy decision to make, but women have been making these choices for thousands of years, for many different reasons. Whenever society has sought to outlaw abortion, it has driven women to back alleys, where this procedure becomes dangerous and illegal.

Each year 50,000 to 100,000 women die after receiving an abortion in unsafe and unsanitary conditions, and an estimated 20 million unsafe abortions take place each year.

KATIE BLANCHARD. Regardless of what people around you think about a decision such as abortion, it is the ultimate choice of the woman, their doctor, and their god. Parental involvement for minors should be necessary due to the conditions performed in this surgical procedure.

Every woman should have a supportive mentor to turn to in case of an emergency following an abortion. A parent could be there to care for, protect and comfort child in such a situation. Most women experience such complications as loss of appetite, lack of sleep, persistent crying, isolation from friends, excessive anger and thoughts of suicide.

CADY MERRILL. Although a parent's reaction could be unexpected, it is normal for them to have some emotional feelings about their daughter's pregnancy. It is normal to feel frightened, sad, angry, betrayed and disappointed. Regardless, most parents are and should be beside their child through hard times, and would only help their daughter through an abortion if that was her choice.

JESSE BUTLER. Abortion is a highly sensitive topic. I'm not here to debate whether it is right or wrong. I am here, however, to state that I think, when an abortion is being considered by a minor, at least one parent or the legal guardian of the minor should be required to be involved. The state has already established that minors are not allowed to make many decisions or perform many actions without their parent's or guardian's consent. Abortion should not be any different.

Many questions have to be considered when thinking of having an abortion. Some of those questions included whether or not the abortion or pregnancy or baby can be supported. Another question includes whether or not a minor can deal with the physical and psychological consequences of whichever decision is made. All of those questions are serious questions a minor may not have enough life experience to be able to make good judgments on. 5 percent of the time, abortion should involve a doctor's opinion. Adults will also be more inclined to recognize and respect a doctor's opinion. Young women may be afraid to tell their parents that they are pregnant. Requiring parents to be involved in the abortion decision will encourage parents to pay attention to any clues that their child may be pregnant. Overall, I think if an adult is involved in a decision, it is more likely that the best judgment will be made.

ON BEHALF OF ELIZABETH ECHEVERRIA AND DAMON ROONEY REGARDING LABOR EXPLOITATION

DAMON ROONEY. First of all, I would like to thank you, Congressman Sanders, for letting us come here. And I also thank Lamoille; we really appreciate you switching your timeframe with us.

ELIZABETH ECHEVERRIA. We are dealing with labor exploitation, and this touches on a couple of the topics that were already talked about. It ties in with child labor, and it ties in with free trade, and things like that.

Do you wear brand-name clothes? Do you drink coffee? Have you ever wondered where these things came from? The answer may surprise you. Because many of these things are made or picked by malnourished, oppressed and exploited men, woman and children.

DAMON ROONEY. I would like to read a passage written by the National Labor Committee: We went there by chance on an early Friday afternoon, the Muslim holiday, when the garment workers were supposed to have their weekly day off. We met an 18-year-old girl who, minutes before, had just returned from having been forced to work three 20-hour shifts in a row. She had worked 64 hours in the last three days, 120 hours in the last week. She was working seven days a week. Her eyes were more bloodshot than I'd ever seen anyone's before. The entire eyeball was pale, glassy red. She could barely speak. She was not just exhausted, but she had nearly lost her voice, and all that was left was a painful, low harsh rasp. This woman earned 14 cents an hour, $6.83 a week, sewing clothing for U.S. companies.

ELIZABETH ECHEVERRIA. That is just one example of the conditions that our American companies are fostering. People all other the world, in factories like the one this woman works in, are kept in abject misery and poverty. These factories are poorly ventilated, poorly lighted, and, basically, miserable places to be.

In an article from the New York Times, Adelia Pinvata, who investigated conditions in the San Marcos Free Trade Zone in San Salvador, said, and I quote: The wages are not enough to cover the basic food basket. It is a scandal. There are workers who faint because of the heat inside the factories, and because they are badly nourished. Various workers fainted when we were there.

An example is one of these types of factories, the Active Sporting Limited factory in Bangladesh, who makes hats for Rebok, Falcon Headware, Georgetown University, University of Connecticut, and various other U.S. companies and universities.

I came across some disturbing facts. Many workers must put in up to 60 to 70 hours of mandatory overtime a month, ''mandatory overtime'' being illegal in Bangladesh. They have no regular scheduled holidays. They have a maximum of two days off per month. They don't even get weekends off. Their wages are below the legal minimum. A maternity leave isn't paid. Workers may not talk during their shifts. They must ask permission to use the bathroom. Their bathroom visits are timed, and the water is unsafe to drink. There are no sick days allowed. And they are reportedly slapped and beaten with sticks for misbehavior.

No one could last more than 10 to 15 years. In the end, they are sick, exhausted, and penniless. And it is not an isolated occurrence, it is typical. For example, according to an article from the October 9, 1995, edition of the New York Times, in Central America free-trade zones, many factories are surrounded by 15-foot cinder-block walls, barbed wire, and armed guards.

Yet these workers cannot break out of poverty and degradation, because in most places, anyone who attempts to form a union is methodically fired and blacklisted.

DAMON ROONEY. Labor exploitation is a difficult problem, but we can find solutions. The biggest problem is that wages are too low to even buy adequate food. One obvious solution to this problem is to pass legislation that forces U.S. companies and their contractors to pay higher wages.

But this is tricky, because we don't want to put them out of business. We also should think twice about boycotting for this reason. Because any poor laborer would agree that it is better to be exploited than to have no job at all. But getting them to raise their prices a little won't break them. The U.S. must force them to pay subsistence wages—in other words, earn enough for food, clothing, and adequate shelter. And this is not that big of a demand, considering that the estimated subsistence wage for Bangladesh, for example, is only 34 cents an hour, or day.

ELIZABETH ECHEVERRIA. An hour. And that is a high-end estimate, by the way.

Another approach would be to force the companies to pay the workers a higher percentage of the retail value of the product that they are producing. This would help level out the distribution of wealth. Because, for example, according to Forbes Magazine, Donald Fisher, CEO of GAP and Banana Republic, is worth $1.5 billion, while hat makers in Dacca, Bangladesh, receive an average of 1.6 cents for every $17.43 University hat they make. That means the workers are only receiving .01 percent of the hat's retail price. Double their wages, and the hat cost less than two cents more for us to buy. Where do you think all the money is going?

DAMON ROONEY. Another problem is lack of inspectors to enforce labor laws. Because there are numerous labor laws and U.S. national company protocols in places that are not being followed, there are only eleven for the whole Dacca export zone, which has over one million clothing workers. We must get more inspectors in there, and also raise the penalties. We could have U.S. inspectors inspect the factories that export to the United

States, and if the conditions are not satisfactory, then the products cannot be sent to the U.S. That way, factories don't get paid if they don't follow the rules.

ELIZABETH ECHEVERRIA. Before any of these solutions can be put into motion, we must heighten awareness of these injustices. American people have a strong voice. Because only when these companies realize that their profit will go down will they listen.

We are the consumers and we have the power. So the most important thing that all of you in the audience can do is write letters to the CEOs of these places—the GAP, Liz Clayburn, Reebok, et cetera—and let them know that the public is concerned.

DAMON ROONEY. Labor exploitation is a problem that affects us all. We are the ones wearing the clothes and drinking the coffee picked by exploited hands. It is up to us to change these injustices.

Thank you, Mr. Sanders, for your time.

PAYING TRIBUTE TO CROWLEY COUNTY HERITAGE SOCIETY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the vital efforts of an organization that has dedicated its mission to preserving our nation's and Colorado's western values and heritage. This year the Crowley County Heritage Society will celebrate an important accomplishment to settling the West, the emergence of irrigated farming. As the society celebrates this vital piece of Western culture, I would like to commend the society's efforts toward preserving the early Colorado achievements and accomplishments.

This May, the society has chosen to recognize the thoughtfulness and forbearance of our early Colorado settlers. As this country was expanding, the need to create abundant and rich soil became a backbone to ensuring our settlement of Western lands. Using an available water source, the Arkansas River, our forefathers built several reservoirs and canals to gather and transfer large amounts of water that would be used to irrigate otherwise fruitless soil. Through a long duct known as the Colorado Canal, water began to be diverted to Crowley County allowing aspiring farmers to reap the benefits of an otherwise desolate landscape. Years later, more reservoirs would be created, several under the Twin Lakes and Colorado Canal company, who would further construct reservoirs and canals to bring the precious resource of water to several counties throughout Colorado. This was a remarkable accomplishment for those early times in our history and I am thankful organizations such as Crowley County Heritage Society have chosen to honor our early pioneers.

Mr. Speaker, as this country continues to change and forge our future, we will rely upon these heritage societies to remind us of our difficult and humble beginnings. Today many of us in the West take for granted the ability to raise and reap agricultural products from the land and it is imperative that we remember the trials and tribulations of those early days that ensured a future for us all. I would like to extend my thanks to Crowley County Heritage Society and commend them for their fine efforts over the years to preserve our past. I wish you all the best with your celebration and good luck in your future endeavors.

CHF INTERNATIONAL: CELEBRATING 50 YEARS OF BUILDING A BETTER WORLD

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. GALLEGLY. Mr. Speaker, in these times of world gloom and heightened concerns for global safety and security, peace and prosperity in the aftermath of the tragedy of September 11, we have come to better understand the stark reality that people and communities who feel powerless and who live in poverty-stricken conditions with little hope for a different future often become frustrated and angry with their lives. These conditions often breed contempt for society in some and eventually can contribute to the corrosion of world stability.

But we also know that human misery, powerlessness and other forms of depravation can be addressed and are being successfully addressed by organizations such as CHF International which is celebrating its 50th Anniversary during this year of 2002.

Begun in 1952 as a housing cooperative building affordable housing in rural America and in low-income neighborhoods of older cities, CHF has grown into a world renown catalyst for sustainable positive change in low and moderate income communities around the world. CHF International works in communities from Africa to Asia to meet the challenges posed by global poverty, complex emergencies and humanitarian crises, social and economic disparities caused by conflict or political transition, and environmental degradation.

Led by the energetic and unselfishly committed team of Chairman Gordon Cavanaugh, President and CEO, Michael Doyle and Vice President Judith Hermanson and hundreds of dedicated staff worldwide, CHF International is clearly making a difference in the lives of ordinary people in over 100 countries.

CHF's formula for success, as recognized by the United Nations on its ''Scroll of Honour'', has always been a strong belief in the goodness and power of the human spirit, fortified by openness and transparency, fiscal responsibility, continuing education, democratic governance and greater community participation.

Supported in large part by the United States Agency for International Development and other international and domestic benefactors, CHF International, over the past ten years, has been able to leverage over $165 million to provide more than $60 million in microenterprise loans, to create over 500,000 jobs, to train over 103,000 people for community operations, to build or improve close to 100,000 homes, improve the economic standing of over 2 million impoverished women and help form or strengthen some 8,000 local co-ops.

Mr. Speaker, as the former Chairman of the Western Hemisphere Subcommittee and current Chairman of the Europe Subcommittee, I have been aware of CHF's programs in places stretching from El Salvador and Guatemala to Serbia, Kosovo and Azerbaijan. The work of CHF International and its worldwide staff has been impressive and should be recognized, applauded and supported for its extraordinary contribution to humanity.

Once again, congratulations to CHF International for fifty years of working to build a better world.

TRIBUTE TO KENNETH SELDON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mrs. CAPITO. Mr. Speaker, I rise today to ask my colleagues to join me in paying tribute to and congratulating Kenneth Seldon of Hampshire County, West Virginia. For over 50 years, Mr. Seldon's hard work and dedication to his community have been truly inspiring.

With a work ethic deeply rooted in the American Dream, Kenneth Seldon has faithfully operated Riverside Service and General Store in Yellow Spring, West Virginia since May 22, 1952. In addition to operating the business, Kenneth also served as Yellow Spring Postmaster from 1957 to 1982. Mr. Seldon is also a charter member of the Capon Valley Ruritan and an active member of the Timber Ridge Christian Church.

In honor of Kenneth Seldon's 50 years of hard work, dedication, and commitment to his family and community, I ask my friends in Hampshire County and my colleagues here in the nation's capital to join me in recognizing May 19, 2002 as a day of celebration and recognition for Kenneth Seldon.

BILL TO INCREASE LIKELIHOOD OF COMPLETING CLEANUP AND CLOSURE OF ROCKY FLATS SITE BY 2006

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill dealing with the cleanup and closure of Rocky Flats, a Department of Energy (DOE) site just 15 miles from downtown Denver, Colorado.

Rocky Flats once produced vital components of nuclear weapons. But now production there has ended, and the site is being cleaned up and readied for closure—after which, under legislation enacted last year, it will become a National Wildlife Refuge.

Cleanup at Rocky Flats is proceeding under a plan agreed to by DOE, EPA, and the State of Colorado. DOE's goal is to complete cleanup and close the site on or before December 15, 2006.

Closure of Rocky Flats will mean increased greater safety for Coloradans. But it will also mean reduced demands for funds for security and maintenance of the site as well as for cleanup work. And that can make additional funds available to meet the needs of other nuclear-weapons sites, including sites in Washington, Texas, Ohio, Tennessee, South Carolina, Idaho, New Mexico, and other States.

As a crucial part of the cleanup, DOE intends to relocate several tons of plutonium

and other radioactive materials from Rocky Flats. The previous Administration planned to ship the plutonium to the Savannah River site, in South Carolina. There, some of it was to be used to create mixed-oxide (MOX) fuel for commercial nuclear reactors and some was to be immobilized for disposal elsewhere.

This plan was developed to implement an international agreement under which both the United States and Russia agreed to reduce stockpiles of weapons-grade plutonium, This is an important part of our efforts to prevent proliferation of nuclear weapons, which of course is so vital an aspect of our foreign and defense policies. It is also important to our national security to consolidate this surplus plutonium in one location so that it can be effectively guarded and efficiently managed—and since Rocky Flats is slated for closure, it does not make sense to keep the plutonium there.

However, the Bush Administration now has adopted a new plutonium-disposition strategy that does not include immobilization. In turn, that has prompted the Governor of South Carolina to raise objections to having plutonium shipped to that State. The Governor has gone into federal court to prevent that from happening—and as a result, shipments of plutonium from Rocky Flats have been delayed.

Other legislation has been introduced that addresses issues raised in that lawsuit, and the bill I am introducing today does not focus on them—it focuses only on the cleanup and closure of Rocky Flats.

That is because while Coloradans may differ about some things, we all agree that a prompt and effective cleanup and closure of the Rocky Flats site is a matter of highest priority for our state—and we are all concerned that the shipments of plutonium, originally scheduled to begin last fall, are not yet underway. We are worried that unless those shipments begin soon the DOE will be unable to achieve its goal of completing the cleanup and closure of Rocky Flats by 2006.

That is why I was disappointed last week when the House's Republican leadership refused to even allow consideration of including in the defense authorization bill a simple statement of the importance of a timely cleanup. That is why I think it is now essential to act to protect Colorado's interests in case DOE does not soon overcome obstacles to removal of the Rocky Flats plutonium. And that is the purpose of the bill I am introducing today.

The bill is intended to make it more likely that DOE will have the ability and the incentive to meet the 2006 cleanup goal. It provides that if shipments of the Rocky Flats plutonium under the current disposition plan have not begun by July 1 of this year, DOE will be required to examine alternative plans and to report on those alternatives within 6 months. And if shipments have not been completed by November 1 of next year, as called for in current cleanup plans, DOE would be required to compensate Colorado at the rate of $1 million per day—up to $100 million per year—until all the Rocky Flats plutonium has been removed.

These deadlines were not selected arbitrarily. It is essential that the plutonium now stored at Rocky Flats be removed by the fall of next year so DOE can accomplish other essential cleanup work that must be done in order to achieve a 2006 closure. If the plutonium stays at Rocky Flats too long, DOE runs the risk of missing other cleanup and closure milestones and of failing to live up to its commitments to Colorado. That is also why there is an immediate need to explore other alternative locations to which the plutonium can be sent. DOE did look at other alternatives before selecting the South Carolina site, so I think a new examination of alternatives would not take very long, but it must be done soon for DOE to stay on schedule at Rocky Flats.

Admittedly, this is strong medicine. But I think strong medicine is required in this case, because this is a matter of such great importance to the country and particularly to Colorado.

