House of Representatives

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

DESIGNATION OF THE SPEAKER PRO TEMPORE

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

I hereby appoint the Honorable Dan Miller to act as Speaker pro tempore on this day.

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

PRAYER

Father Val J. Peter, Executive Director, Girls and Boys Town, Boys Town, Nebraska offered the following prayer:

Dear Lord, we come before You on this beautiful morning to ask Your blessing on the House this day. Give light, wisdom, and humility to all Representatives in their work today. May they seek what is best for our people. May they search for what will bring goodness to our world. Let each this day do one blessed thing for another person. Let each this day ask pardon from another person.

Bless also all of those who are in the service of our beloved country. Keep them safe. Keep them faithful to You and their loved ones.

Finally, Lord, bless all of our children, especially those who are hurt and suffering. Send people to put joy and happiness into their hearts. We ask this in Your name. Amen.

THE JOURNAL

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

The Speaker pro tempore. The question is on the Speaker’s approval of the Journal. The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The Speaker pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The Speaker pro tempore. Will the gentleman from Nebraska (Mr. Terry) come forward and lead the House in the Pledge of Allegiance.

Mr. Terry led the Pledge of Allegiance as follows:

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

MESSAGE FROM THE SENATE

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

S. Con. Res. 115. Concurrent resolution expressing the sense of the Congress that all workers deserve fair air treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore. The Chair will recognize the gentleman from Nebraska (Mr. Terry) for 1 minute and then will recognize up to 10 Members from each side of the aisle for 1 minute.

EXTENDING A WARM WELCOME TO FATHER VAL J. PETER

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

Mr. Terry, Mr. Speaker, I have the honor of extending a warm welcome to Father Val J. Peter, our guest chaplain in the House of Representatives today. I also want to thank him for his thoughtful and inspiring prayer.

Father Peter is a native Nebraskan, a Diocesan priest within the Archdiocese of Omaha, and the executive director for Girls and Boys Town USA. He is also one of the foremost advocates for youth in the world and a true friend, effective educator, and caring, surrogate father to thousands of troubled youth and teenagers.

Father Peter oversees Boys Town programs stretching from coast to coast. Last year alone, Father Peter and the Boys Town staff helped brighten the future for more than 37,000 troubled, neglected, and abused children. Father Peter has earned the gratitude of thousands of children and families with his unconditional love, boundless optimism, and unwavering devotion to God.

Mr. Speaker, I know I speak for my colleagues when I say that we are pleased and honored to have Father Val Peter here with us today.

RESTORING MEMORIAL DAY

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

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

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.
minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, over the years the true meaning of Memorial Day has faded from the public consciousness. Memorial Day began after the Civil War as a solemn day of mourning, remembrance, and honor to our departed loved ones. But today, Memorial Day seems to be more about planning a 3-day weekend than remembering our fallen heroes. As a veteran of two wars, I know all too well that Memorial Day is much more than a 3-day weekend or the beginning of a summer sale.

Veteran’s Day, a day set aside to honor all veterans, living and dead, is celebrated on November 11, regardless of which day of the week it falls on. The same should be true for Memorial Day.

Mr. Speaker, this week I am introducing legislation restoring Memorial Day to its actual day, May 30. We owe our loved ones and friends who died in service to their country a restored Memorial Day.

JOIN THE PICTURE THEM HOME CAMPAIGN

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

Mr. LAMPSON. Mr. Speaker, I will again digress this morning from my stories of Ludwig Koonz, but not our effort to return him to the United States from Italy.

As chairman of the Congressional Caucus on Missing and Exploited Children, I would ask that as we approach this Memorial Day that we not only pay honor to those who have given their lives to our country, but to the tens of thousands of innocent children who are still missing from their loved ones in this country. We maintain hope that the children will come home and that they will come home not only with the help of law enforcement, but with the help of the American people.

A few years back, National Center for Missing and Exploited Children instituted the Picture Them Home campaign to be observed during the month of May. I have asked my colleagues on a number of occasions to place pictures of missing children on their franked envelopes, which is allowed under the franking guidelines, and many of them have chosen to do so. This morning I ask that everyone here join me in supporting this effort and help us Picture Them Home.

Participating in this campaign only takes a few minutes of your time. First, pledge to take the time to really look at the pictures of the missing children that you see. These may be pictures on bulletin boards in your local Wal-Mart, or they may be the “Have You Seen Me?” cards that are sent out by ADVO. Second, if you are a parent, make sure that you maintain in current, high-quality pictures of your children for use in case of an emergency.

Mr. Speaker, we know that pictures work. All you have to do is look.

NURSING SHORTAGE PLAGUING U.S.

(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, health care experts are worried that a national nursing shortage could become widespread later in the decade, just as the aging U.S. population requires more medical care. Educational institutions, hospitals and Congress are working feverishly to fill this global shortage, because it is nurses who impact the lives of people in times of health, illness, pain, stress, and even death.

Nurses’ talents, long hours and many sacrifices should be recognized. One of the ways in which Baptist Health South Florida appreciated nurses is by having recently hosted “Shadow a Nurse” Day.

Baptist Hospital, South Miami Hospital, Homestead Hospital, Mariners Hospital, and Baptist Outpatient Services were the health care sites which participated in this event.

By helping the population to gain a greater understanding of the issues facing nurses today, these health care sites perhaps contributed to helping relieve the existing nursing shortage plaguing our Nation.

Mr. Speaker, I congratulate Baptist Health South Florida for its commitment to the future of nursing.

END THE TRADE EMBARGO ON CUBA

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

Ms. McCOLLUM. Mr. Speaker, 90 miles from America’s shore is the island of Cuba, but what really separates the people of Cuba and the American people is the U.S. Government’s hypocritical trade embargo restated this week by President Bush.

This failed policy towards Cuba empowers Fidel Castro, denies American businesses the freedom to trade, and prohibits the American people the freedom to travel.

Around the world, the United States has used economic engagement to promote political reform, democratic values and human rights. With Cuba, our government does the opposite. We punish the Cuban people with a trade embargo.

For a free and open Cuba, let us free American businesses to trade with Cuba, free America’s farmers to sell to Cuba, and free the American people to travel to Cuba. The trade embargo has fallen. The spirit of the American people and the power of our economy can achieve the freedoms we all desire for the Cuban people.

STATE DEPARTMENT RELEASES TRAFFICKING IN PERSONS REPORT

(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, in the coming weeks, the State Department will be releasing its annual “Trafficking in Persons report.” This report will highlight the very serious problem of international sex trafficking and forced prostitution around the world in the countries that tolerate it. Some of the worst offenders such as India and Thailand have made no progress in combating this sex trafficking. Worse, it is on the rise.

In India, over 2.3 million girls and women are believed to be working in the sex industry against their will. Yet there are no known convictions for sex trafficking.

In Thailand, we are up to 1 million trafficking victims. Approximately 100,000 are children, boys and girls; yet there are no known convictions for sex trafficking.

Mr. Speaker, this is unacceptable.

Mr. Speaker, the complicity and tolerance of sex trafficking must stop. The State Department must not grant passing grades to these countries in its report until they show real improvement and begin to protect women and children in their country.

AMENDMENT ALLOWS DEFENSE DEPARTMENT FREE HAND FOR ENVIRONMENTAL DAMAGE

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

Mr. BLUMENAUER. Mr. Speaker, during my tenure in Congress, I have worked hard for the Department of Defense to be a better partner to promote the liveability of our communities by walking the walk, by acting the way that we are asking the rest of America to behave. Yet, here today, we are going to be asking in the supplemental to exempt the Defense Department, the largest manager of infrastructure in the world, from being a good environmental citizen.

This bill contains an amendment that would relieve the Department of Defense from its responsibility for dealing with water consumption that occurs outside the control of the Secretary of Defense that is a direct result of the military installation. In particular, this is focused on the San Pedro River in Arizona, one of the richest biological reserves in all of North America. It has over 82 species of mammals, 385 species of birds, and was designated by this Congress as a National Riparian Conservation Area in 1988.

But as a result of this amendment, snuck in without debate by the subcommittee, that will not be substantively argued on this floor, we are going to basically give them a free
CONGRATULATIONS TO DANNY BROWN, THE 2002 KANSAS PRINCIPAL OF THE YEAR

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

Mr. RYUN of Kansas, Mr. Speaker, I rise today to congratulate the 2002 Kansas Principal of the Year, Danny Brown. Mr. Brown currently serves at the Fort Scott High School in Fort Scott, Kansas. For almost 3 decades Danny Brown has demonstrated outstanding educational leadership and has humbly served his community and students.

In a letter recommending Brown for the honor, an associate wrote: "Danny’s contributions to this community, to the school district and, most of all, to the students are immeasurable."

I, for one, am heartened to hear stories of educators like Danny Brown who live a life dedicated to serving their communities and helping students reach their dreams.

As Oswald Spengler once said, “The influence of a genuine educator lies in what he is rather than what he says.”

I am pleased that Mr. Brown is being properly recognized for his exceptional performance and character, and I want to add my congratulations to this outstanding educator.

NATIONAL COMMUNITY ROLE MODELS WEEK

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

Mr. KNOLLENBERG. Mr. Speaker, children need role models in their communities to help guide them through the many challenges that they face. Although we often hear inspiring stories about individuals, we seldom publicly recognize exceptional local people with whom children can more readily relate.

The Michigan-based R.A.R.E. foundation has established a program to recognize outstanding community residents and teach children about their work ethic, their values, and their accomplishments. The foundation helps children develop a sense of purpose and hope for the future by providing inspirational examples of ordinary people with traditional jobs who make extraordinary contributions.

I will introduce legislation today that encourages communities to adopt similar programs and support the goals and ideals of a national community role models week. Establishing an annual week for identifying role models in our local communities would remind us how each individual, no matter his or her profession, plays a vital role in the progress of this Nation.

JUST SAY NO TO SOCIAL SECURITY PRIVATIZATION

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

Mr. GREEN of Texas. Mr. Speaker, all we need to do is just say no to privatization of Social Security. When it comes to reforming Social Security, our Republican majority thinks they can fool the American people. They think that if they avoid the words like "privatization" that they will be able to mask the true nature of their Social Security reform.

In Texas we have a saying, “You can put lipstick and earrings on a hog and call it Monique, but it's still a pig.” No matter how much our Republican friends want to dress up their proposal to disguise its details, it is still privatization.

Privatization schemes, let us just be honest and call them what they are, would cut benefits, increase administrative costs and place the financial health of the Social Security program in jeopardy, but suddenly, in an election year, my colleagues changed their tune. They will do anything, say anything, to hide their true agenda. This is a cynical ploy, and the American people will see through it.

Let us call privatization what it is, and a pig, a pig.

DEMOCRATIC PRESCRIPTION FOR SENIORS

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today in support of seniors who want prescription drug coverage, today and always, and against those who do not.

Earlier this month, Congress Daily noted that a Senate Democrat prescription drug bill would sunset in 2010. That is right, the bill would just stop in 2010, no more drugs for them after 2010. That is plain wrong. First, Democrats block permanent tax relief. Now they want to block prescription drug coverage.

Well, seniors better start saving, so when their benefits end, they will have money to buy their drugs. Hold on, just think about this. That is impossible, because the same Democrats refused to permanently extend tax relief so people can save some of their own money or even empower seniors to save their own money in a medical savings account.

Well, two-thirds of seniors have prescription drug coverage. The one-third going without are my top concern. Our Republican plan will help, and help them for life.

RAISING THE DEBT LIMIT

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

Ms. DELAURO. Mr. Speaker, I would just like to remind my colleague on the other side of the aisle who just spoke that the Republican prescription drug plan would do nothing about bringing down the cost of prescription drugs, which is what is killing Americans, all Americans, and their plan would cover 6 percent of seniors instead of 90 percent of seniors who would like to have this kind of coverage.

However, today, the House is going to vote on a very dangerous and cynical provision that allows the Federal Government to break its own spending limit, takes hundreds of billions of dollars from the Social Security trust fund. What they would like to do is hide this plan from the American people and what they want to do is to hide this debate today without leveling with the public, and what will happen is their plan is to take the nation back into the deficit, raid Social Security.

We oppose this plan. We support a responsible budget. What we need to be trying to do is to make investments in our security, in Social Security, Medicare, do something about prescription drugs and the cost of those drugs in the United States today.

It is time for the House Republicans to be straightforward with the American people. We need a responsible, honest, bipartisan budget. We need to protect and strengthen Social Security and shore up the prescription drug benefit, meet our obligations today so that our kids are not saddled with debt.

PRAISING THE EFFORTS OF NUCOR CORPORATION

(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 today to thank Nucor Corporation, our Nation’s largest steel producer, for their investment in South Carolina and their commitment to our economy, our families and our environment.

Nucor’s commitment to South Carolina’s economy is demonstrated by its 4 statewide facilities professionally managed by Mike Guley of Darlington, Ladd Hall of Berkeley, Lynn Strock of Florence and Jeff Carmean of Swansea. These facilities have produced more than $1 billion in total sales and have contributed more than $1 billion in total investment back into the State’s economy.

Nucor has touched the lives of families across the Palmetto State by employing 1,500 skilled and dedicated South Carolinians and by contributing over $300,000 in education scholarships last year.

A leader in environmental stewardship, Nucor is the largest recycler in America, and through efficient fuel consumption, Nucor saves enough energy annually to power the city of Los Angeles for 8 years.
Mr. Speaker, I commend Nucor for their wise investment in South Carolina’s economy, families and environment.

SUPPLEMENTAL APPROPRIATIONS LEGISLATION

(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 I recollect the pronouncements being made by this House just a year ago, Republicans said that we will not, this House will not raid Social Security and Medicare, from the very highest levels of their leadership. Interestingly, today, we come with a back room supplemental appropriations bill that raises the debt limit so that we can, in fact, raid Medicare and Social Security.

This is legislation that we should not support. Social Security is the very underpinnings of security for hard-working Americans. Medicare provides health care for hard-working Americans who have reached retirement. Here we are today passing a bill or attempting to pass a bill that will raise the debt limit, a very dangerous and cynical provision that allows the Federal Government to break its own spending limit, therefore undermining again the trust of the American people, believing that Social Security should be there for all who work hard.

We need a more responsible and honest and bipartisan budget. We need to protect and strengthen Social Security. We need to protect and save Medicare. We need to vote no on this supplemental if, of course, it proposes an increase in the debt limit.

VETERANS NATIONAL CEMETARY IN NORTH FLORIDA

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

Mr. STEARNS. Mr. Speaker, I am glad to hear the Veterans Administration cemetery expansion is a top priority for the President next year. Florida has our Nation’s second largest veterans’ population in the United States and one of its oldest. In fact, it is number one.

Nearly 325,000 veterans call home somewhere in the Jacksonville City vicinity, and this is the location of 3 congressional districts, mine, the gentleman from Florida (Ms. Brown) and the gentleman from Florida (Mr. Chertow), as well as in nearby southern Georgia. Yet the closest VA cemetery is at least a 3-hour drive from Jacksonville. The next closest in proximity lies in Marietta, Georgia, which is just across the border.

A new national VA cemetery in the metropolitan Jacksonville area or nearby Clay County would answer the unmet need for north Floridians and southern Georgians.

My colleagues may ask why should I support a cemetery in Florida. Well, from Michigan and New York, the Midwest and elsewhere, there is a high likelihood that the constituents are contemplating retiring in north Florida. We welcome them and I hope my colleagues will sign on to my bill H.R. 1205.

We welcome your veteran constituents to call north Florida home. I hope you will consider cosponsoring my bill, H.R. 1205, and help us to provide the dignified, hallowed grounds our veterans deserve.

MILITARY APPRECIATION MONTH

(Mr. KENNEDY of Minnesota and was given permission to address the House for 1 minute.)

Mr. KENNEDY of Minnesota. Mr. Speaker, today I rise to honor Military Appreciation Month. I rise to thank our men and women in uniform for their sacrifice, service and dedication.

We show our appreciation by voting them the pay raise they earned and making sure they live in quality housing and have the tools they need to defend us. In addition, we have our active duty personnel, nearly 82,000 members of the National Guard and the Reserves have been called into active duty since September 11.

I appreciate those who serve our Nation, but their lives on the line to defend our freedom. These men and women are heroes. They work side by side with us during the week. Their children go to school with our children, but on weekends and when called upon, they go into active duty to defend our country. I want them to know that America thanks them.

I specifically would like to thank General Andreotti and Colonel Dennis Lord of the Minnesota National Guard for their loyal and diligent service fighting for the interests of the Guard and Reserve. I want to thank the Minnesota National Guard and Reserve. Two weeks ago was their last week guarding the Minneapolis/St. Paul International Airport.

THE LONG WAR ON TERROR

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

Mr. PENCE. Mr. Speaker, we find ourselves in a long war on terror. There has been much discussion on Capitol Hill this week and around America about blame and about how it is that we ought to inquire and investigate institutional failures.

So I rise today, Mr. Speaker, to remind us that our experience with terror in America did not begin on September 11 in Washington and in New York. Rather, it began on February 26, 1993, with the first World Trade Center bombing. Terrorists blew a hole 6 stories deep in an attempt to topple the north tower; Mogadishu, Somalia, 18 American soldiers killed; the Khobar Towers in 1996, a barracks housing U.S. soldiers, 19 servicemen killed; U.S. embassies in Kenya and Tanzania in 1998, 245 killed; the USS Cole in October of 2000, 17 servicemen killed.

We are in a prolonged engagement with terror centered in a single terrorist organization. Let us stand with our intelligence committees as they rightly inquire into the institutional failures that have occurred.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIORERRORISM PREPAREDNESS AND RESPONSE ACT OF 2002

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 427 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. DAVIS of Florida). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. Slaughter) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 427 is a rule providing for the consideration of the conference report for H.R. 3448, the bioterrorism bill. The rule waives points of order against the conference report and against its consideration. It also provides that the conference report shall be considered as read.

The Committee on Rules approved this rule last night, and I urge my colleagues to support it so that we can proceed with an hour of debate and consideration of this bipartisan conference report.

Mr. Speaker, I want to take this opportunity to applaud the commendable work of my friends and colleagues on the Committee on Energy and Commerce for the work they have done to bring this final bill to the floor today. The gentleman from Michigan (Mr. Tausz), the committee chairman, and the gentleman from North Carolina (Mr. Burr), along with the gentleman from Georgia (Mr. Chambliss), who is the chairman of the Intelligence Subcommittee on Terrorism, Unusual Threats, and Homeland Security, all of whom played an instrumental role in securing the much-needed $600 million in authorization for the
Mr. Speaker, the CDC is a group of world class intellects in a Third World facility. It has no security. They have scientific and technical people in a facility that are covered by polyethylene so that leaking roofs do not destroy them.

As the American people recover from the discovery of anthrax in our mail system last year, we will continue to turn to the CDC for new ways to contain and eradicate these dangerous threats to the public health. This enhanced funding for the CDC to upgrade its facilities will be an important part of that process, and I look forward to President Bush, who visited the CDC with the gentleman from Georgia (Mr. CHAMBLISS), myself and other members of the Georgia congressional delegation last year, I look forward to him signing this measure into law.

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

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

Ms. SLAUGHTER asked and was given permission to revise and extend her remarks, and include extraneous material.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me the customary half hour.

I rise in support of the underlying conference report. The Bioterrorism and Response Act enjoys strong bipartisan support, having passed the House by a vote of 418 to 2. Moreover, this measure moved forward the consultations on both sides of the aisle, a practice all too rare in the current Congress.

Mr. Speaker, this bioterrorism measure represents the first comprehensive effort to shore up our Nation’s defenses against a terror attack. This includes critical provisions calling for the stockpiling of drugs and vaccines. It outlines initiatives to help prevent, detect, and treat terrorism-related health threats, including the possibility of a smallpox epidemic. Moreover, the legislation authorizes substantial new spending to help State and local health officials prepare for bioterrorism attacks. Grants would be made available to help hospitals prepare for the treatment of victims. Funding for research and prevention and treatment would also be increased.

Of utmost importance, the bill ensures that additional steps would be taken to protect the food supply, including new authority for the FDA to bar unsafe food from entering the country. Many of us have long felt that the increased imports of food from countries outside the scope of U.S. safety regulation posed a unique threat to our citizens, especially with the advent of bioterrorism. The measure begins to address this concern by providing needed enhancements to our food security program, including new inspections and deal with outbreaks of food-borne illnesses. New registration and record-keeping requirements would be imposed and safety improvements would be ordered at animal research labs.

Mr. Speaker, I would also like to highlight the provisions of the legislation designed to protect our most vulnerable citizens in the event of a terrorist attack: our children. I was proud to join my colleague from New York, Senator HILLARY CLINTON, in introducing the Protecting America’s Children Against Terrorism Act. The bill provided Federal resources and coordination to ensure that our children’s needs are met in the event of a terrorist attack. I wish to thank the chairmen of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUTZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL), for including the majority of these provisions in this comprehensive measure.