In drafting this bill, I cannot claim great originality. The requirement for a consideration of alternatives is based on legislation that Senator WAYNE ALLARD, Colorado's junior Senator has proposed, and the idea of a $1 million-per-day incentive is based on legislation introduced by our colleague, Representative LINDSEY GRAHAM to protect the interests of South Carolina. My purpose in shaping this proposal was not to be innovative, but to develop legislation that would protect Colorado's interests and advance the national interest in reducing our stockpile of weapons-grade plutonium.

Mr. Speaker, I have supported DOE's efforts to achieve an effective cleanup of Rocky Flats, closure of the site, and its transformation into a National Wildlife Refuge before the end of 2006. I have done so because I have considered that to be in the national interest as well as the interests of all Coloradans—and of that I am still convinced. The bill I am introducing today reflects my continuing determination to do all I can to see that DOE will continue to press forward to achieve those goals.

SEMINOLE HIGH SCHOOL RECOGNIZED FOR EXCELLENCE

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. COMBEST. Mr. Speaker, I rise today to commend Seminole High School in Gaines County, Texas for winning the 2002 University Interscholastic League Class AAA State Academic Championship. Students from Seminole High School proved themselves superior to students from throughout the state of Texas at the UIL one-act play and academic meet competition earlier this month. Seminole High School earned 119½ points, which was 10½ points higher than its closest competitor.

Seminole High School has performed well during the state UIL competitions in past. The school won first place in the state competition in 1993 and 1994. Students of Seminole High School won runner-up honors in 1995 and 2001. The UIL competition requires students to prove their skills and knowledge in a wide range of studies, including mathematics, science, writing, reading and interpretation. Students also must perform a one-act play.

Students at Seminole High School have accomplished a commendable achievement. The students' success in statewide competition reflects highly on their dedication to academic excellence, and it reflects highly on their teachers and administrators to whom their education has been entrusted. It is with great pride that I recognize the Seminole High School students competing in the 2002 UIL competition in Class AAA for their tremendous accomplishment.

Children's academic successes are crucial to our nation's continued growth and prosperity, and students at Seminole High School seem poised to serve this country well. I am proud to represent such a high achieving academic institution as Seminole High School.

HONORING HEBRON BAPTIST CHURCH ''HIS KIDS 'N' COMPANY'' DACULA, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. BARR of Georgia. Mr. Speaker, there are a select group of people who reach out to make the world a better place, and truly make an impact on our lives. These folks keep us aware of what it means to be an American, what our values are and should remain; and keep us ever mindful of the many sacrifices made by courageous Americans to insure future generations enjoy our many freedoms.

Hebron Baptist Church in Dacula, Georgia, not only spreads the Gospel of our Lord and Savior, they are ever mindful of teaching patriotism and the importance of our nation's freedom to openly express the words, ''In God We Trust.''

I was privileged recently to witness a musical play entitled, ''In God We Trust,'' starring the children of Hebron Baptist Church, ''His Kids 'N' Company.'' It was an excellent portrayal of how important it is to us as a nation to protect ourselves from those who would prefer to abolish from all public view, the words ''In God We Trust.'' The play portrayed the development of our nation, from the ships leaving Europe filled with pilgrims searching for religious freedom, to the many sacrifices made by generations of our citizens in order to maintain such freedom; as well as the attacks being made today to abolish open expression of belief in God.

It was an outstanding musical play with a very serious message, and the ''kids'' were successful in their effort, not only to get the message across of what being an American patriot is all about, but they truly touched the hearts of everyone in attendance. I believe there is no place more fitting to recognize and honor this most patriotic musical play and its participants, than in the House of Representatives—the very seat of our nation's government.

I wish each of you could have the opportunity to witness this outstanding production, which was created by Jeff Brockelman; with music by Chris and Diane Machen; and script by Jeff Brockelman and Sharon Thorne.

I ask my fellow members to join in congratulating Larry Wynn, Senior Pastor of Hebron Baptist Church; John Williams, Music Ministry Assistant; Billy Britt, Pastor of Church Growth and Institute Training; Pam Turner, Director of the Children's Choir; and Jackie McFarland, Music Ministry Assistant. A special congratulations is in order to all those who were directly involved with the musical play, along with ''His Kids 'N' Company'' who performed superbly.

REMEMBRANCE OF FALLEN TULARE COUNTY PEACE OFFICERS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. THOMAS. Mr. Speaker, today I rise to join the people of Tulare County and the United States of America as they give thanks to those peace officers who have made the supreme sacrifice while working to enforce our laws, protect our homes, and guard our lives. Events of the past year have served as a poignant reminder of the selfless dedication to duty that peace officers demonstrate every day, and those of us who served in the 105th Congress were the direct beneficiaries of this devotion, when two Capitol Hill Police Officers fell in the line of duty.

The Tulare County Sheriff's Department's Peace Officer Memorial Service and dedication of the Peace Officer Memorial will be held today, May 15, 2002, in Visalia, California. This monument pays tribute to the nineteen Tulare County peace officers who have lost their lives in the line of duty. To honor their noble sacrifices, the people of Tulare County have come together to donate the funds needed to make this lasting tribute to these brave individuals a reality.

This monument honors eight members of the Tulare County Sheriff's Department, three members of the California Highway Patrol, and eight members of various other law enforcement agencies located in Tulare County, including one federal officer from the National Parks Service. The Tulare County peace officers who have been killed in the line of duty are: Deputy John N. Wren, Deputy Oscar A. Beaver, Constable Robert A. Carter, Officer George Owen Barlow, Officer Norman A. Kessler, Officer Richard L. Simpson, Sergeant Charles Garrison, Officer Richard W. Smith, Deputy Ross C. Cochran, Officer John R. Ellis, Deputy Vernon L. Cox, Deputy Carlos Magana, Officer Thomas J. Schroth, Detective Monty L. Conley, Detective Joe R. Landin, Deputy Michael R. Egan, Reserve Officer Ronald Hills, Ranger James Randall Morgenson, and Officer James J. Rapozo.

In closing, I thank these and every other law enforcement officer for their sacrifices made to protect and serve their fellow citizens.

PAYING TRIBUTE TO BUREAU OF RECLAMATION

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the Bureau of Reclamation and congratulate all of its employees and supporters on reaching an extraordinary milestone. As the bureau celebrates its 100th anniversary, it is my sincere pleasure to congratulate each and every employee on many years of excellence in serving the Western United States and, indeed, the entire nation. The efforts put forth by this organization are truly appreciated by everyone who lives in the seventeen Western states that it serves, and I am honored to stand before you today and bring its many accomplishments to the attention of this body of Congress. For 100 years, this agency has worked diligently to make the Western United States livable, and I, along with the many residents that have benefited from their efforts, am proud and thankful for what you have accomplished.

Started in 1902 by President Theodore Roosevelt in order to permit ''homemaking'' in the Western states, the Bureau and its employees have long been a vital part of Western life. Colorado could not be the vibrant and majestic state it is today without the hard work and dedication of each and every employee in the hundred year history of the Bureau. From the early beginnings, the employees have been the heart of the agency, involved in numerous projects not only in the administration of the program but assisted in the construction of the dams and canals as well. Today, the Bureau has twenty-two offices that oversee 180 projects and the employees still remain the core of the operation. In addition to the commitment of the supporters and employees of the Bureau of Reclamation, this vision and foresight of the agency have been vital to Colorado and the West.

This agency has long recognized the thoughtfulness and forbearance of our early Colorado settlers. As this country was expanding, the need to create abundant and rich soil became a backbone to ensuring the settlement of Western lands. The Bureau of Reclamation has helped our forefathers build several reservoirs and canals to gather and transfer water that would be used to irrigate otherwise fruitless soil. As a result, the efforts of the Bureau have helped aspiring farmers to reap the benefits of an otherwise desolate landscape. This was a remarkable accomplishment for those early times in our history and I am thankful for the role that the Bureau of Reclamation played in assistance to our early pioneers.

Mr. Speaker, it is my distinct pleasure to be able to congratulate each and every employee and supporter of the Bureau of Reclamation on this historic occasion, and wish each of them all the best in the next one hundred years. I commend each of you for your work in ensuring that the water needs of all of the residents of the Western States, from the early homesteaders to today's modern users, are addressed. I also would like to recognize the successful vision of the agency and I know that the Bureau will continue to provide that vision to take us into the twenty-first century. I am delighted to bring the efforts of such an extraordinary agency to the attention of this body of Congress. Keep up the great work; I look forward to the years to come!

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

The House in Committee of the Whole House on the State of the Union had under consideration 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 prescribe military personnel strengths for fiscal year 2003, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to oppose the National Defense Authorization Act for FY 2003. This bill provides appropriations for an increase in pay for our armed services personnel, which I believe is very important for the security of our great nation. The authorization provides an across-the-board 4.1 percent pay increase for military personnel. The across-the-board and targeted raises would be the equivalent of a 4.7 percent across-the-board raise and will reduce the pay gap between the military and private sector from 7.5 percent to 6.4 percent. Our service men and women work very hard to protect this country and its way of life. Therefore, I believe that by raising their pay and giving more than a billion dollars more than the President requested, this will increase morale, which is very important.

On the other hand, this Authorization provides funds for flawed defense items. First, the Air Force's controversial F–22 Raptor Fighter, the next-generation premier fighter, which is intended to replace the F–15 and F–16. It is designed to have both air-to-air and air-to-ground fighter capabilities. This aircraft is plagued by cost overruns, technical problems and questions over whether the Air Force should direct its resources to expensive manned aircraft when newer technologies and strategies are more effective and less costly. The bill authorizes $1 billion for unmanned aerial vehicles (UAV) procurement and research and development. UAV's have the ability to provide first-hand reconnaissance of opposition forces without placing lives at risk. Moreover, UAV's have proven particularly valuable in Afghanistan by identifying and tracking enemy targets, and conducting missions too dangerous for manned aircraft. By canceling the F–22, the Air Force can free up substantial funding that can be used to more aggressively pursue programs such as long range bombers. Yet, we fund this flawed and expensive jet fighter.

Another flawed item is the controversial Crusader artillery system. Defense Secretary Rumsfeld signaled his intent to cancel the Crusader program, and to divert the $475 million in research and development funds earmarked for the program to another system. In addition, the President asked this Congress not to revive the $11 billion program, because he fully supported Secretary Rumsfeld's decision to scrap the artillery system and seek alternatives more in keeping with the current threat facing the United States. The Congress ignores the President's request and still proposes funds for this flawed and unwanted item.

Along with these flawed programs, this Authorization will also relax environmental laws. Although, the bill authorizes the President's request for the Energy Department's environmental restoration and cleanup programs. The Defense Department environmental programs, relaxes some current requirements under our environmental laws which protects wildlife habitats on military installations. Here again, the Administration is trying to disrupt our delicate wildlife habitats to benefit its friends.

However, the most problematic item within the authorization is the $7.8 billion ballistic missile defense. The reality with a ballistic missile defense system is that if a country is

capable of building a long-range missile, and has the motivation to launch a missile against the United States, it has the capability and motivation to build effective countermeasures to any anti-ballistic missile defense system.

Furthermore, the difficulty in developing a feasible ballistic missile defense system is not getting complex hardware to work as intended. It is that the defense system has to work against an enemy who is trying to thwart the system. Moreover, the attacking country can do so with technology much simpler than the technology needed for the defense system. This means that the attacker has the advantage, despite our technological edge.

A year long study was conducted, that examined, in detail, what countermeasures an emerging missile state could take to defeat the missile defense system the United States is planning. The study showed that effective countermeasures required technology much less sophisticated than is needed to build a long-range ballistic missile. In addition, a high-level commission convened by Congress to assess the ballistic missile threat to the United States, noted that potential attackers could build such bomblets.

I ask ''how is it possible that this problem is being ignored?'' The Pentagon is balking on how to proceed. It has divided the missile defense problem into two parts: (1) getting the system to work against missiles without realistic countermeasures and (2) getting the defense to work against countermeasures. Few doubt the first step could eventually be done.

The Defense Department has tested and retested this ballistic missile defense system, and each time results have not achieved their desired intentions. But yet, the President wants to continue funding this flawed policy. In almost every case, post-test doubts have been raised. Critics have charged that test results over the past two decades have been exaggerated by false claims of success and promises of performance that later proved false. Many tests were proven to have had their targets significantly enhanced to ensure the likelihood of success. Furthermore, kinetic kill as a concept for destroying long-range ballistic missiles is even more problematic at this stage.

There is no empirical evidence to support the contention that kinetic kill for ICBM defense will work. Despite the prowess of American technology, there are no quick, cheap or easy solutions in missile defense. Therefore, we should allocate funds for more pressing defense needs and spend our funds on systems that work and will enhance real security for all Americans. To assume otherwise is to base defense planning on wishful thinking. An effective defense is based on preparing for credible threats with workable systems. Not funding systems that have failed in tests as the Republicans have done in this bill.

THE TANF REAUTHORIZATION

HON. ANÍBAL ACEVEDO-VILÁ

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. ACEVEDO-VILÁ. Mr. Speaker, on behalf of the children and families of Puerto Rican and Hispanic families, I rise today to urge my colleagues to vote in favor of the Democratic proposal.

The Commonwealth of Puerto Rico has successfully implemented TANF. We have met all of the requirements of the Act. We have been successful in reducing our welfare rolls from 55,000 to 21,000.

Puerto Rico has accomplished these goals in an environment of high unemployment. Our unemployment is double that of the mainland. Yet, we still met all of the requirements of TANF.

The Democratic substitute continues to require Puerto Rico to meet all of the same mandates as the states. However, it authorizes Puerto Rico to have access to the same tools as the states. These programs include mandatory daycare funding, supplemental grants, and the contingency funds.

If the Commonwealth of Puerto Rico is expected to succeed in meeting the requirements of TANF, we need access to the same programs that states are provided. We are dedicated to moving families from welfare to work; we are dedicated to reducing our welfare rolls. In order to do so, we need the tools to implement these programs.

Anything short of the Democratic substitute creates additional barriers limiting the ability of Puerto Rican and Hispanic families to make a successful transition from welfare to work.

Mr. Speaker, I would also like to enter into the record a letter from the Chair of the National Hispanic Leadership Agenda endorsing the principles I have just outlined.

Additionally, the National Conference of State Legislators, a Non-partisan organization, recently acknowledged that the circumstances in Puerto Rico and the territories are unique and need to be addressed. Voting in favor of the Democratic substitute is a step in the right direction.

Again, I urge my colleagues to vote for the Democratic substitute to insure that no families or children living under our flag are left without the necessary tools to end the cycle of poverty.

NATIONAL HISPANIC LEADERSHIP AGENDA,
Washington, DC, May 6, 2002.

Hon. TOMMY G. THOMPSON,
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY THOMPSON: On behalf of the National Hispanic Leadership Agenda (NHLA), a coalition of national Hispanic civil rights and public policy organizations, I would like to thank you for meeting with us today and for your expressed interest in addressing funding disparities for federal programs in Puerto Rico. Your support and leadership would significantly assist us in our efforts to ensure the needy families and children residing in Puerto Rico have equal access to essential federal programs that are currently underfunded.

All U.S. citizens should have equal access to the tools necessary to exit poverty as they move from welfare to work. Child care, health care, and employment assistance are critical supports that do not only ensure a successful transition to self sufficiency, but also guarantee the continued health and well-being of vulnerable families. Regretfully, needy U.S. citizens residing in Puerto Rico do not share in these benefits equitably.

Welfare spending on the Island stands at $34.78 per poor person compared to the national average of $533.97. With funding limitations on federal child care programs, health insurance programs such as Medicaid, SCHIP and Medicare, and Temporary Assistance for Needy Families (TANF) the obstacles to self-sufficiency are considerable in an economy that already suffers from an unemployment rate that is twice the national average and where the poverty rate is nearly 60 percent.

Given these realities, NHLA believes that the following changes are required to address funding disparities for Puerto Rico:

Removing barriers that exclude Puerto Rico from the TANF Supplementary Grant program and once barriers are removed exclude Supplementary Grants from the current TANF cap;

Removing IV–E Foster Care from the TANF cap;

Removing barriers that exclude Puerto Rico from the Child Care and Development Fund—Mandatory Grant (93.596(a)) and exclude from the cap the Child Care and Development Fund—Matching Grant (93.596(b));

Reimbursing Puerto Rico for providing Transitional Medical Assistance to TANF leavers outside the Medicaid cap imposed on the Island.

We urge you to support legislative proposals that will address the current disparities in poverty assistance programs, and ensure that critical health care and self-sufficiency programs are made available to the U.S. citizens in Puerto Rico.