The events of September 11 have illustrated only too clearly for us the risks posed to our children by terrorism. Children aboard the two planes that crashed. Both the World Trade Center and the Pentagon housed day care centers. Nearby schools had to be evacuated, and an estimated 10,000 American children lost a parent as a result of these atrocities, many of them losing their sole or primary caregiver.

In recent months, new concerns have emerged. With the threat of bioterrorism and chemical warfare more prominent, we realized that the proper dosages of vaccines and antidotes for children is incomplete. Few health care providers are trained to recognize the early signs of smallpox or anthrax, which can mimic cold or flu symptoms. The National Pharmaceutical Stockpile Program is not necessarily equipped with the supplies necessary to administer drugs or other treatment to large numbers of children.

Other needs have become evident as well. Many schools lack effective evacuation plans or methods of moving children to an alternative safe location. Networks do not exist for informing parents of evacuations and the sites where their children may be found. Mental health services are not always available for children traumatized by catastrophic events.

The conference report includes our proposal to protect children against bioterrorism by examining the preparedness of our Nation’s health system for mass casualties of children and youth resulting from bioterrorism. It would establish an information network to collect and disseminate information for health providers on how to prepare for a biological terrorist attack and what steps to take to ensure children get the health care they need in the case of an attack. Moreover, the measure would ensure that the CDC can more effectively prepare for bioterrorism. The measure would ensure that the CDC can more effectively prepare for bioterrorism.

So as we began to have those discussions with agencies under our jurisdiction, we suddenly realized how necessary it was to put together a bioterrorism package. And here, Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for the excellent work he did in bringing to our committee ideas about how to make the CDC a much more functional and a much more effective agency for our next 2 years, which is one of the conference report’s most noteworthy proposals.
country, in not only just studying the prevention and treatment of diseases that are normal in our society, but now making sure we have the vaccines and the research going forward to protect us against the artificial insertion of biochemical and biological threats to our people, as we have now learned is possible. I want to thank him for bringing to our committee and to this bill the great ideas he had about beefing up the capacity of the CDC to do that for our country.

But as we began to hear from these agency heads, we began to learn that, indeed, we had a lot of vulnerabilities in our country; that we did not have enough vaccine, for example, to make sure if anthrax were introduced into our society to harm us we could vaccinate enough people in our country. So we set to work immediately to make sure our health department not only got the right amount of vaccine available for us, but that our health agencies were all prepared to make sure that other vaccines and other treatments were available to first responders in case we had such an evil attack on our people.

We learned, for example, that we had to overturn the better the laws that protected against people owning and transferring biological agents to one another so that we might find the owner or the possessor of an agent that enters our mail, for example, and begins to kill our people, whether it is a domestic threat or a foreign threat; that we had to make it illegal for someone to transfer the possession of some of these agents, if in fact they were legally in their possession, to make it criminally wrong for them to transfer it without authority, without a permit.

We learned, for example, that our first responders were woefully unprepared in the case of a biological or chemical threat to our country to deal with the kind of casualties we might expect if something like that happened. We learned that we needed, for example, to beef up the capacity of our ambulance services and our nurses and our hospitals to deal with those kinds of problems, if, God forbid, they should happen in our country. This bill, for example, will provide another $250 million to the hospitals of America, a special help in grants, to make sure they are prepared for those kinds of emergencies.

We learned also that our drinking water supplies needed to be better protected and safeguarded. We learned that, indeed, the incredible ability of someone to damage our country, who thinks as evilly as some of these people do, might find its way into threats against our water supplies. Just recently, I think last month, people were caught filming a water reservoir, I think in Connecticut. And we began to think, well, maybe people might want to threaten the safe drinking water of our citizens, if they have such evil minds.

I was reminded in all these meetings of that aircraft that took off from New York City, I think it was Egyptian Air; and instead of landing somewhere at its final destination, some pilot dove that plane into the ocean. I was reminded of when that happened and-reviewed this week by the American people. I thought how awful it was that if this pilot did indeed want to commit suicide, if that was really his purpose, why did he have to take all these innocent people along with him. It dawned on us, that the way good people see an incident like that. The way evil people saw that incident was, perhaps in a desert somewhere or a cave somewhere in Afghanistan, he could have taken out more people had he taken that plane into a building. That is the way evil people think, how much more destruction he could have rendered had he done something different instead of just crashing the plane into the ocean.

So through these meetings, through all this work we have done on the bioterrorism legislation, we have tried the awful exercise of thinking as evilly as we could. What would the most evil person try to do to us with biological threats, with chemical threats or the agents of destruction? What would the most evil person do to disrupt our health supply system or to disrupt our clean water system, to make sure we did not have enough clean drinking water perhaps in a waterway or cause deaths and injury? What would the most evil mind try to do if they learned how to fly a crop duster or a mosquito spraying plane and take that equipment somewhere and spread biological or chemical agents upon our people?

We went through that awful exercise of trying to think like the most evil person on Earth and then tried to write a bill to make sure the agents of our government, those who work at the FDA, the Food and Drug Administration, and the National Institutes of Health have enough vaccine, for example, to make it criminally wrong for them to take any of these agents and bring the best of those two packages to the President to sign. And I want to compliment Senator Ted Kennedy and the Senate team for working so well with our team on the House side. In the end, I think we present an excellent package for the consideration of both houses. And I want to compliment him as well as Senator Tom Daschle for his work, and I want to compliment Senator Ted Kennedy and the Senate team for working so well with our team on the House side. In the end, I think we present an excellent package for the consideration of both houses.

The importance of that program, that prescription drug user fee program, is critical in America, and it is about to expire. It expires in September. If we do not reauthorize it this year, immediately, we begin laying off people at the Food and Drug Administration. So we have included in this bill the reauthorization of the Prescription Drug User Fee Act which funds the work that goes forward to make sure that new prescription drugs...
are properly tested before the Food and Drug Administration authorizes any pharmaceutical company to allow a doctor to prescribe them to the citizens of this country.

And so we have brought you a good package that draws upon the resources of the best of the House and the Senate versions of bioterrorism and we have added to it the reauthorization of the Prescription Drug User Fee Act. This package again represents this Nation’s first effort to institutionalize a preparedness for bioterrorism at a day and at a time when all of us know now that there are people who would love to disrupt this society by attacking us with one of those forms. When you think about 9/11 again and the awful consequences of 9/11 and you sit in a cave now in Afghanistan and think about how much more damage you might do to this country than you did on 9/11, bioterrorism is one of those areas we have to be concerned about. This bill gives this country many more tools to work with to defend and protect our people. It adds a whole new arsenal of first responder capabilities to in fact respond if we do get hit again, and it gives us the reauthorization of the Prescription Drug User Fee Act, a critically important act for the continuation of prescription drug protections for our country.

I again want to thank the Committee on Rules for doing such an expeditious job last night late in bringing this rule to the floor so we can pass it before the Memorial Day recess.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. I thank the gentleman for yielding me this time.

Mr. Speaker, in the bioterrorism conference report, House leadership managed to put in a new provision that would allow Medicare HMOs more time to decide whether or not to continue offering health plans. This would allow HMOs to delay for 2 months telling senior citizens if they will continue to offer health insurance to them. This is not a bit of place? We are going to have a Medicare provision in legislation that helps the country prepare for a bioterrorism attack. This is what causes the American people to wonder what in the world do we do.

We have a bill on the floor dealing with bioterrorism and suddenly it is also a tour that deals with Medicare HMOs. Here is a Medicare provision in legislation that helps prepare the country for a bioterrorist attack. Strange, because the Medicare-Choice program is wholly unrelated to bioterrorism. This provision was not considered by a committee. This provision was not considered in the underlying bill in the House or the Senate. It was added to the conference report at the very last minute. This is just another example of how the leadership is able to write the circumstances, throw process and do the way business is done in this House. The only purpose, repeat, the only purpose of this provision is to help the insurance industry by giving HMOs more time to calculate revenue and estimate profits for next year. Every year, the Medicare-Choice program drops seniors to the tune of about a half a million seniors in the last year. Not only do some seniors lose their coverage, but HMOs in the program have increased premiums, hiked up copayments, decreased benefits, and eliminated coverage year after year. Now, under this provision, seniors will have even less time to review their options for getting the health care that they will need. Allowing Medicare HMOs a 2½-month delay is not good for seniors. It certainly should not be added to the bill. And most of all, Mr. Speaker, it should not be in a conference report for the Bioterrorism Preparedness Act. I call upon all Members to take note of exactly what happened in slipping this provision into a conference report on bioterrorism, and I call upon all Members to remember the senior citizens in our districts who are being thrown out of health care coverage by Medicare HMOs and an insurance industry which does give a darn about the senior citizens.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUSIN).

Mr. TAUSIN. I thank my friend for yielding me this time.

Mr. Speaker, I wanted to read into the RECORD some of the names of the incredible staff who helped finalize this important work for our country. They included our team leader of our health team, Pat Morrissey, Brent DelMonte, Amit Sachdev, Nandan Kenkeremath, Allan Slobodian, Tom DiLenge, Steve Tilton; and of the legislative counsel, Pete Goodlow. These are staffers who worked tirelessly day and night and, believe me, all night, weekends, to work on this bill. I just wanted to say on the record, thank you, team.

Ms. SLAUGHTER. Mr. Speaker, I yield no further requests for time, and I yield back the balance of my time.
Mr. TOWNS and Mr. WATT of North Carolina changed their vote from "yea" to "nay."

Mr. MALONEY of Connecticut and Mr. HOUGHTON changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. EHRULICH. Mr. Speaker, on rollcall No. 186 I was inadvertently detained. Had I been present, I would have voted "yea."

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The SPEAKER pro tempore. The Speaker pro tempore announced that the ayes appeared to have it.

The result of the vote was taken; and the ayes and noes were as follows:

[Roll No. 187]

The question was taken; and the ayes and noes were as follows:

The question on the Speaker pro tempore. The SPEAKER pro tempore (Mr. DAVIS of Florida). Pursuant to clause 8, rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

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

The Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I demand a record vote.

Mr. Speaker. 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 361, noes 57, not voting, as follows:

[AYES—361]

Mr. TOWNS and Mr. WATT of North Carolina changed their vote from "nay" to "yea."

Mr. MALONEY of Connecticut and Mr. HOUGHTON changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. EHRULICH. Mr. Speaker, on rollcall No. 186 I was inadvertently detained. Had I been present, I would have voted "yea."