Low-income families deserve to have the full commitment and assistance of our federal government, if they are to succeed in becoming self-sufficient—regardless of where they may reside in America.

Sincerely,

MANUEL MIRABAL,
Chair.

HONORING RAYMOND BRAUER, M.D.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Dr. Raymond Brauer, who will be honored by The Houston Society of Plastic Surgeons as its first recipient of the ''Distinguished Plastic Surgeon Award'' 2002. His colleagues, friends and family will honor him at the Society's meeting being held on May 16, 2002, in Houston Texas.

The Houston Society of Plastic Surgeons was established to promote high ideals of plastic surgery and to improve scientific knowledge in the field of plastic surgery. This organization is composed of practicing plastic surgeons of high moral standing, who exhibit a certain level of professionalism and are actively engaged in the Greater Houston Metropolitan Area for at least two years.

Born on March 3, 1916 in Fresno, California, Dr. Brauer has dedicated his life to the advancement of plastic surgical medicine. He graduated from Pacific Union College in 1941 and obtained his medical degree in 1943 from the College of Medical Evangelists in Los Angeles. Dr. Brauer interned at Santa Clara County Hospital in 1942 and soon after fulfilled his residency training at the St. Francis Hospital in 1944. Being a man of great conviction and devotion to his country, Dr. Brauer joined the Army in 1944, to fight in what has been described as the greatest and most destructive war in history, World War II. More than 17 million members of the armed forces of the various countries perished during the conflict. Upon completion of duty in 1948, Dr. Brauer, relocated to Houston to begin a private practice with a fellow plastic surgeon.

In addition to all that he has done, Dr. Brauer has received several appointments with Baylor College of Medicine and the University of Texas. Throughout his long and distinguished career he has served on several committees and boards, published many articles, and won numerous honors and awards.

Mr. Speaker, I congratulate Dr. Brauer on his tireless efforts toward improving the plastic surgery profession, his many achievements and service to our country. Dr. Brauer is an integral part of the Houston community and has made many strides in the field of medicine. This honor reflects the widespread recognition within the plastic surgery community of Dr. Brauers' important and diverse contributions to the profession. His voice has been a powerful one for those seeking self-enhancement, as well as the professionals strive to improve their patient's quality of life.

PAYING TRIBUTE TO CARLOS ELIAS AND ANDREA ARESE-ELIAS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. McINNIS. Mr. Speaker, it is a great honor to be able to recognize an amazing couple that resides in my district in Colorado. Carlos Elias and Andrea Arese-Elias of Grand Junction are amazing musicians who have taken their passion to the highest level. Through their hard work and dedication to perfection, they have achieved true excellence in their fields—Carlos on the violin and Andrea on the piano. In recognition of their talent and commitment, the couple has recently had the privilege of performing at Carnegie Hall.

Carlos and Andrea began their career in their respective countries of El Salvador and Argentina. Carlos studied the violin at the National Center of the Arts in San Salvador, and at the age of 16, became the youngest violinist to enter the El Salvador Symphony Orchestra. In addition, in 1986 Carlos had the honor of representing El Salvador in the World Philharmonic Orchestra in Brazil. Carlos also holds many degrees in violin performance and artistry including a Master's Degree from the University of Cincinnati College Conservatory of Music. Andrea began studying the piano at the Musical Conservatory in Argentina. She has been performing since the age of eleven and has her Masters and PhD from the University of Cincinnati College Conservatory of Music.

After performing all over the world, the couple has settled down to raise their family in Grand Junction, Colorado, Carlos and Andrea are valued members of Mesa State College where Carlos is on the faculty of the Music Department. Carlos is the Director of Strings and the College Orchestra as well as Concertmaster of the Grand Junction Symphony Orchestra, providing his expertise and experience to the members of the orchestra. The couple also plays another important and vital role; they are the loving parents of two children, Briana who is five, and Melissa who is one and a half years old.

Mr. Speaker, I imagine the chance to play Carnegie Hall is the dream of every musician and I am proud that Carlos Elias and Andrea Arese-Elias's have had the opportunity to bask in this honor. They truly deserve this great opportunity and it is their hard work and dedication to achieving the highest level of excellence that I wish to bring to the attention of this body of Congress, and nation. Congratulations Andrea and Elias, and good luck in your future endeavors.

TRIBUTE TO MASTER SERGEANT RICHARD W. PETRONE

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mrs. LOWEY. Mr. Speaker, I rise today in tribute to Master Sergeant Richard W. Petrone, who retired from the New York Army National Guard on September 30, 2001, with more than thirty-one years of exemplary service to our nation. It is my pleasure to honor him here today.

Mr. Petrone has enjoyed a long career in public service. He worked with New York Police Department for 23 years, and served in the U.S. Army Reserve for more than two years.

Among several positions at the National Guard, Mr. Petrone served as Chief Training Instructor at the 106th Regiment Headquarters Regional Training Institute. There, he was instrumental in organizing and supervising several outstanding programs, which garnered the Institute several certificates of accreditation. As Battalion Communications Chief with the 206 Corps Support Battalion, Master Sergeant Petrone enacted programs to make the unit act in a more coordinated and efficient fashion. This contributed to a more effective communications program throughout the command.

For his service, Mr. Petrone has received several awards, including the Armed Forces Reserve Medal, the National Defense Service Medal, the Army Achievement Medal, the Army Commendation Medal, the New York State Military Commendation Medal, and the New York State Medal for Humane Service.

For his commitment to his community, his State, and his Country, it is my privilege to congratulate Master Sergeant Richard W. Petrone on this special occasion.

TRIBUTE TO NICOLE LOVE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. VISCLOSKY. Mr. Speaker, I rise today to congratulate a distinguished young lady for attaining the Girl Scout Gold Award. Nicole Love, the daughter of Diane Love, is a member of Senior Girl Scout Troop #349 located in Griffith, Indiana. She will receive this honor at a Girl Scout Gold Award Ceremony on May 16, 2002 at The Center on the campus of Purdue University Calumet, in Hammond, Indiana. This is the highest award in Girl Scouting and it is earned when the girls are committed to working towards the goals they set for themselves. I am honored to have the opportunity to congratulate Nicole for her success, for I know that she has grown during this pursuit. Additionally, Nicole attained the Gold Award in conjunction with her academic achievement at Griffith High School. She will graduate this June and plans to attend college.

Troop #349 is part of the Girl Scouts of the Calumet Council, which serves girls in Whiting, East Chicago, Hammond, Highland, Munster, Griffith, Schererville, St. John, and Dyer in the State of Indiana and Lansing, Lynwood, Calumet City, and Burnham in the State of Illinois. The Council was charted in 1954 and operates two program centers that serve over 5,700 adults and girls.

A special significance is attached to the title of Girl Scout Gold Award, a significance that accompanies a young woman throughout her life. As she pursues endeavors in higher education, business, industry and community service, she carries with her the lofty goal of success through leadership. To qualify for the Gold Award, each Girl Scout has had to fulfill rigorous requirements in the areas of leadership, career interest and service. Upon completing the above requirements, a prospective Gold Award candidate must find and complete a project that fulfills a need in the community. Nicole's Gold Award Project involved coordinating a sports weekend for Junior Girl Scouts called ''Sports n' More'' in October 2001. Over 3,500 Senior Girl Scouts design, implement, and complete Gold Award projects each year. Nicole can be very proud of the success that she has achieved through hard work and dedication to serving her community.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Nicole Love for her commendable achievement. Her mother can be proud of her daughter because it takes a great deal of tenacity and devotion to achieve such an illustrious award. This young lady has a promising future ahead of her, which will undoubtedly include improving the quality of life in Indiana's First Congressional District.

PERSONAL EXPLANATION

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. BRADY of Pennsylvania. Mr. Speaker, I was unavoidably detained in my district on May 14, 2002. Had I been present and voting, I would have voted:

Yea on Rollcall # 161
Yea on Rollcall # 160
Yea on Rollcall # 159

PAYING TRIBUTE TO JAKE SATTERWHITE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to honor the life and memory of Jake Satterwhite of Craig, Colorado. Jake was tragically taken from us at the age of thirteen in a car accident in August of 2001. Although he was very young when he passed away, he touched many lives in the Craig community during his

years, including those of his baseball team and his classmates. To honor his memory, the City of Craig has recently dedicated a baseball field in remembrance of Jake.

Jake was known for giving 110 percent to everything that he did and held an optimistic spirit and enthusiasm for life. Jake touched everyone he encountered. The witnesses at the dedication ceremony were moved by their memories of the boy who never gave up in the face of insurmountable odds or defeat. On his baseball team, Jake was a key member on and off the field. He was the spirit of the team and was a constant cheering force for his teammates. He is fondly remembered by the Craig community and is deeply missed by his loving parents, family, and friends.

Mr. Speaker, the people of Craig will remember Jake as a boy whose short life was filled with joy and inspiration every time a team takes his field. This dedication will keep Jake's enthusiasm for life alive in the hearts of those he touched, and I am honored to be able to bring the enthusiasm and optimism of Jake Satterwhite to the attention of this body of Congress and this nation. While his family and friends continue to mourn his loss, I am confident his memory will live on through this wonderful baseball field.

MINNESOTA REP. DARLENE LUTHER'S LASTING LEGACY

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. RAMSTAD. Mr. Speaker, we have all learned in the last eight months how fragile life can be, and how nobility and grace can rise from tragedy and sadness.

We have all mourned recently with our colleague Bill Luther the loss of his beloved wife, Darlene, who was a distinguished member of the Minnesota House of Representatives, as well as a loving wife and mother of Alex and Alicia Luther.

Mr. Speaker, I was profoundly moved by a recent story from the Fergus Falls Journal which reflects the great love Darlene and Bill shared for each other, as well as others.

The story, by Mary Mahoney, also speaks volumes about the enduring power of human kindness.

Because I would like to share this beautiful story of love, sacrifice and the enduring bond of friendship, I respectfully submit for the record the enclosed article from the Fergus Falls Journal of February 7, 2002, entitled ''Family's gift of life leaves enduring bond,'' by Mary Mahoney.

More than 25 years before his unexpected death, Gary Bradow told his wife Norma that he wanted his organs donated.

''I told him that if he went first, I didn't know if I could do it,'' Norma said from her Fergus Falls home. ''Gary told me I could, that I would just know it was right.''

But nothing could have prepared Norma for the awful day that Gary died. A malformed artery in his brain caused a fatal stroke in March 1998 at the age of 57. Norma was faced with the one decision she didn't want to make.

''People think of 'harvesting' organs as an awful thing,'' she said. ''But I realized we were farmers; harvesting is a wonderful thing for farmers. And in the case of donating Gary's organs, 'harvesting' was wonderful too.''

A man in Wisconsin received a kidney. A 63-year-old widow got another kidney. Two others received his eyes.

And State Rep. Darlene Luther was the recipient of Gary's liver, literally occurring hours before she would have died.

A simple thank-you letter written to Norma six months after the transplant established a bond that couldn't be broken—even after Darlene's death on Jan. 30.

''I don't think of myself as one but as two persons,'' she wrote, signing only her first name.

With those words, Norma knew she had to connect with this woman who had reached out to her.

''Her letter touched my heart in a way I just can't describe and I immediately called LifeSource and said I had to meet her,'' Norma said. ''It took awhile, but two weeks before Christmas 1998, both of them (Darlene and her husband U.S. Representative Bill Luther) were here.''

In the four years since Darlene's transplant, the Bradow family became dear and special friends with the Luthers, visiting often and corresponding frequently. Darlene even flew out to Seattle one day to have lunch with Norma and her daughter Pam, who lives in Seattle, and flew back the same afternoon.

''The bond we had was completely beyond words,'' Norma said. ''She was such a kind and generous lady.''

Another twist of fate connected the families as well. Bill, who grew up on a dairy farm near Fergus Falls and has relatives in the area, had briefly known Gary before his death.

''I knew of them and had spoken with Gary before all of this happened,'' Bill said. ''And the odds that my wife would receive a liver transplant from a man from my hometown—it's just amazing the way life can bond people together.''

To Darlene, it was a sign that more needed to be done to increase awareness of organ donation. She felt she was the perfect person to educate people about the benefits of organ donation as a state representative, and helped enact legislation providing funding for a mobile education unit for LifeSource, the organ donation procurement organization that helped secure her liver.

''She (Darlene) did such a great amount of work, getting families to talk about organ donation,'' said LifeSource Public Relations manager Susan Mau Larson. ''She was a living statement of the wondrous good provided by organ donation.''

The mobile unit is similar to a bookmobile, with displays and kiosks about organ donation. In late December, LifeSource presented a plaque that will hang in the mobile unit, thanking Darlene for all the work she's done for organ procurement.

Last week, a bill passed through the House of Representatives—named in honor of Darlene—making a person's organ donation wishes a binding contract, meaning a family member cannot override the decision. The Senate will begin its process on the bill today, Mau Larson said.

But despite the positive work Darlene provided, tragedy struck the Luthers—and the Bradows—once again.

''Darlene called me in late October to let me know she had stomach cancer,'' Norma said. ''The anti-rejection drugs masked the cancer and by the time they found out, it was inoperable.''

It was then that the friendship shifted and Norma began helping Darlene the way she had been helped after her husband's death.

''I wrote her weekly notes, little inspirational things to encourage her,'' she said. ''Her inner peace was phenomenal; she was such an inspiration to me—and I was trying to help her.''

When Bill called Norma the morning after Darlene died, she said the news was heart-wrenching enough. But what came next practically took her breath away.

''Darlene had requested she be buried in Fergus Falls, where she could be near us,'' Norma said. ''I burst into tears when Bill said that.''

For Bill and his children Alex and Alicia, it was a natural decision.

''We were so appreciative of those four years Darlene received because of the transplant,'' Bill said. ''The Bradows are part of our family.''

He insisted that Norma ride in the lead car during the burial procession and that Gary's family, including his mother, Emma and daughters Tara and Debra, take part in the service held Wednesday afternoon at Oak Grove Cemetery.

''That's what they mean to us,'' Bill said. ''And it's what Darlene would have wanted.''

TRIBUTE TO MR. IRA JUNIOR ANDERSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize the courage and dedication of Mr. Ira Junior Anderson.

Mr. Anderson is a Korean war veteran who was recently recognized for his service and issued the Bronze Star Medal. Mr. Anderson will be honored on May 19, 2002 at Hardin-Central High School where he will also be receiving his honorary high school diploma. I feel honored to have Mr. Anderson living in the Sixth Congressional District of Missouri.

Mr. Anderson's family members and friends should take pride in what he has done for this country to keep it free and strong.

I commend Mr. Anderson for his courage and dedication and for allowing so many people to celebrate with him during this time. Mr. Anderson and other veterans like him have endured hardships and pain that most of us will never know. I again thank Mr. Anderson for his service and dedication to this great country. He makes the sixth district and all Americans very proud.

HONORING MS. JANET C. WOLF ON THE OCCASION OF HER RETIREMENT FROM THE NATIONAL PARK SERVICE

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. LoBIONDO. Mr. Speaker, it is with immense pride and accolade that I rise today to

honor Janet Wolf, upon her retirement from the National Park Service. Ms. Wolf has distinguished herself with great determination and creativity during her 34 years of service.

Thirty-four years ago, Ms. Wolf began her career as an urban intake employee in Washington, D.C. She has served at numerous sites across the country including: the Catoctin Mountain Park, the Roosevelt-Vanderbilt Headquarters, the Fort McHenry National Monument and as Superintendent of the Fort Frederica National Monument and the Morristown National Historical Park. In addition, after spearheading the planning and implementation efforts to establish the Martin Luther King, Jr. National Historic Site, Ms. Wolf had the distinction of serving as its first Superintendent.

For the past fourteen years she has prevailed with expertise as Project Director for the National Park Service's New Jersey Coastal Heritage Trail. It is in this capacity that I came to know Ms. Wolf. I can attest to the fact that she has labored tirelessly to shepherd this project from concept to reality.

Established in 1988, the Trail has highlighted the natural beauty of over eight counties and six Congressional districts in New Jersey. Since its inception, the Trail has blossomed to its current size boasting over seventy destinations, welcome centers, and local information centers. All sites manifest a theme: Maritime History, Coastal Habitats, Wildlife Migration, Historic Settlements, and Relaxation and Inspiration. The Trail has prospered in part from numerous local partners including: the New Jersey Division of Parks and Forestry, New Jersey Office of Travel and Tourism, and the Pinelands Commission. These partnerships have been successful due to Ms. Wolf's perseverance, experience, and creativity. As a testament to her outstanding work, Ms. Wolf has received countless recognitions, including a Citation for Meritorious Service from the Secretary of Interior.