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The Speaker pro tempore announced that the ayes appeared to have it.

The question was taken; and the ayes and noes were as follows:

The question on the Speaker pro tempore. The Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I demand a record vote.

Mr. Speaker. 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 361, noes 57, not voting, as follows:

[Roll No. 187]
order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to move to recommit the bill as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report and may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment made in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion to recommit with or without instructions.

The SPEAKER pro tempero (Mr. FOSSELLA). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customarily minor minority to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a structured rule providing for consideration of the bill, H.R. 3129, the Customs Border Security Act of 2001. The rule waives all points of order against consideration of the bill, and provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means. Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, House Resolution 426 is an appropriate and fair rule, and it is consistent with previous rules that our committee has reported and the House has adopted on bills from the Committee on Ways and Means.

This rule gives the chairman of the committee 10 minutes to debate his manager’s amendment, while it provides 60 minutes for the minority substitute, plus the chance to offer a motion to recommit.

Mr. Speaker, the Customs Border Security Act of 2001 would authorize the budget for the U.S. Customs Service, the International Trade Commission, the Community Board of the U.S. Trade Representative. It also includes a number of critical new tools for fighting terrorism, drugs, and child pornography.

H.R. 3129 will help the Customs Service close the loophole that allows illegal money to be taken out of the country. This legislation will also significantly help the Customs Service’s ability to stop the flow of illegal drugs from crossing our borders and getting into our children’s hands.

This legislation also addresses an issue that is very important to North Carolina, and near and dear to my heart. In the last year, 60,000 textile workers have lost their jobs, 20,000 of them in North Carolina, and a large majority of them to countries that either don’t enforce the law or don’t have the resources to enforce the law. This legislation is critical in its ability to help industry that has done its best through technology modernization to compete, but they have not had a level and fair playing field in our international market.

This bill will help fight that problem, and it will fight illegal textile transshipments. Transshipments are illegal because some countries ship their goods through another country illegally to avoid the quotas, and they also give a false declaration, which allows them to circumvent the law. Ninety percent of all illegal transshipments originate out of China, so without extra agents to enforce these laws, they get away with it.

H.R. 3129 provides the Customs Service with $9.5 million for transshipment enforcement operations. These funds must be used to hire 72 new employees who will be stationed both here, at home, and abroad to enforce our textile trade agreements. These agents are hurting, and they are hurting bad, so I am pleased that the government is beginning to take action.

H.R. 3129 also directs the Comptroller General to conduct an audit of the system established and carried out by the Customs Service to monitor textile transshipment. I look forward to their report, and will be interested in their recommendation for improvements to the transshipment monitoring system.

So to that end, I urge my colleagues to support this rule and to support the commonsense underlying legislation.

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

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

Mr. Speaker, as my good friend, the gentlewoman from North Carolina (Mrs. MYRICK) noted, H.R. 3129, the Customs Border Security Act of 2001, authorizes the budget for the U.S. Customs Service, the United States Trade Representative, and the International Trade Commission. These three agencies are vital parts of our government, as they police our borders and promote the export of U.S. manufacturers.

The rule we are considering today allows for a Democratic substitute, as well as a motion to recommit. I commend the majority for the construction of this fair rule, and I urge the majority to give careful consideration to similarly fair rules in the future.

The underlying bill was originally considered by this Chamber in December of 2001 under suspension of the rules, and I failed to gain the two-thirds majority needed for passage. H.R. 3129 failed because many of us on both sides of the aisle had grave concerns about the damage this legislation does to our civil liberties, our right to privacy, and bonus pay for Customs Service agents.

For example, under section 141 of this legislation, customs officers are granted immunity from lawsuits stemming from personal searches of people entering the country, so long as the officer had a reasonable suspicion to search. Additionally, under section 583 of this legislation, customs officers are granted the right to stop and search at the border without a search warrant any outbound mail being transported by the United States Postal Service.

Last night in the Committee on Rules, the chairman of the Committee on Ways and Means, my good friend, the gentleman from California (Mr. THOMAS), made the claim that the major sticking point in the bill last December was the section concerning bonus pay.

Frankly, I am a bit troubled by the chairman’s remarks. True, many of us were concerned about the bonus pay provision in the initial bill. However, it was not the gravest concern that some of us had, nor was it the only concern that we expressed. Instead, as I said in this Chamber last December, H.R. 3129 as written imperils some of our civil liberties and some of our right to privacy.

The Rangel substitute offers a more balanced and fair compromise, and I urge my colleagues to carefully consider it. It addresses all of the concerns of our fellow legislators. The Rangel amendment, like the Thomas amendment, includes a provision providing bonus pay to customs agents. It includes a provision stating that the United States government consents to be sued and be held liable for civil damages sustained by a customs officer. Additionally, it imposes a provision stating that the United States government will not be liable for civil damages sustained by a customs officer.

In my opinion, the Rangel substitute also contains a provision that raises the standard for searches of outbound mail to one of probable cause, as opposed to the lesser standard of “reasonable cause.”

Mr. Speaker, make no mistake, my concerns for civil liberties and our right to privacy do not blind me to the dangers of terrorism. My district in south Florida is surrounded by 3 major ports and 3 international airports. Just this past week, it was reported by the Coast Guard that 25 Islamic extremists
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had sunk into this country by way of ports in Miami, Fort Lauderdale, Savannah, and elsewhere. These individuals allegedly hid themselves in cargo containers, and then walked away from the ports dressed as stevedores.

This body must provide our customs agents with the tools they need to defend our borders and wage a protracted war on terrorism. We should not, however, give these same agents an incentive to violate our privacy and our civil liberties, particularly when doing so will provide us absolutely no extra security. If we allow our fears to goad us into abandoning the Constitution, then we will provide us absolutely no extra security, particularly when doing so will merely give these same agents an incentive to abuse their powers.

I urge my colleagues to support the rule. I further urge them to support the Rangel substitute, and oppose the underlying bill if the substitute is not adopted.

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

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

Mr. Speaker, I support the gentleman from Florida for bringing up the fact that there were those 25 extremists who came in through the ports in shipping containers. It just drives home the point of order that a quorum is not present.

The previous question was ordered. The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

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

Mrs. MYRICK. 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 386, nays 32, not voting 16, as follows:

Ms. LEE, and Messrs. FORD, WATT of North Carolina and MEEHAN, Mrs. JONES of Ohio and Ms. JACKSON-LEE of Texas changed their vote from "yea" to "nay." Mr. GILLMOR and Mr. TOWNS changed their vote from "nay" to "yea.

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

Stated against: Ms. SOLIS. Mr. Speaker, during rollcall vote No. 188 on H. Res. 426, rule providing consideration of H. R. 3129, I was unavoidably delayed. Had I been present, I would have voted "no."
Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the legislation.

Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, it is my privilege to bring before the House the conference report to accompany H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. This bill will in short order help ensure America's health security, and I urge my colleagues to join me in sending it to the President's desk.

I want to thank the gentleman from Michigan (Mr. DINGELL), first of all, the ranking minority member of our committee, together, with other members of our committee, put this bill together and secured over 400 votes on this House floor last December for its passage. Now we bring my colleagues back the conference report, bringing together the best of the Senate by Senator Ted KENNEDY and Senator BILL FRIST, and I want to thank them on the Senate side for their work.

Over 25 Members worked on this conference between the House and Senate, and I want to also thank the Committee on Agriculture and Committee on the Judiciary members, the administration, and the many interested parties who have helped us draft this conference report.

Mr. Speaker, it is crucial that America's public health emergency system be prepared to respond to the new and emerging threats, and we are here to take care of that job today. The conference report makes broad and dramatic investments in our public health infrastructure to help secure our country and provide safety for the American people.

Let me emphasize a few areas. First of all, communications. The conference report will improve communications between all levels of government, public health officials, first responders, health care providers and facilities during emergencies. It authorizes grants in fiscal year 2002 and beyond in grant programs to local governments, public and private health care facilities to improve planning, preparedness, enhance laboratory capacity, educate and train health care personnel.

It will make the Department of Health and Human Services, give it a new focus so they can improve coordination and accountability through a new Assistant Secretary for Emergency Preparedness. We will also ensure that sufficient drugs, vaccines and other supplies are available for our security.

It enhances those controls on deadly biological agents, agents to help prevent bioterrorism to establish a database of dangerous pathogens. It imposes new registration requirements on the most dangerous of those agents and toxins and mandates tough new safety and security requirements to ensure that only legitimate scientists working on appropriate laboratory facilities can gain access to the most potential weapons of mass destruction.

The conference report also helps to protect the safety of America's food supply. We are substantially increasing the resources of the FDA so they can hire inspectors and develop new methods to detect contaminated foods. In addition, we are providing the Secretary with the additional regulatory authority he has requested so that FDA can detain foods where there is credible evidence that it is contaminated or poses a threat to human beings.

H.R. 3448 will also ensure that drinking water systems across the country assess their vulnerability to terrorist attacks, where they plan to prepare for and respond to such attacks. Americans deserve to know that we are taking concerted efforts and action today to protect the safe drinking water of our country.

Finally, Mr. Speaker, I am pleased to report that this bill contains a reauthorization of the Prescription Drug User Fee Act, a critical act that provides the money to test prescription drugs before they are authorized by the FDA for sale.

Mr. Speaker, I urge my colleagues to support the conference report. This is a critical, must-do piece of legislation to help this country face the new threats we face, and I urge the adoption of this conference report.

On December 20, 2001, Environment and Hazardous Materials Subcommittee Chairman PAUL E. GILLMOR provided a detailed explanation of Title IV for the RECORD as passed by the House. I want to expand upon those remarks and provide a more complete; all information and all information derived from these submissions is exempt from disclosure. Moreover Title IV does not create “FOIA events” at the state and local level since it provides that the requirement to submit a vulnerability assessment to EPA does not create any State and local law to submit a copy of the assessment to any other governmental authority. And while it permits U.S. officials to “discuss the contents” of the vulnerability assessments with appropriate state and local officials, the subcommittee authorized U.S. officials to provide copies of these assessments to anyone, except as specifically provided in the bill.

Third, EPA is required to handle all submitted information under strict security arrangements and protocols. These protocols are to ensure that no one, other than specifically authorized personnel, have access to any part of the submission or to information derived from the submission. The only allowed exceptions to this restriction are for specified actions under identified sections of the Safe Drinking Water Act. Knowingly or recklessly allowing these restrictions is subject to criminal prosecution and fines.

Fourth, it is important to note that the conference agreement on Title IV did not establish any new regulatory role or transfer any new regulatory power to EPA. No new authorizations were transferred beyond the passive receipt of vulnerability assessments under Section 1433. As noted in the previous statement by Subcommittee Chairman GILLMOR, EPA has no power to promulgate regulations or guidance to define what is an acceptable vulnerability assessment; there is only a one-time duty to provide information to community water systems by August 1, 2002. In addition, Section 1433 only defines a vulnerability assessment to the extent that it includes a review of certain specified items, most of which are based on the definition of a public water system under Section 1401 of the SDWA. Thus, no community water system is required to use any particular vulnerability assessment tool, to conduct any specific type of analysis, to determine the consequences of any vulnerabilities, or to analyze the use of any specific chemicals or characterize the risk of any offsite impacts.

In addition, Section 303 of the conference Substitute authorizes the Secretary to detain a shipment of food where the FDA has credible evidence or information indicating that such food “presents a threat of serious adverse health consequences or death to humans or animals.” This section does not grant FDA authority to detain whole categories or types of foods, rather it applies to specific shipments or foods, rather it applies to specific shipments or foods, rather it applies to specific shipments or foods, rather it applies to specific shipments or foods. In this context, contamination is intentional. Since vulnerability assessments contain highly sensitive information, the conference report avoided any requirement or option for electronic submissions and there is no authority for EPA to put such information into its data systems or to create public access of any kind. In addition, the submission requirement applies only to copies of the assessment itself and does not include any supporting documentation, work papers or other supporting material. Section 7.3 of the Code of Federal Regulations, relating to the situation in which there is a reasonable probability that the use of, or exposure to, a violative product will cause serious adverse health consequences or death.

Furthermore, Section 307 of the Conference Substitute authorizes the Secretary to develop a regulation for prior notice of food imports. In developing such a regulation, the Secretary of
Health and Human Services should coordinate and consult with the Secretary of Treasury regarding the notifications already required by the U.S. Customs Service with the goal of eliminating, reducing or consolidating duplicative or unnecessary notice requirements and minimizing potential trade impacts of the prior notice requirements in this section. Finally, Section 305 of the Conference Substitute does not impose a registration fee.

In addition to my earlier remarks on Title II, I want to clarify two other provisions contained in this important title. First, in both the HHS and USDA regulatory program sections, the conference substitute creates a new notification requirement whenever “a release, meeting criteria establish by the Secretary, has occurred outside of the biocounterpart area” of a registered person’s facility. As is clear from the statutory text—“a release has occurred”—this provision covers actual releases, not threatened or possible releases. Second, the phrase “meeting criteria established by the Secretary” is meant to make clear that we are leaving it up to the two Secretaries to determine, on a case-by-case basis, what type or nature of releases to be covered by this provision as it applies to each regulatory regime. We expressly do not intend to incorporate the definitions and interpretations of the term “release” as it is used in a Comprehensive Environmental Response, Compensation, and Liability Act.

Finally, we create a (b)(3) statute exempting certain categories of information relating to select agents from the Freedom of Information Act (FOIA). Specifically, we bar disclosure under FOIA of registration and transfer documents, including information derived therefrom that could identify a registered person, or the agents being stored by a registered person; security-related information; and compilations of registration and transfer information. We also protect site-specific information on inspection reports, provided that the agency determines public disclosure would endanger public health and safety. By adding this additional requirement for inspection documents, we are striving to ensure a fair balance between public accountability and security. When a registered person is publicly known to be working with biological agents, public disclosure of an inspection report is less likely to endanger public health or safety (provided that security-specific information is redacted), and may improve it by ensuring public accountability. But when the activities of a registered person are not publicly known, revealing the identity and location of a registered person would more likely endanger public health or safety. The agencies will need to consider such matters on a case-by-case basis.

Mr. Speaker, I reserve the balance of my 8 minutes.

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

Mr. DINGELL asked and was given permission to revise and extend this remark.

Mr. DINGELL. Mr. Speaker, I want to rise first to commend my good friend and colleague, the gentleman from Louisiana (Mr. Tauzin), for the distinguished work he has done not only on producing a good bill but on producing a bipartisan bill.

This is a good piece of legislation. Many have worked on it and I can recommend it to the House without reservation. We bring them an excellent legislation to the floor, a matter of great national importance. This is going to improve our preparedness against terrorism. All of us know why the legislation is needed, and now.

The bill, which is supported by the gentleman from Louisiana (Mr. Tauzin) and I and a number of our colleagues, passed the House originally by 412 to 2. The Senate bill, an excellent piece of legislation, sponsored by Senators Kennedy and Feingold, passed by unanimous consent, as it is, as I mentioned, an excellent bill.

The conference report we have now before us is a superb product, thanks to the leadership of the gentleman from Louisiana (Mr. Tauzin) and the chairman, and the gentleman from Michigan (Mr. Dingell), the ranking member, in bringing this important legislation to the floor. It is something that we must pass, we must get into law immediately, and I am delighted that we are doing so in a bipartisan way.

I would like to see different in this bill, as I presume most Members would, but we simply do not have that luxury. We have to find a way to protect the American people from bioterrorism, and it is hoped that this bill will become law immediately.

The gentleman from Louisiana (Mr. Tauzin) and the gentleman from Michigan (Mr. Dingell) and too many others to mention have actually found that way, and I am delighted that we are doing so in a bipartisan way.

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

There was no objection.

Mr. Tauzin. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. Norwood), a distinguished member of our committee.

Mr. NORWOOD. Mr. Speaker, I just want to point out that this bill represents a mammoth undertaking by the Committee on Energy and Commerce, and I would like to compliment the hard work done by the gentleman from Louisiana (Mr. Tauzin), the chairman, and the gentleman from Michigan (Mr. Dingell), the ranking member, in bringing this important legislation to the floor. It is something that we must pass, we must get into law immediately, and I am delighted that we are doing so in a bipartisan way.

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The gentleman from Louisiana (Mr. Tauzin) and the gentleman from Michigan (Mr. Dingell) and too many others to mention have actually found that way, and I am delighted that we are doing so in a bipartisan way.

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

There was no objection.

Mr. Tauzin. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Michigan (Mr. Dingell) who represents a mammoth undertaking by the Committee on Energy and Commerce, and I would like to compliment the hard work done by the gentleman from Louisiana (Mr. Tauzin), the chairman, and the gentleman from Michigan (Mr. Dingell), the ranking member, in bringing this important legislation to the floor. It is something that we must pass, we must get into law immediately, and I am delighted that we are doing so in a bipartisan way.

I would like to see different in this bill, as I presume most Members would, but we simply do not have that luxury. We have to find a way to protect the American people from bioterrorism, and it is hoped that this bill will become law immediately.

The gentleman from Louisiana (Mr. Tauzin) and the gentleman from Michigan (Mr. Dingell) and too many others to mention have actually found that way, and I am delighted that we are doing so in a bipartisan way.

I compliment the chairman for getting this in his bill. This bill will provide additional support for the Centers for Disease Control and Prevention, and I want to thank the gentleman from Georgia (Mr. Chamblee), my good, dear friend, for his work in that area, as well as the public and private health care systems throughout America’s local communities.

It will improve communication among all levels of government, which is where we clearly have the greatest problem at present. It will provide a stockpile of sufficient drugs, vaccines and other supplies that we found we were short of when forced to abandon our offices to anthrax last year. It encourages us to improve waterworks and vaccines to combat bioterrorism, and it increases the security at our borders and for our food and drug supplies and waterworks.

I compliment the chairman for getting the Prescription Drug User Fee Act—reauthorized through 2007 as an important precursor to solving the long-term challenges of the prescription drug cost.

Mr. Speaker, we can make improvements later. We have passed action yesterday. I urge the passage of this bill today.

Mr. BROWN of Ohio. Mr. Speaker, I yield myself 4 minutes.

American lives depend on the strength and the reach and the coherence of our public health system. For far too long, we have neglected our public health infrastructure, the men and women on the front lines, and the resources they need to do their job.

Mr. Speaker, I reserve the balance of my 8 minutes.
Mr. Speaker, I want to briefly mention one disappointment in this process. Last year, we passed legislation giving the drug industry a patent extension if they conduct tests to make sure their drugs are safe in children. Some of us question why the Federal Trade Commission can compel companies to test medicines in order to get them to do tests that should be mandatory. We know many new drugs are prescribed for kids now. We know doctors are forced to fly blind, making decisions about the right medicines for kids without the benefit of clinical testing.

We were told the patent extension incentive was important to get drug companies to conduct tests on drugs already on the market, but that the bill did not supplant FDA’s authority to require the testing for new drugs. Well, it appears the drug industry and my Republican colleagues, who on this issue apparently are doing its bidding, have changed their mind. The administration has capitulated on whether to maintain the regulations that affirm the testing requirement.

My colleague, the gentleman from California (Mr. WAXMAN) has introduced legislation to codify that requirement, to ensure that children receive the proper drugs in the proper dosage. If we could depend on the drug industry to make sure their drugs are safe, the drug industry would not be fighting regulations that require them to do so.

Other than those small number of critics, Mr. Speaker, this is good legislation.

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

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. BILIRAKIS), the chairman of the Subcommittee on Health of the Committee on Energy and Commerce.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of the conference report.

This important legislation strengthens our ability as a country to detect and respond to bioterrorist threats or attacks. Just this week, the Vice President stated that another terrorist assault is almost certain. Therefore, Mr. Speaker, it is crucial that we quickly pass this legislation and send it to the President for his signature.

The legislation is a strong and comprehensive measure that enhances the security of our Nation. First, we strengthen our public health systems by increasing State and local preparedness to detect and respond to an attack. Second, this bill enhances security measures in relation to the handling, transport and storage of dangerous substances. Third, we strengthen our Nation’s food security systems. And, fourth, we improve the safety and security of our drinking water systems.

Mr. Speaker, this is a comprehensive approach and a meaningful step to improve our Nation’s security systems.

The conference report includes provisions to reauthorize the Prescription Drug User Fee Act. This is critically important, because without this program the Food and Drug Administration would have lost millions of dollars and numerous personnel which are used to test new medications and approve new medicines. I am very pleased we worked in a truly bipartisan, bicameral manner to reauthorize this program.

Unfortunately, we were not able to reach resolution on medical device development. But I am committed, Mr. Speaker, I like to think we all are, to working to update device laws this year.