Ms. Wolf's contributions also extend well beyond her role as Program Manager for the Trail. She has been an active participant in the local community, serving on numerous boards, committees and local foundations.

Mr. Speaker, Janet Wolf's contributions to the National Park Service are indeed numerous and noteworthy. By preserving our nation's environmental heritage, she has left a legacy with benefits too countless to number. Her indefatigable work on the New Jersey Coastal Heritage Trail is portrayed in the eyes of a child upon seeing the ocean for the first time, or in the serenity brought in the solitude and wonder of New Jersey's forests, diverse wildlife, and coastal habitats.

For her many years of dedication and diligent efforts on behalf of our nation's parks, I ask my colleagues to join me in wishing her good health and a very joyous retirement.

A TRIBUTE TO PAUL ECKE, JR.

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to the life and accomplishments of my friend, Paul Ecke Jr. who passed away on Monday morning after a long illness. Paul was a devoted husband and father, a leader in the San Diego Community, and a force in the poinsettia industry. While his leadership in the poinsettia business made him an international figure; it was his warm heart and caring personality that made him a community leader, and a friend.

Since I came to Congress, Paul and I have worked together on issues important to our community of San Diego, and to the flower industry worldwide. Paul's boundless leadership and generosity was evident in his support of local charities like the Magdalena Ecke YMCA, the San Diego Museum of Natural History, California State University San Marcos, and the Del Mar Fair Grounds. In addition, Paul's industry has given America and the world the poinsettia for holidays. Nearly 80% of the world's poinsettias are licensed to the Ecke Ranch, and the popularity of this wonderful plant can be traced to Paul's hard work and efforts to grow the poinsettia as an indoor potted plant, and to make the plant suitable for mass production.

I will never forget the first time that I met Paul. He came to meet me in my home when I was a candidate for the U.S. Congress. He walked into my living room, picked up a basket of silk flowers from the coffee table, and immediately threw it into the garbage. He told me that he would replace it with "something better" and later that day sent me an arrangement of fresh flowers. Paul was a man who noticed every detail, never hesitated to tell you what he was thinking, and who always followed through with his promises.

Paul's life exemplified commitment and service to his community, and he leaves behind a legacy for his family, friends, and fellow Americans. Earlier this week, Paul's family released a statement that read, "In tribute to Paul's legendary support of the floral industry, we suggest that you send flowers today to someone you love." I ask my colleagues to join me today in honoring Paul's legacy by sending flowers to their loved ones.

I have attached an editorial from our local paper paying tribute to Paul and his works. I could share countless stories, but words are insufficient to convey the extent of his kind heart, ambition, and lifetime of effort to improve our community.

PAUL ECKE JR. SUCCUMBS TO CANCER

(By Adam Kaye)

ENCINITAS.—Paul Ecke Jr., who expanded both his family's worldwide leadership in the poinsettia growing business and its emphasis on local philanthropy, died Monday at 76 from cancer.

Ecke Jr., who was president of Paul Ecke Ranch from 1963 until turning it over to his son in 1991, assembled the scientists and salesmen that perfected the mass production of poinsettias first developed by his father. Today, an estimated 80 percent of the poinsettias sold each year worldwide got their start, in some form, from the Paul Ecke Ranch.

Together with poinsettias, Ecke Jr. leaves a legacy of philanthropy.

His generosity extended to the Magdalena Ecke Family YMCA, named after Ecke Jr.'s mother, to the Del Mar Fairgrounds, local schools, Planned Parenthood and the Republican Party. Ecke Jr. also was instrumental in saving the landmark Carlsbad Flower Fields from being wiped out in the early 1990s.

"Paul Ecke Jr. was a model of what it means not only to be successful in business but also a good citizen who was almost unique in how much he gave back to the community and in particular the community's youth," said Assemblyman Mark Wyland, who serves on the Ecke Family YMCA board of directors. "San Diego County owes Paul Ecke a great debt of gratitude, and he will be sorely missed."

Ecke Jr. inherited the family poinsettia business his father, Paul Ecke Sr., started in Encinitas in 1923. The business launched Encinitas as a flower-growing hub and made the family a lowkey royalty.

Ecke Sr., who died in 1991, developed the first poinsettia cultivar from a wildflower native to Mexico, so that it could be successfully grown as an indoor potted plant. Over the years, the family marketed the plant so it became synonymous with the Christmas holidays. In 1963, when Ecke Jr. became president of the family company, production shifted to small cuttings in greenhouses. The company now employs 300 people in Encinitas and 1,000 in Mexico and also has an office in Denmark to handle European distribution.

LOCAL WORKS

Ecke Jr. left his mark in North County in numerous ways, friends and colleagues said Monday. Just down the street from the Ecke Ranch on Saxony Road is Magdalena Ecke Family YMCA, which began as a 5-acre gift from the Ecke family in 1968. Twelve years later, the Ecke family added 15 acres more.

Today it is one of North County's premier recreation centers, with the region's largest skateboard park, only public BMX course, gymnasiums, ballfields and pools for competitive swimming and diving. Much of the facility's growth is due to Ecke Jr.'s prodigious fund-raising efforts, said executive director Susan Hight.

A member of the YMCA's board of directors for many years, Ecke Jr.'s signature fund-raiser was the holiday Poinsettia Ball. The annual benefit would raise about $75,000 a year for scholarships for children from low-income families to use the YMCA, Hight said.

His "attention to detail" at the facility would prompt Ecke to visit regularly, to check on the landscaping, pick up trash, and eat a sack lunch while watching the children play, she said. "He truly treasured the Y," Hight said. "And he will be sorely missed. We came to love him, respect him and treasure him."

From 1992 to 2000, Ecke Jr. was a member of the Del Mar fair board. During his tenure, the fair's flower show expanded to a nationally recognized event.

"Paul's expectations were always a little higher," said Chana Mannen, the fairgrounds' exhibit manager. "He didn't stand for anything that wasn't great."

Ecke Jr. brought to the fairgrounds a penchant for cleanliness and fresh paint. He ordered colorful landscaping for the grounds. And even when he was in his 70s, he rode the scariest rides at the fair. One of his favorites was the heart-stopping 120-foot tall bungee jump.

"He decided he'd go on it every night of the fair," said Andy Mauro, a former fairgrounds administrator. "And true to form, he took great delight in involving us all. At some point during that fair we each had to swallow our fears and brave that bungee jump with Paul. None of us would have done it without him, but we all remember our accomplishment with great pride. Paul inspired those around him to reach a little further."

LEGACY OF INTEGRITY

Ecke Jr.'s son, Paul Ecke III, runs the family business today.

The motto in the Ecke house was, "We never give up," Ecke III said.

That and an ironclad sense of integrity created a system that secured many business deals with a handshake.

''He showed us by example that you don't lie, cheat or steal,'' Ecke III said.

Ecke III and his father both attended the little elementary school that was once known as Union School on Union Street. The school had two name changes. It became Central School; then, in 1985, became Paul Ecke-Central School, named after Paul Ecke Sr.

Over the years, the family has supported the school's sixth-grade camp and literacy programs, Principal Gregg Sonken said.

This year, Ecke Jr. sponsored a field trip so each of the school's students could visit San Diego Natural History Museum.

''He would frequently call and ask if he could come by the school,'' Sonken said. ''He was just a great benefactor of our school. He really took an interest in our students.''

Ecke Jr. himself was a student at San Dieguito High School, where he graduated in 1942.

He soon joined the Navy and served in the Pacific aboard the USS Knapp. He was called back to duty in 1951 to serve as an ensign aboard the USS Perkins in the China Sea during the Korean War. Even then, his green thumb was irrepressible. After a day of heavy shelling, sailors had disposed of dirt that shook loose from planter boxes in the officers' mess hall. ''He convinced the captain to send a patrol to (the North Korean) shore to get more soil,'' Ecke III said.

FLOWER POWER

During the years between his military deployments, Ecke Jr. earned a degree in horticulture from Ohio State University in 1949. From there, Ecke Jr. pioneered the use of greenhouses to grow poinsettias, because the controlled environment produced faster-growing plants that were less susceptible to disease.

His company would become the innovator that set competitive standards in the industry, said Chuck Gainan, president of the Society of American Florists. ''People would aspire to do it as well as they do,'' Gainan said. Gainan and other agriculture experts say Ecke Jr. has given the flower industry political muscle and other support.

Bob Echter is a member of the San Diego County Farm Bureau's board of directors who grows flowers on property he rents from the Eckes. ''He has always been very fair with his desire to help farmers grow and compete,'' he said.

Ecke Jr. was responsible for the construction of the Floral Trade Center in Carlsbad, a trucking and distribution hub for a number of North County flower growers. Beyond North County, he lobbied Sen. Dianne Feinstein and Rep. Randy ''Duke'' Cunningham to include language protecting flower growers'' intellectual property in federal legislation that would become the North American Free Trade Act, said Bob Vice, a former colleague of Ecke Jr.'s on the fair board.

Locally, Ecke Jr. chose not to oppose Encinitas' incorporation in 1986 as long as the family's acreage was not included as part of the city. That decision came at a time when many flower growers were against incorporation, anticipating their property taxes would rise. ''He didn't want to get involved in a controversial situation,'' said former councilman Rick Shea. ''In essence we created a city shaped like a doughnut. The Eckes were the hole in the middle.'' As the city's general plan took shape, the Eckes were open and receptive, Shea said, and eventually annexed their property into the city.

Lola Larson, a longtime neighbor who attended elementary school with Ecke Jr., said he was ''very likeable and always on his best behavior.'' Except on certain days when he walked to school with boys who threw stones at a glass greenhouse. ''They eventually broke every pane,'' she said. ''Finally the owner got incensed and came to the school. He said 'Who did this?' Paul jumped right up and said he did it.''

THAYNE ROBSON

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. MATHESON. Mr. Speaker, the State of Utah has lost one of its favorite sons with the sudden, untimely passing of Thayne Robson.

In a career spanning more than four decades, Thayne Robson counseled governors and local government leaders, dispensing an incomparable blend of wit and wisdom about Utah's economic fortunes. His stature as the dean of an elite cadre of Utah economists is fixed in the state's history. He helped craft the fiscal policies of Governors Cal Rampton, Scott Matheson, Norman Bangerter and Mike Leavitt. Always a gentleman but frequently contrarian, Thayne was known to temper his colleagues' rosy forecasts with a word of caution and to see clear skies where others foresaw storm clouds. His track record was exceptional; his influence immeasurable.

Thayne's word was golden—good enough, in fact, to take to the bank. And that's exactly what Utah officials did. His expert forecasts of Utah's Economic climate contributed to the sterling credit ratings bestowed on the State of Utah by New York rating agencies.

Not only was Thayne a trusted economic forecaster and policy advisor, he was the impetus to restructuring the state's economic development efforts. He forecasted the decline of Utah's mining and agricultural sectors and encouraged government officials to diversify the state's economy through travel, tourism and technology. He spearheaded a move to strategically focus state and local economic development efforts within a single organization, known today as the Economic Development Corporation of Utah.

Thayne's professional credentials include teacher, researcher, respected business economist. But he was also a great civic leader. Not one to live quietly in academia's cloistered halls, Thayne was active in local organizations and community affairs, lending his support and expertise to a host of favorite causes. He demonstrated extraordinary commitment to the betterment of the community and the state he loved so much.

Thayne was a gifted communicator. He had a rare ability to translate complex concepts into language people could understand. Thayne's plainspoken interpretation of economic news was a regular feature in the media's broadcasts and news columns.

Thayne was fond of saying, ''If you laid all the economists in the country end to end, they still couldn't reach a conclusion.'' In at least one instance, he was wrong. I am certain his colleagues join countless other Utahns and me in affirming that Thayne Robson was a man of great intellect, uncommon wisdom and good humor. His passing is a great loss. We will treasure his memory and give thanks for his incalculable contributions to the state of Utah.

IN TRIBUTE TO RUDY FAVILA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. BACA. Mr. Speaker, I rise today to pay tribute to a great friend of the Inland Empire, Rudy Favila. Rudy will be awarded the Franklin & Eleanor Roosevelt Democrat of the Year Award for 2002 this Sunday, May 19th at the California ScienCenter in Los Angeles. This honor is being given to Rudy for his dedicated leadership in supporting the Ontario community and the Democratic Party.

Rudy is a California native, born in Sacramento, California, where he got his degree from Sacramento State University in Criminal Justice. Rudy and his wife of 33 years, Claudia, moved to Ontario in 1978. They have two children, Colleen and Cristel, who grew up in Ontario, and now have two young grandchildren.

Rudy has served as a dedicated community servant for the past 25 years. He held positions as both Health and Safety Officer and Treatment Team Supervisor of the California Youth Authority. In these positions he worked to safeguard the health of our youth in correctional facilities and to shape their daily experiences. Through this work he was able to provide these youth with opportunities for a positive future. Rudy made a mark on Ontario by serving as a Council Member of the City of Ontario. He worked hard on efforts to create the Ontario Teen Center, to build the Ontario Convention Center, the Mills Mall and to expand the Ontario Airport Terminal. He was also instrumental in implementing Neighborhood Watch Programs, Community Policing, and programs to recycle and conserve water resources.

Although Rudy recently retired, he has continued to work to improve and support the Inland Empire by promoting outreach, health and wellness. The American Red Cross recognized Rudy's work coordinating resources and funds to rebuild the Red Cross facility in the wake of September 11th by awarding him their Dedication and Leadership Award. Rudy has also been active in the Ontario Democrats, Kiwanis International, the National Association of Latino Elected Officials, and as a member of the Special Education Community Advisory Board.

I extend my heartiest congratulations to Rudy. I thank him for being a model of community service and for contributing so much to improve the quality of life for all the residents of the Inland Empire.

PERSONAL EXPLANATION

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. McINTYRE. Mr. Speaker, on Tuesday, May 14, 2002, I was unavoidably absent for rollcall votes 159 through 161 due to an academic awards ceremony involving my son. Had I been present I would have voted 'yea' on rollcall vote 159, 'yea' on rollcall vote 160, and 'yea' rollcall vote 161.

ACKNOWLEDGMENT OF THE CONTRIBUTIONS OF BARBARA WILLIAMS-SKINNER

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Ms. NORTON. Mr. Speaker, I rise to acknowledge, with praise and admiration, Dr. Barbara Williams-Skinner, president of the Skinner Leadership Institute (SLI). Dr. Williams-Skinner has just earned her Doctor of Divinity degree at Howard University while continuing to make generous contributions to the residents of the District of Columbia and to our country. Dr. Skinner was a very effective former executive director of the Congressional Black Caucus, and continues to play an important role in coordinating the Caucus Foundation's Prayer Breakfast, which annually brings together more than 3000 African American leaders in government, business, and entertainment from across the country.

Most recently, under Barbara Skinner's leadership, SLI has helped to prepare hundreds of District youth to become leaders by emphasizing to teenagers the importance of equipping themselves with tools necessary to make important contributions in a new global community. She chairs the Community Equity Empowerment Partnership and Urban Leadership Academy, a program designed to mobilize young citizens to rebuild urban communities through a comprehensive educational-based leadership development initiative. This training program assists youngsters in maximizing their career potential by offering them long-term employment and economic opportunities. Since Fall 2000, the Urban Leadership Academy has trained approximately 500 youth from grades 9 through 12 at Ballou and Anacostia High Schools in the District of Columbia. SLI has also provided financial and technical support to four learning centers throughout the District, serving over 250 students.

Barbara Williams-Skinner's service to the youth of the District of Columbia builds upon the vision she shared with her late husband, Tom Skinner, a renowned evangelist and champion in the struggle against racism, who dedicated his life to promoting morality and understanding among young people. Just as Tom Skinner attempted to bridge the gap between black and white faith communities, Barbara Williams-Skinner continues their joint legacy, finding new and innovative ways to minister to a diverse array of cultures.

Most notable among Dr. Skinner's other significant contributions to the District is her service to Howard University. Dr. Skinner has been intimately involved with the campus ministry at Howard, helping students organize prayer groups and community service activities. She continues to encourage Howard University students to volunteer as mentors to young people in the city's poorest wards. After years of such efforts at Howard, it is most appropriate that she has recently received her Doctorate of Ministry degree from its School of Divinity last Sunday.

Mr. Speaker, I ask the House to join me in honoring Dr. Barbara Williams-Skinner, whose dedication and energy continue to make a significant impact on the youth of the District of Columbia and on our Nation.