I want to take a moment to thank the staff who worked so hard to complete this legislation, particularly to single out Pete Goodloe, the House’s Legislative Counsel. We would not have been able to complete this legislation in a timely fashion without his expert services.

Unfortunately, there are so many other staff that have worked so hard, I am unable to name each of them here today. But please know that our country will be better prepared in the future because of your hard work.

Mr. Speaker, this measure supported by all the conference members and I urge my colleagues to support this conference report.

Mr. BROWN of Ohio. Mr. Speaker, I yield such time as he may consume to my friend, the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, this is a strong measure supported by all the conference members, and I urge my colleagues to support this conference report.

Mr. Speaker, I rise today in support of H.R. 3448.

Mr. Speaker, I rise today in support of H.R. 3448, the Bioterrorism Preparedness Act conference report. I appreciate the work that Chairman Tauzin and Ranking Member Dingell have put into this bill, and I want to thank them very much for the respectful and helpful way they have dealt with concerns raised by the agricultural community.

However, I do need to express my concerns about the thoroughness of the process in regard to many provisions under the jurisdiction of the House Agriculture Committee. I would have been much more comfortable with a more deliberative process, including a hearing record and outside input.

The conference report includes significant changes in the following areas: the regulation of biological research facilities; changes in the agricultural community.

Many of the provisions of this conference report appear to be needed, and are very logical in light of our Nation’s current security concerns. For example, language in this agreement to coordinate and enhance our control of dangerous biological agents and toxins is certainly timely and important. In addition, this conference agreement contains needed authorizations to upgrade and secure facilities at research laboratories, both for human and animal disease research.

Given the importance of these issues, along with the willingness of the other conference
members to make a few important changes to the bill. I am going to support the conference agreement. Still, I feel I must reiterate that it would have been better if many of the provisions in this agreement, the majority of which are not emergency in nature, had gone through a more thorough and regular legislative process.

Given the reality of the choices before us today, and the importance of some of the provisions in this legislation, I urge Members to support passage of the conference report.

Mr. Speaker, my colleagues. I yield 2 minutes to the gentlewoman from California (Ms. HARMAN), a member of the committee.

Ms. HARMAN. Mr. Speaker, I thank the gentleman for yielding me this time; and I hope that he will add my staffer, Carolyn Cobberly, to the list of brilliant staffers who have added to this legislation.

Mr. Speaker, serving on the Committee on Energy and Commerce is a high honor. The chance to work on impressive bipartisan legislation like this is why I came to Congress.

The possibility of another bioterrorist attack is real and our Nation must be prepared to respond. Our top priority must be to develop a national strategy to identify, locate, and restrain biological agents, and we have yet to discover and prosecute the individuals responsible for these acts. We also lack the information to protect the American public from future attacks. I know that al Qaeda and rogue states like Iraq have attempted to acquire biological agents, and we have yet to discover and prosecute the individuals responsible for these attacks.

Our government’s response to the bioterrorist attacks of October and November was deeply flawed. We have talented people, but we have been lacking the resources and coordination to make our response effective. We must act now to improve our terrorism response before another tragedy occurs.

This legislation moves us in the right direction by increasing resources for communication and organizations to coordinate the roles that our public health agencies, military, and FBI will play in bioterrorism response. It also directs substantial investments to the State and local governments that need it most. All terrorism is local, and our response must be local. This bill provides resources where they are needed most.

I am particularly glad that this bill includes funds to speed up the renovation of our ports, support the food and drug supply in the United States. I believe that with subsequent regulations from HHS, we found a balance between information requirements and information activities. None of us want to make it a burden to import food and bulk drugs. But after 9-11, I realized we need to have a better handle on the items that cross our borders and where they are.

In this legislation, Mr. Speaker, we also reauthorize the Prescription Drug User Fee Act. The last time we reauthorized this act was when we passed the food, drug modernization act in 1997. This time, PDUFA is reauthorized with increased emphasis on post-marketing surveillance and generic drug review. The FDA and patients across the United States will benefit greatly from this legislation and that reauthorization.

Finally, let me once again extend my thanks to the many personal and committee staffs on both sides of the Hill who put really invaluable time into working out the differences on this. Like many others, it is not perfect; but it is pretty darn good. It is this legislation that will go a long way in restoring the viability of our Nation’s public health infrastructure at a time when it is vitally needed.

Mr. Speaker, today I urge my colleagues to support this conference report, support the good work of the House and the Senate, and let us move forward with rebuilding things that we know now we need to rebuild.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MARKET).

Mr. MARKET. Mr. Speaker, the litany of saints has been mentioned of staffs who have worked on this bill. I
would like to add just two more: one is Jeff Duncan, who is my legislative staff director; the other is Kristen Kulowski, who is in the gallery right now with her mother and father and husband, who worked on the provision that will provide for the Federal Government to give to the States or to local communities who request it the potassium iodide which would serve as the antidote to thyroid cancer which is the very real and greatest danger in the event of a successful attack of a bioterrorist group at a nuclear power plant or an unwanted accident at a power plant.

And so this is a huge step forward, which I believe by going to really increase public health and safety. I want to thank the majority for their great assistance on this and thank all the people in the minority as well for their great help.

Mr. Speaker, I rise to commend the conferees for their hard work on this important bill. H.R. 3448 includes a provision of mine that will take an important step toward protecting public health in the event of an act of terrorism at our nuclear power plants. I thank Mr. Tauzin for working with me in the House Energy and Commerce Committee to include a provision on stockpiling potassium iodide to protect public health in the event of a successful terrorist attack against a nuclear power plant. Potassium iodide is a safe and effective drug that protects the thyroid gland by saturating it with a safe form of iodine so that it cannot absorb the radioactive iodine produced during the plant’s normal operation.

My provision, which was adopted in committee, was passed by the House at the insistence of my colleagues on the other side for bipartisan support, will provide greater protection of public health than existing programs. The Nuclear Regulatory Commission has a voluntary program that provides States with free potassium iodide for people within 10 miles. However, a State must submit a formal request to the NRC to get the free pills, and some States have refused to do so. My provision allows States or local governments to request potassium iodide for people within 20 miles from a nuclear power plant, thus expanding the radius of protection beyond the 10-mile emergency planning zone, and would have allowed local governments to request this important protection even if the State had refused to accept the NRC’s offer.

The bioterrorism bill that was passed by the Senate had no potassium iodide provision, so we worked together in conference committee to produce the amended provision under consideration today in title 1, section 127. This amended provision directs the President to provide States and local governments, and provides a mechanism for local governments to request the pills where the State has not done so. The local government is eligible to request potassium iodide from the President only if the State government does not have a plan for stockpiling or has a plan that does not go beyond 10 miles. The local government must first petition the State to modify the State’s plan to include the population requested by the local government. If the State does not modify its plan, the local government must submit a stockpiling or distribution plan to the State and the State must certify that the local government’s plan is not inconsistent with the State’s emergency plans. In addition, the conferees agreed to commission a study by the National Academies on the most effective and safe way to distribute and administer potassium iodide on a mass scale. I wish to make clear that this study will not consider the overall safety and efficacy of potassium iodide, nor will it address the risks of radiation-induced thyroid cancer in children so far outweigh the negligible risk of side effects, that it is better for a child to take a full adult dose than to take no potassium iodide at all. Thus, the study will only address how best to incorporate potassium iodide into a comprehensive emergency plan that may include evacuation and sheltering.

One thing I would like the National Academies study to consider is whether a 20-mile radius goes far enough to protect people in the event of a core melt-through plus breach of containment. The Nuclear Regulatory Commission’s own documents show a significant risk to the thyroid as far away as 200 miles from the plant in such a scenario, yet the official antidote guidelines to 10 miles. The NRC disputes this documentation yet has failed to produce for me any new studies that justify the 10-mile zone. The Chernobyl accident resulted in increased thyroid cancers hundreds of miles from the plant. I would strongly recommend the National Academies study whether 20 miles is sufficient.

While this provision doesn’t go as far as I would like, it is an important first step in expanding the radius of protection from nuclear terrorism beyond the 10-mile emergency planning zone, and would have allowed local governments to request this important protection even if the State had refused to accept the NRC’s offer.

This conference report substantially improves our country’s ability to plan and prepare for such an emergency. It increases the ability of the Federal Government and communities to plan for any future biological emergencies. This includes improving communication among the public health, law enforcement, homeland security, and emergency management agencies; improving the speed and ease of access to emergency medical information; improving public health preparedness, food safety protection, and response capacity for addressing not only from bioterrorist attacks but also from naturally occurring public health emergencies.

Mr. Speaker, I rise in support of the committee on the bioterrorism preparedness bill. This bill is a good example of what we can accomplish when we work together. The bill we produced under the leadership of Chairman Tauzin and Ranking Member Dingell will strengthen our public health infrastructure and make a much-needed increase in resources for food and water safety and security.

I am very pleased that one of my bills, the Community AED Act, was included in this legislation. I introduced this bill earlier this year with my colleague, the gentleman from Illinois (Mr. Shimkus). It will help local communities place automatic external defibrillators in public places. Quick access to AEDs can mean the difference between life and death for victims of sudden cardiac arrest. Making sure AEDs are readily available will improve our ability to cope with public health emergencies.

I am also pleased that this bill sets aside funds to train health care workers to identify and treat symptoms of bioterrorism. And it provides the Secretary of Health and Human Services...
THUNE) from the Committee on Agriculture. The passage of the Nurse Reinvestment Act passed here last year. The bill authorizes more than $1.5 billion in grants to improve bioterror planning and preparedness and to develop new drugs, therapies, and vaccines. The bill also provides new regulatory powers to FDA to safeguard our food supply. These new resources and authorities will substantially improve the safety of America’s food supply.

Finally, I want to thank Chairman Tauzin and Chairman Bilirakis for bringing this bill to the floor. I also want to thank the gentleman from California (Mr. WAXMAN). The language in title IV is a tremendous improvement over the House-passed bill. I would also like to thank the conferees and the staff on the Democratic side, Dick Fransen, also Greg Dotson with the gentleman from California’s office, and Heather Zichal with my office. This is a good bill. I urge its passage.

Mr. BUYER. Mr. Speaker, I would like to thank Chairman Tauzin and Ranking Member Dingell for their diligence and hard work on the conference report. Also after September 11 as we were coming together to put together a bioterrorism bill, Chairman Tauzin gave me an assignment. Given my expertise with regard to the Department of Defense military health delivery system and the VA, it was to actually draft a medical education provision that is an offshoot of the activities of the VA because of the VA’s nexus as teaching hospitals. We are not going to establish new community standards of medical practice, that is what is extremely important here, but there are two primary responders, our doctors, are able to identify and treat these new threats in the future. That is what this bill does.
I want to thank the chairman and the gentleman from Michigan for their hard work at the conference, along with the gentleman from Ohio (Mr. BROWN). I appreciate their work.