TEACHERS OF SELMA OLINDER ELEMENTARY SCHOOL HONORED FOR THEIR DEDICATION AND COMMITMENT TO ACHIEVING ACADEMIC SUCCESS FOR ALL

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Ms. LOFGREN. Mr. Speaker, I rise during National Teacher Appreciation Week to honor the teachers at Selma Olinder Elementary School for their outstanding and tireless efforts to raise academic achievement levels for all students at the school.

Selma Olinder Elementary School is a K–5, inner-city school in downtown San Jose, California with 67% of its student population being English-language learners, meaning that their primary language at home is something other than English. Also, 77% of the student population is identified statistically as ''disadvantaged'' and qualifies for the federal free lunch program.

From 1999 through 2001, as a result of the diligence of the teachers and their commitment to the ''Success For All'' reading program, the number of students reading at or above grade level increased by over 14% and within this same period, the Academic Performance Index was raised by more than 25%.

I am proud and grateful to the teachers for their enthusiasm, and for reminding us all that one person can truly make a difference in the lives of many.

I would especially like to recognize Laurel Browning, who has shown admirable dedication to her students at Selma Olinder Elementary School.

IN RECOGNITION OF THE FERNBANK ELEMENTARY SCHOOL CHESS TEAM: 2002 NATIONAL CHESS CHAMPIONS

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Ms. MCKINNEY. Mr. Speaker, I rise today to pay tribute to the exceptional performance of the Fernbank Elementary School Chess Team, who on Sunday, April 28, won the U.S. Chess Federation's National Championship for grades kindergarten through fifth in Portland, Oregon.

The Fernbank Chess Team captured the title after successfully defending their state title and then defeating nearly 100 teams from 37 states during national competition.

I offer special congratulations to Coach Lew Martin and team members Jackson Miller, Aluda Saliashvili, Pikria Saliashvili, Quinn Shallenberger, Cal Shallenberger, Justin Warren and Brennan Zito.

Mr. Speaker, I rise today to highlight the tenacity and excellence displayed by this team as well as the success of this alternative after-school program in stimulating intellectual curiosity and inciting a wave of community pride.

PASTOR H.J. COOK

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. KIRK. Mr. Speaker, it is with a heavy heart that I come to the floor today to look back upon the life of Pastor H.J. Cook of Waukegan, IL. For 42 years, Pastor Cook served the Gideon Missionary Baptist Church in Waukegan. He was a remarkably committed spiritual leader. In our lives, we rarely meet men so totally devoted to their community, so keenly in touch with their congregations and so passionately inspired in the service of their faith. Pastor Cook was such a man. On Wednesday, May 8, 2002, Pastor Cook died at the age of 75.

H. Judea Cook was born in Varner, Arkansas, on November 5, 1926 to General and Gerilla Cook. He met and married Osa Lee Jones on March 7, 1948. In 1949, Reverend Cook accepted his call to the ministry-serving the Morning View Baptist Church in McCrory, Arkansas for 10 years.

Pastor Cook attended Arkansas Baptist College in Little Rock, the Jackson Theological Seminary in Orlando, FL, and the Mariet Business College in Oakland, CA. During the course of his study, he earned a Bachelor of Science degree in Theology, a Master's of Theology, and is an Honorary Doctor of Divinity and an Honorary Doctor of Letters.

On October 9, 1959, Reverend Cook came to Waukegan as the Pastor for Gideon Missionary Baptist Church. Through four decades of service, he has steadily increased the membership of his congregation and demonstrated outstanding financial leadership. In 1961, Reverend Cook was pastor to little more than 90 people who worshiped in a small concrete building in Indiana. Today, the Gideon parsonage is home to a $1 Million renovation project. The church has moved to Ridgeland Avenue and has added a Christian Education extension, a new library, offices, and sanctuary.

Since 1988, the church has established the Christian Education School for leadership training, and the Baptist for Nurture program. Gideon is home to a departmental church school, a mission ministry, a bus and tape ministry, and an evangelistic program. Still, in spite of all the changes to the physical foundation at Gideon, Pastor Cook has remained faithful to the spiritual mission of the church and is remembered as a centerpiece of Waukegan's own community fabric.

Pastor Cook will be laid to rest this afternoon in North Chicago. He is survived by his devoted wife of 52 years, Sister Osa Cook, by his five daughters and by one son. He is grandfather to thirty-seven children and great-grandfather to twenty-two more. Pastor Cook leaves behind an entire community of friends and family and untold numbers who were touched by his smile, his warmth, and his generosity.

It has been my privilege to serve Pastor Cook and to see his faith and love in action. He will be missed.

HONORING XI GAMMA OMEGA CHAPTER OF ALPHA KAPPA ALPHA SORORITY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Ms. LEE. Mr. Speaker, I rise today to honor and recognize Xi Gamma Omega Chapter of Alpha Kappa Alpha Sorority, Inc. as it celebrates its 20th Anniversary of community service in the greater Oakland/East Bay Area.

Xi Gamma Omega Chapter of Alpha Kappa Alpha Sorority, Inc. was chartered on May 1, 1982, by a group of 28 dynamic women who recognized a need for greater community service. The 28 original members of Xi Gamma Omega pledged themselves to community development, sisterhood, and the ideals which are embodied in Alpha Kappa Alpha Sorority, Inc.

The members of Xi Gamma Omega saw a need for increased participation on the part of community groups in the development of the city of Oakland. They wanted to ensure that Oakland had support services available to the city's African American community, particularly its youth.

For 20 years, Xi Gamma Omega Chapter has carried out the mission and goals set down by its charter members. It has accomplished these goals through a host of services including tutoring and mentoring programs for elementary and secondary school students, visiting the elderly, adopting families in need, providing financial scholarships to deserving college-bound high school seniors, and making contributions to charitable organizations, such as the United Negro College Fund.

In its early years, Xi Gamma Omega held a Healthy Summer program, based at recreation centers, schools, and the Boys and Girls Club, that provided medical and dental screenings to uninsured young people. Doctors, podiatrists, optometrists, and dentists donated their services to this worthy project. In addition, the chapter members taught poison prevention measures to families in their homes.

During the early 1990's, Xi Gamma Omega Chapter proudly participated in many of the Sorority's International program targets. One of the major targets was Partners In Math and Science (PIMS). Xi Gamma Omega held workshops, titled ''Turning African American Students on to Mathematics and Science.'' These workshops focused on alerting students to the need for math and science skills in all professions, as well as everyday life.

In its own right, Xi Gamma Omega has developed an extraordinary reputation in the Far Western Region as a chapter that exemplifies visionary leadership and premier service programs. Over the years this recognition of Xi Gamma Omega's leadership and community service activities has resulted in the receipt of numerous awards at a number of Alpha Kappa Alpha Regional Conferences.

Today, Xi Gamma Omega Chapter continues its rich tradition of community service through ON TRACK, a student nurturing and mentoring program at Martin Luther King, Jr. Elementary School, providing scholarships to talented middle school students to attend summer art camps, participating in and raising funds for the AIDS Walk-A-Thon, as well as the UNCF Walk and Tele-A-Thons; collecting and shipping educational items for young children to countries in Africa; providing food and personal hygiene items to the residents of the Beth Eden Senior Center; as well as continuing its financial scholarships to college-bound high school seniors.

It is with great distinction that Xi Gamma Omega Chapter has proudly continued the 94 year-old tradition of Alpha Kappa Alpha, the first sorority founded by and for African American college women at Howard University in 1908. This legacy of Service to All Mankind has established Alpha Kappa Alpha Sorority, Inc., as a premier service organization both in the United States and abroad in West and South Africa, Europe, and the Caribbean.

I would like to commend the commitment and diligence of my former Senior Staff Assistant and friend Julie Hadnot, who is the President of the Xi Gamma Omega chapter of the Alpha Kappa Alpha sorority. Julie is a strong advocate and leader in Oakland as well as throughout the East Bay.

In the next 20 years and beyond, Xi Gamma Omega has pledged to remain committed to this high standard of service. Xi Gamma Omega Chapter will continue to blaze new trails and provide visionary leadership in the area of community service and programming throughout the city of Oakland and its environs.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 9, 2002

The House in Committee of the Whole House on the State of the Union had under 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 prescribe military personnel strengths for fiscal year 2003, and for other purposes:

Ms. KILPATRICK. Mr. Chairman, while I support the highest standards of equipment and pay for our troops, and acknowledge that the most important function of our national government is to ensure the safety of our citizens, I could not support H.R. 4546, the FY 2003 Defense Authorization Act. The measure over militarizes American goals and policies at our economic and political expense.

Our nation is great. There is no other that can compete with it—particularly on the battlefield. This is true today, it was true yesterday and I will work to ensure that it is true tomorrow and into the future. Yet, the $383.3 billion that we authorized for Defense (which I might add, does not include the $10 billion authorization the President has requested for a terrorism contingency fund) is more than the combined defense budgets of the next closest 25 nations. Surely, we can afford other national priorities.

The bill includes $7.8 billion for a National Missile Defense System that may or may not materialize. After spending more than $100 billion since its inception during the Reagan Administration, National Missile Defense tests have had little success and system requirements continue to be downgraded. Even if successful, a National Missile Defense System would have done nothing to prevent the events of 9–11. Furthermore, the Bush Administration's insistence on this system continues our move away from strategic international laws that have helped maintain nuclear stability since the Second World War.

The $7.8 billion spent on a National Missile Defense System, alone, would shore up our homeland security and provide 21st century classrooms to our nation's children. For these reasons,

Mr. Speaker, I opposed this measure and voted against it on final passage.

MS. LILLIAN SILBERSTEIN HONORED FOR 30 YEARS OF SERVICE TO THE PEOPLE OF SANTA CLARA COUNTY

HON. MICHAEL M. HONDA

OF CALIFORNIA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. HONDA. Mr. Speaker, I rise to recognize the achievements of Lillian Silberstein, the Executive Director of the National Conference for Community and Justice (NCCJ) Silicon Valley Region. I would like to recognize Ms. Silberstein's extraordinary and tireless service to the people of Santa Clara County and thank her for her 30 years as the NCCJ's Executive Director. She will be honored with the Community Service for Exemplary Leadership Award on Friday, May 17, 2002.

NCCJ was known as the National Conference of Christians and Jews when Lil first started in a small office at a tiny desk by herself. The growth of the NCCJ Silicon Valley as one of the largest and most innovative chapters in the nation has been due to her tireless efforts and passionate dedication.

''Lil'', as she is affectionately known to all, has succeeded in her mission: to break down barriers, ending the silence of intolerance, and building common understanding between diverse groups of people in the community. She has successfully organized programs across Silicon Valley to open communications concerning the most difficult issues of race, religion, gender, socio-economic issues, ability and disability with the goal of building bridges between people.

She has eased communications between prisoners and their jailers, given at-risk teens a safe place to express their painful struggles and confront their own barriers, and organized countless efforts, large and small, to help people get along more successfully together.

In Silicon Valley, where diversity is the norm, Lillian Silberstein's work has been critical.

As a result of her hard work and unwavering dedication to tolerance and justice, Lillian Silberstein has compiled an impressive record of community achievements, which have earned her the deep respect and admiration from all corners of this complex community. Her vision of justice has been a guiding force throughout the Silicon Valley and an example to many other growing and diverse communities around the country.

Somewhere in the annals of the United States of America we must find a way to register the deeds of those humble architects of our communities whom fame does not reach, because they reach into our hearts and our futures in the most important ways. Lillian Silberstein is among that special group of citizens. We thank her for making a better tomorrow for us all.

IN RECOGNITION OF NATIONAL POLICE WEEK

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. MATHESON. Mr. Speaker, it is with great pleasure that I rise today in recognition of National Police Week to thank those men and women serving our country as police officers. These dedicated Americans, our ''First Responders,'' risk their lives every day to keep the streets and neighborhoods in our nation safe.

Preliminary data shows that during 2001, 233 policemen and women died in the line of duty in the United States. That makes last year the most deadly year for law enforcement in over 25 years. This year, three Utahan's names will be added to the over 16,000 men and women memorialized for being slain while on duty: Roosevelt Police Chief Cecil Gurr, Lehi Officer Joseph Dan Adams, and Salt Lake City Police Department Sergeant James E. Faraone. Both Chief Gurr and Officer Adams were shot and killed, while Sergeant Faraone was assisting victims of a traffic accident when a car hit him from behind. These men served their communities, and lost their lives while performing that service.

While officers from throughout the United States descended upon Washington, DC this week, I think of the great sacrifice of the 71 men and women in New York City who died while trying to help those in need on September 11, 2001. The events of that day, both in New York and Washington, have forever sealed our resolve to fight against terrorism around the world and on the home front. That is why we sent troops to Afghanistan, but it is also why Americans must depend upon their local law enforcement and support police officers now more than ever.

The efforts of police departments throughout the State of Utah were especially seen during the 2002 Salt Lake Winter Games. Utah officers worked 16-hour shifts, six days a week without complaint, knowing that their jobs were more important than ever. I commend the efforts of each and every one of the policemen and women who helped keep the greatest Olympic Games safe from terrorism.

Mr. Speaker, though there were few incidents at the Olympics, since 1853, 106 Utah officers have been slain in the line of duty. As a tribute to all those officers from Utah that have lost their lives serving the public, a memorial has been placed in the rotunda of Utah's State Capitol. I would ask permission to name each of them at this time, to honor them and salute the sacrifice that they and their families made for their fellow citizens.

Salt Lake City PD Sgt. James E. Faraone—September 18, 2001, Lehi Officer Joseph Dan Adams—August 4, 2001, Roosevelt PD Chief Cecil Gurr—July 6, 2001, Salt Lake City Officer Michael Dunman—July 17, 2000, UHP Lt. Thomas S. Rettberg—Feb 11, 2000, Nephi PD Officer Tracy Davidson—July 25, 1998, Navajo Div. of Public Safety Officer Esther Todecheene—June 8, 1998, Spanish Fork PD Officer Larry Penrod—Feb 5, 1997, Provo PD Detective Norman Ken Nisson—Jan 11, 1995.

UHP Trooper Randy K. Ingram—Oct 5, 1994, UHP Sgt. Doyle R. Thorne—July 30, 1994, UHP Trooper Charles D. ''Chuck'' Warren—May 16, 1994, Salt Lake CO SO Deputy Michael S. Welcker—Feb 24, 1994, UHP Trooper Dennis L. ''Dee'' Lund—June 16, 1993, UHP Trooper Joseph S. ''Joey'' Brumett III—Dec 11, 1992, Wasatch CO SO Deputy Blake V. Wright—Sept 26, 1990, Utah Dept of Corrections Lt Fred F. House—Jan 28, 1988, Navajo Div. of Public Safety Officer Andy Begay—December 5, 1987, and Navajo Div. of Public Safety Officer Roy Lee Stanley—December 5, 1987.

Murray PD Officer Jackson D. Elmer—Nov 14, 1987, Emery CO SO Deputy Wade A. Hansen—Sept 24, 1987, Duchesne CO SO Deputy Gerry lvie—July 2, 1987, West Jordan PD Officer Thomas M. Rees—Feb 23, 1986, Park City PD Officer Rodney W. Schreurs—July 4, 1984, Cache CO SO Deputy Charles R. Dickey, Jr.—March 18, 1984, UHP Trooper Daniel W. Harris—Aug 28, 1982, Salt Lake PD Officer Ronald L. Heaps—Jan 13, 1982, Beaver CO SO Sheriff Dale E. Nelson—Sept 8, 1980, and Salt Lake PD Officer David W, Olson—March 22, 1980.

UHP Trooper Ray Lynn Pierson—Nov 7, 1978, Utah DPS Officer Robert B Hutchings—July 20, 1976, Tooele CO SO Sgt. Lauren E. Dow—Aug 26, 1975, UHP Trooper William J. Antoniewiez—Dec 8, 1974, Cache CO SO Lt. James R. Merrill—Jan 5, 1974, Salt Lake CO SO Deputy Melvin C. Colebrook—March 10, 1973, Salt Lake PD Officer Percy Lindsay Clark—Jan 11, 1973, UHP Trooper John R. Winn—Sept 22, 1971, Davis CO SO Deputy Donald Perry Jensen—May 14, 1971, and Utah Dept of Corrections Officer Donald Wagstaff—Dec 12, 1970.