Mr. BROWN of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. WAXMAN), whose two staff people, Karen Nelson and Tim Westmoreland, did particularly outstanding work. He was on the conference committee with the gentleman from New Jersey (Mr. PALLONE).

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding me time. I want to congratulate the leadership of our committee on both the Republican and the Democratic side and all the staff who worked on this legislation and urge support for the conference report. It includes many valuable provisions that deserve our support. In particular, it provides significant funding to the Centers for Disease Control and Prevention and to State and local public health systems and hospitals to improve their ability to respond to bioterrorist attacks and other public health emergencies.

The report also includes important new food safety authority to the Food and Drug Administration, authority that will be essential in the event of a bioterrorist attack.

I am also pleased that we were able to make significant improvements to title IV of this legislation to help protect the Nation’s drinking water from terrorist attack. Under these provisions, community water systems will prepare vulnerability assessments and provide these assessments to EPA. EPA will then be able to use the assessments to address the threat of terrorism and for any other lawful purpose. These provisions are a step forward, and I am glad they have been included in this legislation.

This conference report includes many valuable provisions that deserve our support. In particular, it provides significant funding to the Centers for Disease Control and Prevention and to State and local public health systems and hospitals to improve their ability to respond to bioterrorist attacks and other public health emergencies.

The report also includes important new food safety authority to the Food and Drug Administration—authority which will be essential in the event of a bioterrorist attack. The report authorizes the FDA to: Require food companies to keep records that will assist the FDA to trace contaminated food; and inspect inspections when it is a reason to believe that they are holding food that presents a serious risk to health.

We were also able to make significant improvements to title IV of this legislation to help protect the nation’s drinking water from terrorist attack. Under these provisions, community water systems will prepare vulnerability assessments, and provide those assessments to EPA.

EPA will then be able to use the assessments for a number of critical purposes: To ensure that vulnerabilities are being adequately assessed; to ensure that federal grants are awarded appropriately; to conduct thorough inspections under the Safe Drinking Water Act; to address significant vulnerabilities at drinking water systems, and to share with law enforcement and intelligence agencies; and for any other lawful purpose.

I would also note that the report contains reauthorization of the Prescription Drug User Fee Act, which has included provisions that will allow the FDA to use user fee money to watch over the safety of drugs after they are marketed. This is of great importance, particularly at a time when questions have been raised about whether faster drug approvals have undercut drug safety.

These provisions are a step forward, and I am glad they have been included in this legislation.

Mr. TAUSIN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Ohio (Mr. PALLONE), the distinguished chairman of the Subcommittee on Environment and Hazardous Materials of the Committee on Energy and Commerce.

Mr. GILLMOR. Mr. Speaker, I want to congratulate Mr. TAUSIN, Ranking Member Dingell, and the others who have worked so hard to produce a conference committee report that certainly I am in very strong support of.

In particular, I want to highlight the need to submit vulnerability protection provisions contained in title IV. Just yesterday, newspapers were running front page stories about New York City worrying about the vulnerability of their water system. As chairman of the Subcommittee on Environment and Hazardous Materials, I am pleased that our committee is tackling that issue, which is a serious concern not only of some of our biggest systems but some of our medium and small-sized systems as well.

I believe the original House language on title IV was preferable to the provisions in the conference report, but I am glad we were able to retain the core features of the House bill. Specifically, we require drinking water systems to do vulnerability assessments and to compile emergency response plans. In addition, we provide money for mandates and establish emergency funds.

I strongly support the bill. As chairman of the Committee on Environment and Hazardous Materials Subcommittee of the House Energy and Commerce Committee, which has jurisdiction over the Safe Drinking Water Act, I am taking this opportunity to elaborate on and clarify the provisions of the conference report on title IV of H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002. I want to provide a more detailed explanation of Title IV for the RECORD.

Title IV of the Public Health Security and Bioterrorism Preparedness Response Act of 2002 requires the commissioner of EPA to monitor over 3,300 individuals to conduct vulnerability assessments and to prepare or revise emergency response plans which incorporate the results of the vulnerability assessment. The legislation, however, also recognizes that many community water systems have conducted or will be in the process of conducting vulnerability assessments at the time of enactment. Title IV is thus explicitly drafted not to create a regulatory program that would slow down or impede efforts to require systems that have completed vulnerability assessments to undertake another such assessment. The title only requires that systems certify that an assessment has been completed by a specific date, so that the assessment was initiated and/or completed before or after the date of enactment. Moreover, the title only requires that systems submit a written copy of the assessment to the Administrator of EPA.

Thus, the title does not require that any preparatory or supplementary material or analysis be provided to the Agency. By only requiring submission of a written copy, Title IV recognizes that vulnerability assessments can contain highly sensitive information which would pose a danger if disclosed. The conference agreement on Title IV does not include any reporting requirement for the submission of these assessments in electronic form. This recognizes that information protocols required under Title IV will tightly control access to the assessments and that these documents will not be available or placed on EPA electronic systems which have been demonstrated to be vulnerable to unauthorized access.

Title IV requires strict security arrangements, procedures, equipment and locations established at EPA before the Agency shall receive the submitted written copies of vulnerability assessments. These protocols are to ensure that no one, other than specifically authorized individuals, have any access to any part of the submission or to information derived from the submission. Only very specific exceptions to these restrictions are allowed under Title IV and knowingly or recklessly violating these restrictions carries with it criminal sanctions of both imprisonment and fines.

Title IV does not create a regulatory role for the Environmental Protection Agency (EPA) in defining what is or is not an assessment of vulnerability assessment. EPA is provided no regulatory authority in this regard; instead, the Agency is only to provide information on community water systems (by August 1, 2002) regarding what kinds of terrorist attacks are probable threats. EPA is to coordinate its efforts with other agencies and departments of government who have expertise in this area, to compile information readily available or already developed, and to promptly distribute this information. The statute does not provide any continuing duty for EPA in this area past the date specified in the legislation.

In this regard, vulnerability assessments are defined in statute only to the extent that they include a review of certain specified items. These items are those which make up the physical structure of a public water system (as defined in section 1401 of the Safe Drinking Water Act (SDWA)), electronic, computer or other automated systems, physical barriers, the use, storage, or handling of various chemicals and the operation and maintenance of a drinking water system. Title IV recognizes that these systems may differ significantly from the physical systems of community water systems (CWS) and gives CWS wide discretion to devise and conduct a vulnerability assessment. EPA is not given any
rulemaking or other authority to define further what is or is not a vulnerability assessment meeting the requirements of section 1433. Nor does Title IV require that a community water system utilize any particular vulnerability assessment tool, or conduct any specific type of analysis. Community water systems are not required to determine the consequences of intentional acts or terrorist acts, analyze their use of specific chemicals, including chlorine, as opposed to other chemicals, or to characterize the risk of any offsite impacts. Further, the term "vulnerabilities" does not necessarily include "buffer zones", or any other area around physical structures.

Title IV recognizes that vulnerability assessments could contain very sensitive information about a drinking water system which would be of assistance to a terrorist or an individual contemplating an attack. Therefore, Title IV provides a full, complete and airtight exemption from disclosure under the federal FOIA requirement (5 U.S.C. 552) for all information submitted to EPA and any information derived therefrom. Further, the Title addresses the situation where a federal FOIA request could be "triggered" by submission of a written copy of a vulnerability assessment to EPA. The Title provides that no community water system will be compelled to submit a copy of the vulnerability assessment to any governmental entity that is occasioned by the water system will be compelled to submit a written copy of a vulnerability assessment to EPA. Title IV does not contain any requirement that the EPA or any other governmental body receive for review emergency response plans prepared by community water systems. Nor does Title IV contain any requirement that community water systems provide such information to EPA or to any other person or governmental entity. Community water systems are to coordinate with local emergency planning committees (LEPCs) in the preparation or revision of emergency response plans for the purpose of avoiding duplication of effort and taking advantage of previous information developed by the LEPCs for first responders and local government response. There is no requirement that community water systems disclose any of the information developed by the vulnerability assessments to the LEPCs.

The legislation authorizes EPA to provide financial assistance to LEPCs for several specified purposes. EPA may provide assistance for vulnerability assessments, for developing or revising emergency response plans and for expenses and contracts designed to address basic security enhancements of critical importance and significant threats to public health. The Title also authorizes assistance for small water systems to establish and improve their capacity needs, subject to limits specified in the Title. Title IV does not define either "basic security enhancements of critical importance" or "significant threats to public health." However, existing SDWA programs which provide assistance to water systems have not provided assistance for operations, maintenance and personnel expenses. This legislation does not change this long-established public policy and specifically indicates that basic security enhancements do not include expenditures for personnel costs, or monitoring, operation or maintenance of facilities, equipment of systems.

Finally, Title IV clarifies that EPA has discretion to act under Part D, Emergency Powers, of the Safe Drinking Water Act (SDWA) when the Agency has received information about a specific threatened terrorist attack or when the Agency has received information concerning a potential terrorist attack (but not necessarily a specific, identified threat) at a drinking water facility. In exercising this discretion, the EPA must have credible and reliable information. EPA should not interpret "potential terrorist attack" to mean that there is merely some possibility or statistical probability of a terrorist attack. Neither should EPA interpret a general warning, general announcement or general media information of a threatened or potential terrorist attack. Specific, credible information is required, and all other elements of section 1431 must be met, including the existence of an imminent and substantial endangerment to the health of persons that appropriate State and local authorities have not acted to protect the health of persons served by the drinking water system, and that the EPA Administrator has consulted with State and local authorities regarding the correctness of the information regarding both the specific threat and the actions which the authority has or may take. The authority granted to EPA in section 1431 is a limited, case-by-case, contingent emergency power.

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

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

Mr. BENTSEN. Mr. Speaker, let me start out by congratulating the committee for putting together this legislation and putting together the conference report. This is a very good bill. I think it says a lot about the Congress that it has been able to respond as quickly as it has to the events of September 11 and the subsequent events of anthrax that we felt right here on Capitol Hill.