Utah DWR Officer Charles Gilbert ''Gil'' Porter—May 2, 1970, Ute Tribal PD Officer Adolph F. Bush—Aug 19, 1967, Ogden PD Officer Marshall ''Doc'' N. White—Oct 13, 1963, Moab PD Officer Lloyd Larsen—Jan 5, 1961, San Juan CO SO Deputy Seth F. Wright—Oct 14, 1960, UHP Trooper George D. Rees—July 2, 1960, UHP Trooper Armond A. ''Monty'' Luke—Dec 3, 1959, Cache CO SO Deputy Alma P. Sorenson—Aug 27, 1959, Logan PD Officer Edwin L. ''Ted'' Edwards—Aug 27, 1959, Salt Lake CO SO Deputy MacKay C. Jewkes—June 28, 1959, Utah Dept of Corrections Officer Edwin Fisher—June 1, 1955, Salt Lake PD Officer Harold A. Peterson, Jr.—Oct 27, 1954, Salt Lake PD Officer Owen T. Farley—May 23, 1951, Salt Lake PD Sgt. Thomas W. Stroud—Jan 5, 1951, Mt Pleasant PD Officer Alonzo ''Lon'' T. Larsen—Oct 15, 1949, Ogden PD Officer Clarence M Bean—May 1, 1945, Carbon CO SO Sheriff S. Marion Bliss—April 23, 1945, Ogden PD Officer Hoyt L. Gates— Feb 11, 1941, Emery CO SO Deputy William Levi Black—Aug 22, 1936, and Salt Lake PD Officer Blaine L. Baxter—Sept 4, 1935.

Ogden PD Officer Joseph H. Quigley—July 12, 1935, UHP Trooper George ''Ed'' Vanwagenen—May 1, 1931, Grand Co SO Deputy Richard D. Westwood—Sept 5, 1929, Logan PD Officer Willard R. Dahle—May 4, 1929, Salt Lake PD Officer Carl J. Carlson—March 9, 1929, Salt Lake CO SO Deputy Oscar Fullmer—Aug 26, 1928, Castle Gate PD Marshal J. Milton Burns—June 15, 1935, Salt Lake PD Officer Gustave J. ''Gus'' Lund—Aug 25, 1924, Salt Lake PD Officer Brigham H. Honey—Feb 16, 1924, and Salt Lake PD Officer Nolan W. Huntsman—Feb 15, 1924.

Salt Lake PD Officer David H. Crowther—Oct 12, 1923, Salt Lake PD Officer Nephi P. Pierce—March 26, 1923, Salt Lake CO SO Deputy Gordon Stuart—April 15, 1922, Ogden PD Officer Charles Manzel—May 9, 1921, Salt Lake PD Officer Green B. Hamby—Feb 8, 1921, Ogden PD Officer Albert G. Smalley—April 7, 1920, Nat'l Forest Service Officer Rudolph E. Mellenthin—Aug 23, 1918, Eureka PD Officer Alex J. Robertson—Dec 5, 1915, Salt Lake CO SO Deputy Thomas Manderich—Nov 29, 1913, and Salt Lake CO SO Deputy J. Douglas Hulsey—Nov 29, 1913.

Salt Lake CO SO Deputy Otto Witbeck—Nov 21, 1913, Salt Lake CO SO Deputy Nephi S. Jensen—Nov 21, 1913, Bingham PD Officer J. W. Grant—Nov 21, 1913, Salt Lake PD Officer Thomas F. Griffiths—June 25, 1913, Midvale PD Officer Frank Colclough—Aug 7, 1912. Salt Lake PD Officer John H. Johnston—July 15, 1911, Salt Lake PD Officer Charles C. Riley—Oct 5, 1909, Weber CO SO Deputy Seymour Clark—Nov 27, 1908, Park City Officer Albert Holindrake—Jan 12, 1908, and Salt Lake PD Officer Charles S. Ford—Dec 14, 1907.

Provo PD Officer Frank Tucker—June 16, 1900, Grand CO SO Deputy Jesse Tyler—May 26, 1900, Grand CO SO Deputy Samuel Jenkins—May 26, 1900, Provo PD Officer William Strong—June 27, 1899, Ogden PD Officer William A. Brown—April 30, 1899, Springville City Marshal Silas E. Clark—Nov 18, 1897, Uinta CO SO (WY) Deputy Edward N. Dawes—July 30, 1895, Echo PD Officer Thomas A. Stagg—July 30, 1895, Bingham PD Officer L. C. Morrissey—July 6, 1895, and Spring PD Officer James C. Burns—Sept 26, 1894.

Salt Lake PD Sgt. Alonzo Mispah Wilson—April 12, 1894, Salt Lake PD Officer Andrew H. Burt—Aug 25, 1883, Utah State Prison Warden M.D. Burgher—March 16, 1875, Provo PD Officer Albert H. Bowen—Oct 16, 1873, Deputy U.S. Marshal William R. Storey—May 2, 1870, Salt Lake PD Officer William Cooke—Oct 18, 1858, and Salt Lake CO SO Deputy Rodney Badger—April 29, 1853.

Mr. Speaker, I ask the House to join me in thanking these men and women from Utah, and all those from around the country, that have made the ultimate sacrifice and given their lives as police officers.

TRIBUTE TO RUTH NAGLER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 15, 2002

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Ruth Nagler for her public service on the occasion of her 80th birthday on May 21, 2002. In addition to being a mother and grandmother, Mrs. Nagler has devoted much of her long and full life in service to her community.

Mrs. Nagler was born in Brooklyn, New York, and received her undergraduate degree from the College of the City of New York (now the City University of New York) in 1943, and then a Master of Arts in education from New York University in 1945.

Continuing her inclination towards education, Mrs. Nagler was elected to the San Mateo City Elementary School District Board of Trustees in 1963. She served in that body until 1973, and served as Chairman of the Board from 1965–1967. She was also appointed by the San Mateo City Council to sit on the San Mateo City Library Board of Trustees from 1963 to 1970. She also served as the Director of Community Education for Canada College in Redwood City from June 1968, when the campus originally opened, to June 1980. She then worked as the Director of Community Education for San Mateo County Community College from July 1980 to January 1988.

Mr. Speaker, I believe that the success and vitality of a community is dependent on the actions and involvement of its citizens. I can think of no better example of a concerned and dynamic participant than Ruth Nagler. Ruth has shown a commitment to public service well beyond her enormous contribution in the field of education. She served on the Mills Peninsula Hospitals Board of Trustees from 1975 to the present, and is currently the Chair of the Joint Conference Committee. She is also the chair of the Friends of the Advisory Committee on Women, a position to which she was appointed in November 1986 by the Advisory Council on Women of San Mateo County. She is a member of the Board of Directors of the Women's Center of San Mateo County and is the chair of the San Mateo Performing Arts Center Board of Directors (SAMPAC).

Mrs. Nagler's history of community service is indeed long and distinguished. From 1976 to 1986 she was a member of the Executive Board of the Human Investment Project (HIP) of San Mateo County, and served as the chair of that organization from 1984 to 1985. She was also on the Executive Board of the San Mateo County Women's Recovery Association from 1973 to 1984. Mrs. Nagler was a member of the Communications Committee of the San Mateo County American Cancer Society, aided the San Mateo City Citizens Task Force to Study Needs of Seniors, and participated in the United Crusade Sponsored Citizens Task Force to Study Educational Needs in South San Mateo County. She was also a key member of the Executive Board and Planning Committee for the San Mateo County American Revolution Bicentennial Committee from 1974–1976.

In addition to her elected and appointed leadership in these many community service organizations, Mrs. Nagler has been a member of the League of Women Voters since 1951 and served as president of the San Mateo League from 1959 to 1961. She has also been a member of the San Mateo branch of the American Association of University Women since 1965, and was a member of the San Carlos Branch from 1976 to 1979. Other memberships include Women's Resource Center in Palo Alto (since 1973), the Redwood City Soroptimists Club (1976–1977), the Program Committee of the San Mateo County Planned Parenthood Association (1970–1971), the United Nations Association of San Mateo County, and the San Mateo Parents Cooperative Nursery School (1952–1956). The Naglers also served in 1965 as a host family for the Experiment in International Living.

Mr. Speaker, those who know Ruth Nagler well admire her for her dedication and service. Her years of commitment to community have not gone unnoticed by those with whom she has worked. She has received numerous awards and recognitions, of which I will mention just a few. Mrs. Nagler was admitted to the San Mateo County Women's Hall of Fame in 1988. She received a bicentennial award in 1976 from the Trinity Baptist Church of San Mateo in ''recognition of extraordinary accomplishment and outstanding contribution to community education and cultural advancement and strengthening of home and family life.'' In 1976 she was honored by the Japanese-American Citizens League of San Mateo County with the Community Services Award ''for appreciation and recognition for outstanding leadership to the community.'' She has also received the San Mateo Elementary Teachers Association Community Services Award (1973), the Girls Club of the Mid-Peninsula Community Services Award ''for outstanding leadership and contributions to the community'' (1973), and the Civil de Hidalgo Certificate of Appreciation for work related to the human rights and education of Hispanic adults and children (1972). She was also given the Special Services Award by minority parents and students of the San Mateo City School District for ''long and devoted services to the youth of San Mateo and dedicated service to the integrated learning process'' in recognition of her work from 1961 to 1973.

The Park, Foster City and Audubon schools of the San Mateo City Elementary District, the Canada College Patrons Association, and the San Mateo County Community College District have granted Mrs. Nagler honorary life membership in the PTA. Mrs. Nagler's perpetual devotion to education was also duly recognized by friends and supporters who established the Ruth K. Nagler Scholarship Fund at the conclusion of her service on the San Mateo Elementary School Board of Trustees.

Mr. Speaker, it is clear that Ruth K. Nagler's enormous service to our community are worthy of our praise and commendation. As a Member of Congress, I am proud to pay tribute to Ruth K. Nagler, who has taken such a firm and intense interest in those around her in our area. I join her many friends and admirers in the Bay Area in honoring her on her 80th birthday, and wish her many happy, healthy, and successful years to come.

RECOGNIZING MICHAEL E. DEMICHIEI ON HIS APPOINTMENT TO THE U.S. MILITARY ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Michael E. DeMichiei of Napoleon, Ohio, who recently accepted his appointment to the U.S. Military Academy at West Point.

Michael will soon graduate from Napoleon High School. During his high school career, he has maintained a high grade point average, and is a member of the National Honor Society. He is an accomplished athlete, earning varsity letters in soccer and track. And, he has clearly demonstrated his leadership ability, serving as a delegate to Buckeye Boys State and as captain of the soccer team.

Michael DeMichiei can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Michael is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Army. As a member of the U.S. Corps of Cadets, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, ''The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve.''

I am confident that Michael DeMichiei has the character and ability to excel at the U.S. Military Academy at West Point. I ask my colleagues to join me in wishing him well as he begins his very important service to our Nation.

CHANGE IN THE MIDDLE EAST IS POSSIBLE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. ISSA. Mr. Speaker, I am deeply disappointed to learn that the Central Committee of the Likud party in Israel recently voted in favor of a resolution never to allow the creation of a Palestinian state. This decision is so troubling because it refuses to address the paradox that all Israelis have wrestled with since the end of the six-day war in 1967. 1 like to call this the paradox of the occupation. The paradox of the occupation is that the modern state of Israel, post 1967, has not been able to achieve the Zionist dream of a Jewish, democratic state. There are over 3 million men and women who live in land that was occupied by the Israeli Defense Forces in 1967, who are not allowed to take advantage of Israel's nationality law. They are required to carry a special identification card that greatly restricts their freedom of movement throughout the country. They are at the mercy of the Israeli judiciary if they want to become naturalized citizens, regardless of where they were born. They are denied these basic rights of nationality because of their ethnicity. These are Palestinian Muslims and Christians, and they are not citizens in the Jewish state of Israel because they do not have the right ethnic ancestors or religious affiliation. Mr. Speaker, doesn't the current state of affairs in the occupied territories stretch beyond recognition our definition of ''democracy?'' Isn't the President making the right decision to call for an end to the occupation and the creation of a Palestinian state? According to a public opinion poll taken by the Dahaf Institute in Israel, 67% of all Israelis agree with the President, believing that Israel should withdraw from the occupied territories.

To say, as the Likud party said Sunday night, that there will never be a Palestinian

state is to say that Israel will exist either as a Jewish state or a democratic state, but not both. Or it could be implicitly saying that the Palestinian people will somehow cease to exist. This is troubling, particularly in light of the fact that so many in the Israeli government have openly discussed the prospect of driving Palestinians out of their homes as a means to solving this conflict. Mr. Speaker, we should state openly as President Bush has stated, that the United States will never tolerate the forceful removal of Palestinian people. Driving the Palestinian people out of the occupied territories is not an option.

Mr. Speaker, there is a solution to the paradox of the occupation. This solution would allow Israel to be both fully Jewish and fully democratic. It would dispel forever the notion that Israel has no right to exist, and it would take away the fear of so many Palestinians that they will one day be driven out of their homes. This solution is, as the President has articulated so many times, to have ''two states living side by side'' in a climate of peace and security. For the first time in the history of this conflict, this vision has become possible. Based on the formula of land for peace, Saudi Arabia has led the Arab states in an unequivocal call for peace with Israel in exchange for an end to the occupation of pre-1967 Arab lands. Can you imagine, Mr. Speaker, how different this troubling region could be if all states were to live together in peace and security? The Middle East would change beyond our imagination.

This change is possible, but only if both sides are given a fair shake in working out a lasting agreement. We need to make the right decisions now, without the taint of political agendas, to create a lasting peace for the future children of Israel and Palestine.

HONORING REVEREND JOHN G. SIMMONS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor the Reverend John G. Simmons. For over 60 years now, Reverend Simmons has dedicated himself to the causes of peace and justice throughout his community and in honor of his achievements, the Reverend John G. Simmons Opportunity House will be dedicated on May 16, 2002. The Opportunity House will serve as a treatment facility for the Mentally Ill Offenders Program.

Born in Mountain Grove, Missouri, Reverend Simmons is a graduate of Drake University, Ruther Seminary, University of Chicago and the University of Southern California. A devoted family man, he is married to Bethend Simmons and together they have three children—Johnny, Ginger and James. Rev. Simmons is also the proud stepfather to four children—Linda, Tylon, Paul and Karen. His eight grandchildren are his great pride.

Reverend Simmons has been an outspoken advocate and proponent for individuals and families in need of affordable housing and health care, specialized health needs and reasoned, caring healthcare practitioners. He has served on the Board of Directors of the Pacoima Memorial Lutheran Hospital, the Sunair Children's Foundation and is the Founder of the Golden State Community Mental Health Center and the Los Angeles Family Housing-Valley Shelter.

Along with his dedication to healthcare and housing, Rev. Simmons has also pledged his support to education. As a founder of Casa Loma College, an institution dedicated to licensing vocational nurses, certified nurses and home health aides, he has ensured that qualified and experienced nurses are available to meet the health needs of at-risk individuals. He is also the founder of California Lutheran University, which is dedicated to the educational needs of students throughout the world.

As a strong advocate of social justice, civil liberties and civil rights, Reverend Simmons has been active in the ACLU, NAACP, Amnesty International, the Lutheran Peace Fellowship, L.A. County Commission on Human Relations and the Medical Committee for Civil Rights.

It is with great honor that I ask all Members to join with me in congratulating the Reverend John G. Simmons for his life's dedication to the social welfare of his community and on the dedication of the Rev. John G. Simmons Opportunity House.

IN RECOGNITION OF ''A CHILD IS MISSING''

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. SHAW. Mr. Speaker, I have recently come into contact with ''A Child Is Missing,'' a public/private partnership founded by Sherry Friedlander and sponsored by several prestigious organizations such as the City of Fort Lauderdale and the Florida Police Chiefs Association, among others. I am proud of the people of Florida and their support for this organization, and its service to the general public and the law enforcement community of my home state.

A Child Is Missing is an organization currently working in the state of Florida, whose purpose is to aid the law enforcement authorities to locate missing children, elderly, and people with disabilities. Their mode of work: once a report has been filed of a missing child, elderly, or person with disabilities, the law enforcement agency may call ''A Child Is Missing'' and give the specifics of the case. Within the hour, ''A Child Is Missing'' calls and relays an automatic phone message to phone numbers located within the area where the person was last seen. The phone message gives a description of the person, informs of their disappearance, and provides the phone number of the closest law enforcement agency in the area.

''A Child Is Missing's'' technology is state of the art, their mode of operation simple and impressively fast. Their degree of effectiveness is so high that in a five-year period their radius of action has increased from a local to a state level, and they are currently trying to make their systems operate nationwide.

It is therefore no surprise to me that police Chief Edward Morley has said, speaking of the case of a missing boy, ''The role of 'A Child Is Missing' was instrumental in reuniting him quickly with his family.''

I applaud the founders, sponsors and workers of ''A Child Is Missing.'' They have given us an opportunity to help the community, and this is why I am a supporter of this initiative. I look forward to seeing this Florida initiative expanded nationwide.

RECOGNIZING KYLE J. FRIES ON HIS APPOINTMENT TO THE U.S. MERCHANT MARINE ACADEMY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize my constituent, Kyle J. Fries of Bellevue, Ohio, who recently accepted his appointment to the U.S. Merchant Marine Academy in Kings Point, New York.

Kyle will soon graduate from Bellevue High School. During his high school career, he has maintained a high grade point average, and currently is attending Firelands Branch of Bowling Green State University under the Post Secondary Education Option. And, he has clearly demonstrated his leadership ability, earning the rank of Eagle Scout and serving as a delegate to Buckeye Boys State.

Kyle Fries can be very proud of his many accomplishments. He is a credit to his family, his school, and his community. By accepting his appointment, Kyle is accepting a unique challenge.

The Academy is the pinnacle of leadership development for the United States Maritime Service. As a USMMA midshipman, he will face a most demanding academic curriculum and physical regimen. He will live, study and prepare in an environment where strong leadership thrives, individual achievement is expected, and personal integrity is demanded.

Mr. Speaker, General John W. Vessey, Jr. once wrote, ''The Nation's ability to remain free and at peace depends in no small measure on whether we will continue to inspire our youth to serve.''

I am confident that Kyle Fries has the character and ability to excel at the U.S. Merchant Marine Academy. I ask my colleagues to join me in wishing him well as he begins his very important service to our nation at Kings Point.

TRIBUTE TO RURAL/METRO MEDICAL SERVICES OF ROCHESTER ON THE OCCASION OF ITS 50TH YEAR IN BUSINESS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Ms. SLAUGHTER. Mr. Speaker, I rise to recognize Rural/Metro Medical Services of Rochester as it celebrates its 50th year of service to our community.

Rural/Metro Medical Services is a Rochester success story that deserves to be shared. Originally founded as National Ambulance of Rochester by George S. Heisel, Jr. in 1952, Rural/Metro has grown into a model of excellence for the delivery of emergency medical services. For half a century, thousands of

Rochesterians in need of emergency medical services have experienced firsthand the level of service and care that Rural/Metro exemplifies. Rural/Metro's 400 employees not only serve in Rochester but also provide back-up and mutual aid to Monroe and Livingston Counties' volunteer emergency services agencies. The official 911 ambulance service provider for the City of Rochester, Rural/Metro has garnered a reputation of excellence among our local hospitals, nursing homes and other health care providers. In fact, Rural/Metro holds the distinction of being the only ambulance service in our region to be nationally accredited.

In addition to fulfilling its core mission, Rural/Metro has also endeavored to innovate the field of emergency medical services by developing creative new approaches for the delivery of such service. The Bike Medic program, which enables paramedics and other health care providers to respond rapidly to emergencies at public events, and the Emergency Support Unit, which brings about enhanced coordination during fires and other large-scale emergencies, are true innovations that have made the difference in the lives of countless Rochesterians and serve as a model for other regions.

Mr. Speaker, for these reasons, I am pleased to congratulate Rural/Metro Medical Services on reaching this important milestone. I would like to express my great hope that these past fifty years are merely the beginning of Rural/Metro Medical Service's tenure as the standard-bearer for emergency medical services in the Rochester area.

HONORING THE 25TH ANNIVERSARY OF BOY SCOUTS OF AMERICA TROOP 301, TEMECULA, CALIFORNIA

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 16, 2002

Mr. ISSA. Mr. Speaker, I rise today to commend Boy Scouts of America, Troop 301, of Temecula, California, for 25 years of service and commitment to their community.

On February 8, 2002, Troop 301 celebrated their 25th anniversary as a member of the California Inland Empire Council. This troop, established in 1977, has shown a strong commitment to training the leaders of tomorrow by teaching service and developing character, today.

Every year, Troop 301 organizes programs to provide food, aid and comfort for those in need: the troop adopts families who are in financial need, decorates senior-citizen homes, and participates in community clean-up events including Temecula's ''Make a Difference Days.'' In addition to teaching community service, Troop 301 emphasizes service to the country. Following the devastating terrorist attacks on the United States of America on September 11, 2001, Troop 301 raised over $1,500 for the Red Cross disaster relief fund.

This troop provides a valuable service to the city of Temecula by providing color guard presentation of the American flag at community events and celebrations such as Memorial Day, Veteran's Day, the Temecula Mayor's Prayer Breakfast and Temecula City Council meetings. Troop 301 is dedicated to supporting the scouting tradition and has helped 39 young men achieve the rank of Eagle Scout

Mr. Speaker, I too was a Boy Scout for much of my early life. I can say that I am very proud to have achieved the rank of Life Scout before entering the Army. Today, my contributions to scouting are at a different level.

I am very proud of what Troop 301 has done for the citizens of Temecula and I would like to extend my congratulations to the troop for a wonderful first 25 years. They should be very proud of what they have accomplished.

Daily Digest

Senate

Chamber Action

Routine Proceedings, pages S4427–S4509

Measures Introduced: Five bills and one resolution were introduced, as follows: S. 2526–2530, and S. Res. 271. **Page S4492**

Measures Reported:

S. 1811, to amend the Ethics in Government Act of 1978 (5 U.S.C. App.) to streamline the financial disclosure process for executive branch employees, with amendments. (S. Rept. No. 107–152)

H.R. 1209, to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, with an amendment in the nature of a substitute.

S. Res. 268, designating May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens.

S. 672, to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens ''age-out'' while awaiting immigration processing, with an amendment in the nature of a substitute.

S. 2179, to authorize the Attorney General to make grants to States, local governments, and Indian tribes to establish permanent tributes to honor men and women who were killed or disabled while serving as law enforcement or public safety officers.

Pages S4491–92

Andean Trade Preference Expansion Act: Senate continued 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:

Pages S4434–50, S4455–69, S4470–72

Adopted:

Kyl/Gramm Amendment No. 3429 (to Amendment No. 3401), to require that any revenue generated from custom user fees be used to pay for the operations of the United States Customs Service.

Pages S4455–57

Rejected:

Gregg Amendment No. 3427 (to Amendment No. 3401), to strike the provisions relating to wage insurance. (By 58 yeas to 38 nays (Vote No. 114), Senate tabled the amendment.) **Pages S4434–42**

Dodd Amendment No. 3428 (to Amendment No. 3401), to clarify the principal negotiating objectives of the United States with respect to labor and the environment. (By 52 yeas to 46 nays (Vote No. 115), Senate tabled the amendment.)

Pages S4443–50, S4457–59

Pending:

Baucus/Grassley Amendment No. 3401, in the nature of a substitute. **Pages S4434–50, S4455–69, S4470–72**

Rockefeller Amendment No. 3433 (to Amendment No. 3401), to provide a 1-year eligibility period for steelworker retirees and eligible beneficiaries affected by a qualified closing of a qualified steel company for assistance with health insurance coverage and interim assistance. **Pages S4459–69, S4470–72**

Daschle Amendment No. 3434 (to Amendment No. 3433), to clarify that steelworker retirees and eligible beneficiaries are not eligible for other trade adjustment assistance unless they would otherwise be eligible for that assistance. **Pages S4459–69, S4470–72**

A unanimous-consent agreement was reached providing for the sequence of certain Democratic amendments. **Page S4486**

Senate will continue consideration of the bill on Friday, May 17, 2002.

NATO Expansion: Senate considered H.R. 3167, to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996.

Pages S4472–86

A unanimous-consent-time agreement was reached providing for further consideration of the bill at 10 a.m., on Friday, May 17, 2002, with a vote on final passage of the bill to occur at 10:30 a.m. **Page S4509**

Appointment:

Mexico-U.S. Interparliamentary Group: The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appointed Senator Bingaman as a member of the Senate Delegation to the Mexico-U.S. Interparliamentary Group conference during the 107th Congress. **Page S4509**

Rocky Boy's/North Central Montana Regional Water System Act—Agreement: A unanimous-consent agreement was reached providing that S. 934, the Rocky Boy's/North Central Montana Regional Water System Act be discharged from the Committee on Indian Affairs and then referred to the Committee on Energy and Natural Resources. Further, that if and when the Committee on Energy and Natural Resources reports S. 934, then the measure be referred to the Committee on Indian Affairs. **Page S4509**

Social Security Number Misuse Prevention Act—Agreement: A unanimous-consent agreement was reached providing that S. 848, the Social Security Number Misuse Prevention Act, reported today by the Committee on the Judiciary, be referred to the Committee on Finance. **Page S4509**

Messages From the President: Senate received the following messages from the President of the United States:

Transmitting, pursuant to law, a report relative to the continuation of the national emergency with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs. (PM–85) **Page S4489**

Transmitting, pursuant to law, the periodic report on the national emergency with respect to Burma; to the Committee on Banking, Housing, and Urban Affairs. (PM–86) **Page S4489**

Nominations Received: Senate received the following nominations:

Emil H. Frankel, of Connecticut, to be an Assistant Secretary of Transportation.

Jeffrey Shane, of the District of Columbia, to be Associate Deputy Secretary of Transportation.

Dennis L. Schornack, of Michigan, to be Commissioner on the part of the United States on the International Joint Commission, United States and Canada.

Gerald Reynolds, of Missouri, to be Assistant Secretary for Civil Rights, Department of Education.

Michael E. Toner, of the District of Columbia, to be a Member of the Federal Election Commission for a term expiring April 30, 2007. **Page S4509**

Messages From the House: **Pages S4489–90**

Measures Referred: **Page S4490**

Measures Placed on Calendar: **Page S4490**

Executive Communications: **Pages S4490–91**

Petitions and Memorials: **Page S4491**

Executive Reports of Committees: **Page S4492**

Additional Cosponsors: **Pages S4492–94**

Statements on Introduced Bills/Resolutions: **Pages S4494–S4503**

Additional Statements: **Pages S4487–89**

Amendments Submitted: **Pages S4503–08**

Authority for Committees to Meet: **Page S4508**

Privilege of the Floor: **Page S4509**

Record Votes: Two record votes were taken today. (Total—115) **Pages S4442, S4459**

Adjournment: Senate met at 9 a.m., and adjourned at 8:43 p.m., until 9:30 a.m., on Friday, May 17, 2002. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4509).

Committee Meetings

(Committees not listed did not meet)

STRESS MANAGEMENT AND HEART DISEASE

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine the impact of stress management in reducing heart disease, after receiving testimony from Peter Kaufmann, Group Leader, Division of Epidemiology and Clinical Applications, National Heart, Lung, and Blood Institute, National Institutes of Health, Department of Health and Human Services; David B. Abrams, Brown Medical School Centers for Behavioral and Preventive Medicine, Providence, Rhode Island; Herbert Benson, Harvard Medical School Mind/Body Medical Institute, Boston, Massachusetts; Harvey Eisenberg, HealthView, Newport Beach, California; Dean Ornish, University of California School of Medicine, San Francisco, on behalf of the Preventive Medicine Research Institute; Col. Marina N. Vernalis, USA, Walter Reed Army Medical Center, Washington, D.C.; and Karen A. Matthews, University of Pittsburgh, Pittsburgh, Pennsylvania, on behalf of the Pittsburgh Mind-Body Center.

CRUSADER ARTILLERY SYSTEM

Committee on Armed Services: Committee concluded hearings to examine the Department of Defense's recommendation to terminate the Crusader artillery program, continue some of the Crusader technology, and move the funds to technology and programs to better serve America, after receiving testimony from

Donald H. Rumsfeld, Secretary, Paul D. Wolfowitz, Deputy Secretary, and Edward C. Aldridge, Under Secretary for Acquisition, Technology and Logistics, all of the Department of Defense; and General Eric K. Shinseki, USA, Chief of Staff, United States Army.

BUSINESS MEETING

Committee on Commerce, Science, and Transportation: Committee met and approved an amendment in the nature of a substitute to S. 2201, to protect the on-line privacy of individuals who use the Internet.

Committee will meet again on Friday, May 17.

ENRON IMPACT ON STATE PENSION FUNDS

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism concluded hearings to examine the consumer impact of Enron's influence on large institutional investors and State pension funds, after receiving testimony from Thomas Herndon, C. Coleman Stipanovich, and Trent Webster, all of the Florida State Board of Administration, Tallahassee; Bruce W. Calvert and Alfred Harrison, both of Alliance Capital Management, and Michael Musuraca, New York City Employees Retirement Systems, on behalf of the American Federation of State, County and Municipal Employees, AFL–CIO, all of New York, New York; and James K. Glassman, American Enterprise Institute, and Travis Plunkett, Consumer Federation of America, both of Washington, D.C.

YUCCA MOUNTAIN REPOSITORY DEVELOPMENT

Committee on Energy and Natural Resources: Committee held 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, receiving testimony from Spencer Abraham, Secretary of Energy.

Hearings will continue on Wednesday, May 22.

WATER INVESTMENT

Committee on Environment and Public Works: Committee began consideration of S. 1961, to improve financial and environmental sustainability of the water programs of the United States, but did not complete final action thereon, and will meet again tomorrow.

TANF REAUTHORIZATION

Committee on Finance: Committee resumed hearings on proposed legislation authorizing funds for the Temporary Assistance for Needy Families (TANF) Program, created by the Welfare Reform Law of 1996, focusing on proposed work requirement modifications, income and support for low-income working families, ongoing program performance standards, and increasing and improving the focus of State governments as reform implementers, receiving testimony from Senators Dodd, Santorum, Bayh, and Carper; Wade F. Horn, Assistant Secretary of Health and Human Services for Children and Families; Howard H. Hendrick, Oklahoma Department of Human Services, Oklahoma City; Isabel V. Sawhill, Brookings Institution, on behalf of the National Campaign to Prevent Teen Pregnancy, and Vicki Turetsky, Center for Law and Social Policy, both of Washington, D.C.; and Kate Kahan, Working for Equality and Economic Liberation, Missoula, Montana.

Hearings recessed subject to call.

NUCLEAR POSTURE REVIEW

Committee on Foreign Relations: Committee concluded hearings to examine the validity of the Nuclear Posture Review, focusing on the reliability, safety, and security of the United States nuclear stockpile, after receiving testimony from Adm. Bill A. Owens, USN (Ret.), Teledesic LLC, Bellevue, Washington, former Vice Chairman of the Joint Chiefs of Staff; John S. Foster, Jr., Pilkington Aerospace, Inc., St. Helen's, United Kingdom, former Director, Lawrence Livermore National Laboratory, Department of Energy, and former Director, Defense Research and Engineering, Department of Defense; Steven Weinberg, University of Texas Theory Research Group, Austin; and Joseph Cirincione, Carnegie Endowment for International Peace, and Loren B. Thompson, Lexington Institute and Georgetown University, both of Washington, D.C.

NOMINATIONS

Committee on Governmental Affairs: Committee concluded hearings on the nominations of Todd Walther Dillard, of Maryland, to be United States Marshal, and Robert R. Rigsby, District of Columbia, to be an Associate Judge, both for the Superior Court of the District of Columbia, after the nominees testified and answered questions in their own behalf. Mr. Dillard and Mr. Rigsby were introduced by District of Columbia Delegate Eleanor Holmes Norton.

CAREER PATH TRAINING

Committee on Health, Education, Labor, and Pensions: Subcommittee on Employment, Safety, and Training concluded hearings to examine how to make investments in programs and services that provide individuals with the skills and resources needed to succeed in the labor market, focusing on the need to improve

current workforce development and welfare programs, including exploring the intersections between the Workforce Investment Act and the Temporary Assistance for Needy Families Program, after receiving testimony from Sigurd R. Nilsen, Director, Education, Workforce, and Income Security Issues, General Accounting Office; Yvonne Shields, Community Voices Heard, New York, New York; Stephen M. Wing, CVS/pharmacy, Woonsocket, Rhode Island; Steve Savner, Center for Law and Social Policy, Washington, D.C.; Jan Mueller, Minnesota Family Investment Program, St. Paul; and Steven M. Rothschild, Twin Cities RISE, Minneapolis, Minnesota.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

S. 848, to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, with an amendment in the nature of a substitute;

S. 1742, to prevent the crime of identity theft, mitigate the harm to individuals victimized by identity theft, with an amendment in the nature of a substitute;

S. 2179, to authorize the Attorney General to make grants to States, local governments, and Indian tribes to establish permanent tributes to honor men and women who were killed or disabled while serving as law enforcement or public safety officers;

S. 672, to amend the Immigration and Nationality Act to provide for the continued classification of certain aliens as children for purposes of that Act in cases where the aliens ''age-out'' while awaiting immigration processing, with an amendment in the nature of a substitute;

H.R. 1209, to amend the Immigration and Nationality Act to determine whether an alien is a child, for purposes of classification as an immediate relative, based on the age of the alien on the date the classification petition with respect to the alien is filed, with an amendment in the nature of a substitute;

S. Res. 268, designating May 20, 2002, as a day for Americans to recognize the importance of teaching children about current events in an accessible way to their development as both students and citizens; and

The nominations of Richard R. Clifton, of Hawaii, to be United States Circuit Judge for the Ninth Circuit, Christopher C. Conner, to be United States District Judge for the Middle District of Pennsylvania, Joy Flowers Conti, to be United States District Judge for the Western District of Pennsylvania, and John E. Jones III, to be United States District Judge for the Middle District of Pennsylvania.

House of Representatives

Chamber Action

Measures Introduced: 22 public bills, H.R. 4748–4769; and 1 resolution, H. Res. 423, were introduced. **Pages H2206–07**

Reports Filed: Reports were filed today as follows:

H.R. 3717, to reform the Federal deposit insurance system, amended (H. Rept. 107–467).

H.R. 1877, to amend title 18, United States Code, to provide that certain sexual crimes against children are predicate crimes for the interception of communications, amended (H. Rept. 107–468);

H.R. 2054, to give the consent of Congress to an agreement or compact between Utah and Nevada regarding a change in the boundaries of those States, amended (H. Rept. 107–469);

H.R. 4466, to amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, amended (H. Rept. 107–470);

H.R. 3253, to amend title 38, United States Code, to provide for the establishment of emergency medical preparedness centers in the Department of Veterans Affairs, amended (H. Rept. 107–471);

H.R. 4085, to increase, effective as of December 1, 2002, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, amended (H. Rept. 107–472);

H.R. 4514, to authorize the Secretary of Veterans Affairs to carry out construction projects for the purpose of improving, renovating, and updating patient care facilities at Department of Veterans Affairs medical centers, amended (H. Rept. 107–473); 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'', amended (H. Rept. 107–474).

Page H2606

Journal: Agreed to the Speaker's approval of the Journal of Wednesday, May 15 by a yea-and-nay vote of 330 yeas to 63 nays with 1 voting "present", Roll No. 167. **Pages H2513–14**

Mexico-United States Interparliamentary Group: The Chair announced the Speaker's appointment of the following members to the Mexico-United States Interparliamentary Group: Representatives Kolbe, Dreier, Stenholm, Barton of Texas, Dooley of California, Pastor, Filner, Roybal-Allard, Cannon, Reyes, Tancredo, and Udall of New Mexico. **Page H2591**

U.S. Delegation of the Canada-United States Interparliamentary Group: The Chair announced the Speaker's appointment of the following members to the United States Delegation of the Canada-United States Interparliamentary Group: Representatives Houghton, Gilman, LaFalce, Shaw, Lipinski, Slaughter, Stearns, Manzullo, Dan Miller of Florida, Souder, and English. **Page H2591**

Presidential Messages: Read the following messages from the President:

Extension of National Emergency re Burma: Message wherein he transmitted a notice stating that the national emergency with respect to Burma is to continue beyond May 20, 2002. He further stated that the crisis between the United States and Burma constituted by the actions and policies of the government of Burma, including its policies of committing large-scale repression of the democratic opposition that led to the declaration of a national emergency on May 20, 1999, has not been resolved—referred to the Committee on International Relations and ordered printed (H. Doc. 107–211); and **Page H2591**

Six Month Periodic Report on the National Emergency re Burma: Message wherein he transmitted a six month periodic report on the national emergency with respect to Burma referred to the Committee on International Relations and ordered printed (H. Doc. 107–212). **Page H2591**

Presentation of the Congressional Gold Medal to Former President Reagan and Mrs. Reagan: The House recessed at 2:43 p.m. for Members to attend the ceremony in the Rotunda of the Capitol to present the Congressional Gold Medal to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation. The House reconvened at 3:16 p.m. **Page H2591**

Personal Responsibility, Work, and Family Promotion Act—Rule Providing for Consideration: The House passed H.R. 4737, to reauthorize and improve the program of block grants to States for temporary assistance for needy families and improve access to quality child care by a recorded vote of 229 ayes to 197 noes, Roll No. 170.

Pages H2517–90, H2591–94

Rejected the Maloney of Connecticut motion to recommit the bill to the Committee on Ways and Means with instructions to report it back to the House promptly with an amendment that increases funding for child care by a yea-and-nay vote of 207 yeas to 219 nays, Roll No. 169. **Pages H2592–94**

Rejected the Cardin amendment in the nature of a substitute printed in H. Rept. 107–466 that sought to expand state flexibility to provide training and education to welfare recipients, increase mandatory funding for child care by $11 billion over the next five years, remove various barriers to serving legal immigrants, and provide financial bonuses to states for reducing child poverty by a yea-and-nay vote of 198 yeas to 222 nays, Roll No. 168.

Pages H2567–90, H2591–92

The clerk was authorized to make technical corrections and conforming changes in the engrossment of the bill. **Page H2594**

On May 15, the House agreed to H. Res. 422, the rule that provided for consideration of H.R. 4737, and further agreed that during consideration of the bill, pursuant to this rule, the Chair notwithstanding the order of the previous question, may postpone further consideration of the bill to a time designated by the Speaker on the legislative day of Thursday, May 16, 2002.

Legislative Program: The Majority Leader announced the Legislative program for the week of May 20. **Page H2595**

Meeting Hour—Monday, May 20: Agreed that when the House adjourns today it adjourn to meet at 12:30 p.m. on Monday, May 20 for morning hour debate. **Page H2595**

Calendar Wednesday: Agreed to dispense with the Calendar Wednesday business of Wednesday, May 22. **Page H2595**

Help America Vote Act: The House disagreed with the Senate amendments to H.R. 3295, to require States and localities to meet uniform and nondiscriminatory election technology and administration requirements applicable to Federal elections, to establish grant programs to provide assistance to States and localities to meet those requirements and to improve election technology and the administration of Federal elections, to establish the Election Administration Commission, and agreed to a conference. **Page H2596**

Appointed as conferees: from the Committee on House Administration, for consideration of the House bill and the Senate amendments, and modifications committed to conference: Chairman Ney

and Representatives Ehlers, Doolittle, Reynolds, Hoyer, Fattah, and Davis of Florida; from the Committee on Armed Services, for consideration of sections 601 and 606 of the House bill and section 404 of the Senate amendments, and modifications committed to conference: Chairman Stump and Representatives McHugh and Skelton; **Page H2599**

From the Committee on the Judiciary for consideration of sections 216, 221, Title IV, sections 502 and 503 of the House bill, and sections 101, 102, 104, subtitles A, B, and C of Title II, sections 311, 501 and 502 of the Senate amendments, and modifications committed to conference: Chairman Sensenbrenner and Representatives Chabot and Conyers; from the Committee on Science for consideration of sections 221–5, 241–3, 251–3, and 261 of the House bill and section 101 of the Senate amendments, and modifications committed to conference: Chairman Boehlert and Representatives Morella and Barcia, provided that Representative Jackson-Lee of Texas is appointed in lieu of Representative Barcia for consideration of sections 251–3 of the House bill, and modifications committed to conference; **Page H2599**

From the Committee on Ways and Means for consideration of sections 103 and 503 of the Senate amendments, and modifications committed to conference: Chairman Thomas and Representatives Shaw and Rangel; and for consideration of the House bill and Senate amendments, and modifications committed to conference: Representative Blunt. **Page H2599**

Agreed to the Hoyer motion to instruct conferees to insist on the (1) provisions contained in title I of the House bill (relating to a program to provide payments to States and units of local government for replacing and enhancing punch and voting systems); and (2) provisions contained in section 232 of the House bill (relating to the formula used to determine the amount of other payments made to States under the bill for carrying out activities to improve the administration of elections). **Pages H2596–99**

Committee Resignations: Read letters wherein Representative Pence announced his resignation from the Committee on Science, Representative Bryant announced his resignation from the Committee on the Judiciary, and Representative Forbes announced his resignation from the Committee on Science. **Page H2599**

Committee Election: The House agreed to H. Res. 423, electing Representative Sullivan to the Committees on Government Reform and Science and Representative Forbes to the Committee on the Judiciary. **Page H2599**

Quorum Calls—Votes: Two yea-and-nay votes and two recorded votes developed during the proceedings of the House today and appear on pages H2513–14, H2592, H2593–94, and H2594. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 5:47 p.m.

Committee Meetings

LABOR, HHS, AND EDUCATION APPROPRIATIONS

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded appropriation hearings. Testimony was heard from Members of Congress.

ASSESSING RETIREE HEALTH LEGACY COSTS

Committee on Education and the Workforce: Subcommittee on Employer-Employee Relations held a hearing on ''Assessing Retiree Health Legacy Costs: Is America Prepared for a Healthy Retirement?'' Testimony was heard from public witnesses.

CRITICAL CHALLENGES CONFRONTING NATIONAL SECURITY

Committee on Government Reform: Held a hearing on the ''Critical Challenges Confronting National Security-Continuing Encroachment Threatens Force Readiness.'' Testimony was heard from the following officials of the Department of Defense: Lt. Gen. William P. Tangney, USA, Deputy Commander in Chief, U.S. Special Operations, Command, Tampa, Florida; Col. Thomas D. Waldhauser, USMC, Commanding Officer, 15th Marine Expeditionary Unit, Special Operations Capable, Camp Pendleton, California; Capt. Stephen S. Voetsch, USN, Commander, Air Wing One, USS *Theodore Roosevelt,* Norfolk, Virginia; CDR Kerry M. Meetz, USNR, Naval Special Warfare Group One, Coronado, California; Capt. Jason L. Amerine, USA, 5th Special Forces Group (Airborne), Fort Campbell, Kentucky; Raymond DuBois, Deputy Under Secretary, Installations and Environment; and Paul Mayberry, Deputy Under Secretary, Readiness; Barry Holman, Director, Defense Capabilities and Management, GAO; and Dan Miller, First Assistant Attorney General, Department of Law, State of Colorado.

SIERRA LEONE ELECTIONS

Committee on International Relations: Subcommittee on Africa held a hearing on Elections in Sierra Leone: A Step Toward Stability? Testimony was heard from William M. Bellamy, Principal Deputy Assistant Secretary, Bureau of African Affairs, Department of State; and public witnesses.

OVERSIGHT

Committee on the Judiciary: Subcommittee on Commercial and Administrative Law held an oversight hearing on ''Administrative and Procedural Aspects of the Federal Reserve Board/Department of the Treasury Proposed Rule Concerning Competition in the Real Estate Brokerage and Management Markets.'' Testimony was heard from Sheila Bair, Assistant Secretary, Department of the Treasury; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on the following: H.R. 3937, to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; the National Oceanic and Atmospheric Administration Authorization Act of 2002; the Hydrographic Services Improvement Act Amendments of 2002; the National Oceanic and Atmospheric Research Service Act; the National Coastal and Ocean Service Act of 2002; the National Marine Fisheries Service Act of 2002; and the National Oceanic and Atmospheric Administration Commissioned Officers Act of 2002. Testimony was heard from Representative Hunter; Scott Gudes, Deputy Under Secretary, Oceans and Atmosphere/Administrator, NOAA, Department of Commerce; Mitchell R. Ellis, Branch Chief, Wildlife Resources, National Wildlife Refuge System, U.S. Fish and Wildlife Service, Department of the Interior; and a public witness.

CHRONIC WASTING DISEASE

Committee on Resources: Subcommittee on Forests and Forest Health and the Subcommittee on Fisheries Conservation, Wildlife and Oceans held a joint hearing on Chronic Wasting Disease. Testimony was heard from Carl Groat, Director, U.S. Geological Survey, Department of the Interior; James G. Butler, Under Secretary, Marketing and Regulatory Programs, USDA; Scott McCallum, Governor, State of Wisconsin; Mike Miller, Wildlife Veterinarian, Wildlife Research Center, Division of Wildlife, Department of Natural Resources, State of Colorado; Russell George, Director, Division of Wildlife, Department of Natural Resources, State of Colorado; E. Tom Thorne, Chief of Services, Department of Game and Fish, State of Wyoming; Bruce Morrison, Assistant Administrator, Wildlife Division, Commission of Game and Parks, State of Nebraska; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on National Parks, Recreation and Public Lands held a hearing on the following bills: H.R. 36, National Discovery Trails Act of 2001; H.R. 3858, New River Gorge National River Boundary Act of 2002; and H.R. 4103, Martin's Cove Land Transfer Act. Testimony was heard from Representative Bereuter; the following officials of the Department of the Interior: Tom Fulton, Deputy Assistant Secretary, Land and Minerals Management; and Katherine Stevenson, Associate Director, Cultural Resource, Stewardship, and Partnerships, National Park Service; and public witnesses.

CENTERS FOR MEDICARE AND MEDICAID SERVICES

Committee on Small Business: Held a hearing on ''CMS: New Name, Same Old Game.'' Testimony was heard from Thomas Scully, Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Transportation and Infrastructure: Subcommittee on Highways and Transit approved for full Committee action, as amended, the following bills: H.R. 3429, Over-the-Road Bus Security and Safety; and H.R. 3609, Pipeline Infrastructure Protection to Enhance Security and Safety Act.

VETERANS' MATTERS

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations and the Subcommittee on Health held a joint hearing on nonprofit research corporations and educational foundations affiliated with specific Veterans Health Administration facilities. Testimony was heard from the following officials of the Department of Veterans Affairs: Michael Slachta, Jr., Assistant Inspector General, Audit; and Robert H. Roswell, M.D., Under Secretary, Health, Veterans Health Administration; Wendy Baldwin, M.D., Deputy Director, Extramural Research, NIH, Department of Health and Human Services; representatives of veterans organizations; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST *of May 15, 2002, p. D492)*

H.R. 169, to require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws. Signed on May 15, 2002. (Public Law 107–174)

COMMITTEE MEETINGS FOR FRIDAY, MAY 17, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Treasury and General Government, to hold hearings to examine the Sakajawea Golden Dollar Coin, 9:30 a.m., SD–192.

Committee on Commerce, Science, and Transportation: business meeting to continue consideration of S. 630, to prohibit senders of unsolicited commercial electronic mail from disguising the source of their messages, to give consumers the choice to cease receiving a sender's unsolicited commercial electronic mail messages; S. 2201, to protect the online privacy of individuals who use the Internet; S. 414, to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program; S. 2037, to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology; S. 2182, to authorize funding for computer and network security research and development and research fellowship programs; S. 1485, to amend the Poison Prevention Packaging Act to authorize the Consumer Product Safety Commission to require child-proof caps for portable gasoline containers; S. 2329, to improve seaport security; S. 2428, to amend the National Sea Grant College Program Act; the nomination of Harold D. Stratton, of New Mexico, to be Chairman and a Commissioner of the Consumer Product Safety Commission; and routine nominations for promotions in the United States Coast Guard, 9:30 a.m., SR–253.

Committee on Environment and Public Works: business meeting to continue consideration of S. 1961, to improve financial and environmental sustainability of the water programs of the United States; and other pending calendar business, 9:30 a.m., SD–406.

Select Committee on Intelligence: closed business meeting to consider pending intelligence matters, 10:30 a.m., S–407 Capitol.

House

No committee meetings are scheduled.

Next Meeting of the SENATE

9:30 a.m., Friday, May 17

Senate Chamber

Program for Friday: After the transaction of any morning business (not to extend beyond 10 a.m.), Senate will continue consideration of H.R. 3167, NATO Expansion, with a vote on final passage to occur at 10:30 a.m; following which, Senate will continue consideration of H.R. 3009, Andean Trade Preference Expansion Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Monday, May 20

House Chamber

Program for Monday: Consideration of Suspensions.

Extensions of Remarks, as inserted in this issue

HOUSE

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Barr, Bob, Ga., E820
Bentsen, Ken, Tex., E824
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Capito, Shelley Moore, W.Va., E818
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Cunningham, Randy ''Duke'', Calif., E828
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Honda, Michael M., Calif., E831
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Thomas, William M., Calif., E821
Udall, Mark, Colo., E818
Visclosky, Peter J., Ind., E826

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