Subsequent to September 11, I had the opportunity to meet with the heads of a number of institutions in the Texas Medical Center which is in my congressional district and is the largest medical center in the United States. In discussions with those individuals, I learned that while we had the knowledge throughout the United States in our various medical complexes to deal with the threat of bioterrorism, we did not necessarily have the means to deploy that knowledge. We really were not prepared to deal with that situation. And we have not had the opportunity to put together a plan. And I followed the lead of the Committee on Energy and Commerce and others in the Congress to try and address this and say that the Federal Government and the taxpayers would make an investment in making sure that we could deploy those medical assets the next time there is an attack.

As some of the speakers said, this bill may not go far enough, and I would concur with that; but it certainly is a very good start to begin to address this situation, to make sure that not just in the Nation's capital but throughout the United States that our local communities, with their local health care facilities, will begin to put together the plans to be able to deploy these assets to protect the American populace.

That is what we ought to be doing in this body to address that. So I want to commend the Members, the chairman and ranking member of the full committee and subcommittees that worked on this, and I urge my colleagues to pass the legislation.

Mr. Speaker, I rise today in support of the conference report for H.R. 3448, the Public Health Security and Bioterrorism Preparedness and Response Act. In the wake of the September 11 terrorism attacks on the United States it is clear that we need to invest in our public health infrastructure to ensure that we are prepared for future terrorism attacks. As the representative for the Texas Medical Center, the nation's largest medical center, I have learned that our nation's hospitals are not adequately prepared for bioterrorism attacks and need federal assistance in order to upgrade their facilities.

I am pleased that this conference report authorizes federal funding of $1.6 billion in Fiscal Year 2003 for grants to states, local governments, and public and private health care facilities to improve public health preparedness activities. Of this total, $520 million in state grants will be made for the preparedness of hospitals, including children's hospitals to enhance their capacity to deal with emergencies such as bioterrorism attacks. I believe that all hospitals should be eligible to receive this funding in order to transform their emergency department. This legislation also authorizes $300 million to upgrade and expand the Centers for Disease Control and Prevention (CDC) facilities. During the recent anthrax attacks, we learned that the CDC does not have adequate staff and laboratories to conduct tests for individual anthrax tests. This legislation will correct this insufficiency and invest in our public health response. This measure also authorizes funding of $1.1 billion to expand the supply of vaccines, medicines, and supplies available to treat biological weapons such as anthrax. This funding will also ensure that we have adequate supply of smallpox vaccines and other antidotes for biological agents.

In order to protect public health, this legislation would also give the Food and Drug Administration additional authority to detain and bar food products. While we know that certain imported foods can kill children, yet the FDA does not currently have the ability to bar those who have knowingly imported these foods which have been adulterated or misbranded. We need federal authority to bar food products. While we know that certain imported foods can kill children, yet the FDA does not currently have the ability to bar those who have knowingly imported these foods which have been adulterated or misbranded. We need federal authority to bar food products. While we know that certain imported foods can kill children, yet the FDA does not currently have the ability to bar those who have knowingly imported these foods which have been adulterated or misbranded. We need federal authority to bar food products.
largest water systems which serve a total of 116 million people will be required to conduct annual vulnerability assessments. The legislation also requires those water systems which serve more than 3,300 persons to prepare an emergency response plan. Both of these requirements will encourage our water systems to carefully analyze their vulnerability to biological attacks and to prepare when their water supply may have been contaminated.

Finally, this legislation includes provisions to reauthorize the Food and Drug Administration’s prescription drug user fee program through Fiscal Year 2007. This measure would authorize the collection of $1.2 billion in fees over five years in order to ensure that the FDA has sufficient resources to review prescription drug applications. These additional fees help the FDA to hire additional personnel who can review prescription drugs and medical devices.

I urge my colleagues to support H.R. 3348, legislation that will ensure that our Nation is better prepared when the next terrorism attack comes. With recently warnings of potential terrorist attacks, it is clear that our public health infrastructure is well prepared.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute to introduce the next speaker.

Mr. Speaker, the gentleman I am about to introduce was not only one of the conference on this important legislation, but he and the gentleman from Georgia (Mr. LINDER) and the gentleman from California (Ms. HARMAN) were extraordinarily diligent in offering this House a special bill to upgrade and enable the Centers for Disease Control to upgrade and modernize their old and decaying facilities which are in desperate need of repair.

I am particularly pleased that we are taking concrete and far-reaching steps to address the particular issue of agroterrorism. I have felt for a long time our agriculture infrastructure is very vulnerable to the threat of intentional damage and disease. As part of this bill, we bolster the Department of Agriculture’s ability to detect animal and plant diseases and respond as needed to protect our food supply and American agriculture. We expand inspection activities and increase much-needed increases in agriculture biosecurity at colleges, universities and laboratories, including funding for a biocontainment laboratory at the University of Georgia.

Thanks to the strong leadership of the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. DINGELL), Senator FRIST and Senator KENNEDY and their staffs, we worked in a bipartisan way to craft a bill that would not only lead to the passage of a stronger bill but that would not only lead to the passage of this bill but that would ensure that our country much better prepared to respond to biological attacks. Mr. Speaker, I urge the passage of this bill.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from 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 asked and was given permission to revise and extend her remarks.

I ask my colleagues to support the conference report.

Mr. TAUZIN. Mr. Speaker, in addition to the great work done by the Committee on Agriculture, the Committee on the Judiciary was a big contributor to this bill.

I am pleased to yield 2 minutes to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Crime, Terrorism and Homeland Security of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Speaker, first of all, I would like to thank the chairman of the Committee on Energy and Commerce for yielding me time and for his great work on this legislation.

Mr. Speaker, in the wake of the terrorist attacks of September 11 and the subsequent anthrax-laced mail, bioterrorism has become a very real threat.
to the American people. The Bioterrorism Preparedness Act of 2002 ad-
dresses such threats by improving the ability of the United States to respond to
and prevent biological attacks.

This conference report requires coordi-
ated agencies to regulate biological agents and toxins that pose a threat to human health. The De-
partment of Health and Human Services, which has primary responsibility for public health issues, and the De-
partment of Agriculture, which has primary responsibility for animal and
plant health, are required to develop a coordinated strategy.

An important provision of this con-
ference bill focuses on enhancing con-
trols of dangerous biological agents and toxins by requiring registration of
all persons who possess, use or transfer
them. The legislation directs the Sec-
retary of Health and Human Services
and the Secretary of Agriculture to de-
velop regulatory measures for personnel and facilities that handle
these dangerous substances. In addi-
tion, the conference report provides
criminal penalties for possession of
these agents without registration and for
their transfer to unregistered per-
sons or facilities.

Mr. Speaker, these are very impor-
tant additions to the laws already put
in place by the USA PATRIOT Act.

Mr. SCHIFF of California. Mr. Speaker, I
yield myself 11 ministers to the gentleman from Penn-
sylvania (Mr. PITTS) for a colloquy.

Mr. PITTS. Mr. Speaker, I rise also in
support of the bioterrorism con-
ference report, and since PDUFA is in-
cluded in this bill, I would like to enter
into a colloquy with the chairman.

Mr. Trump. Mr. Chairman, I am very
interested in ensuring timely ac-
cess to plasma therapies for the thou-
sands of people who rely on these life-
saving medicines. The plasma industry
pays the fees authorized under PDUFA,
but there are no regulatory security meas-
ures associated with plasma lot release,
which must occur prior to these products
being released by the FDA. Longer lot
release times mean that the therapies do
not get to patients in a timely man-
nner.

I strongly believe that the FDA
should work with the plasma industry
to assure greater predictability in lot
release and to lessen the amount of
time required for lot release.

Mr. Speaker, I would like to ask the
chairman to respond.

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

Mr. PITTS. Mr. Speaker, I yield to the
gentleman from Louisiana.

Mr. TAURIZIN. Mr. Speaker, first, let
me acknowledge the hard work the
gentleman has already put forth on
this issue. I agree with the gentleman,
frankly, and applaud his efforts.

Plasma lot release times have varied
greatly over the last few years. Pre-
dictability is important. I think the in-
dustry and FDA should sit down and
begin a dialogue which will lead to
greater cooperation and predictability
in lot release, and I intend to help the
gentleman make sure that dialogue oc-
curs.

Mr. PITTS. Mr. Speaker, reclaiming
my time, I thank the gentleman very
much.

Mr. BROWN of Ohio. Mr. Speaker, I
reserve my time.

Mr. TAURIZIN. Mr. Speaker, I am plea-
sed to yield 1 minute to the gen-
tleman from Oklahoma (Mr. Lucas), a
member of the Committee on Agri-
culture.

Mr. Lucas. Mr. Speaker, 8 months ago
our perspective on the
potential threats to our borders
changed forever as we saw the true ca-
poses of evil on our defenseless citi-
zens. Three days ago we were reminded
that that threat was still very real
when the Vice President, Mr. CHENEN,
said the question of another terrorist
attack was not if, but when.

Today we in the House take an im-
portant step in preventing important
attacks by passing the conference
committee report. In November of last
year I introduced legislation that ad-
dressed many of the issues that had
been included in title III of the con-
ference report before us today.

Included in both my bill and today's
conference report are an increased
presence of animal, plant and food and
safety inspectors at the ports of entry.
The APHIS and FSIS will develop
strategies to prevent future incidents
where animal and plant diseases are
used by terrorists to attack U.S. citi-
zens.

Mr. Speaker, I urge my colleagues to
support this conference report. I thank
the chair and ranking member for their
diligent effort.

Mr. BROWN of Ohio. Mr. Speaker, I
yield 2 minutes to the gentleman from
California (Mr. SCHIFF).

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

Mr. Speaker, I rise in support of the
Public Health Security and Bioter-
rorism Preparedness and Response
Act conference report. It has been nearly 8
months since the deadly anthrax at-
tacks, and authorities still have not
determined who is responsible. How-
ever, it appears very likely that the
highly concentrated form of anthrax
did not originate from overseas, but
rather may have come from an Amer-
ican laboratory.

In addition to unsecured anthrax, we
have other challenges involving na-
tional, State and local health care
workers and first responders, to make
sure they are equipped with the tools
they need to fight bioterrorism
threats, and we also have food security
issues to consider in addition to a po-
tentially vulnerable water supply.

Today we are taking a major step
forward in addressing some of these
issues. In particular I am pleased that
the bill contains provisions similar to
those included in legislation that I in-
troduced last fall with Senator FERN-
STIN.

Our bill, the Deadly Biological Con-
rol Act, will require that the Depart-
ment of Health and Human Services
maintain and regularly update a list of
deadly biological agents, viruses and
bacteria that poses severe threat to
public health and safety. It requires
every laboratory that possesses any of
these select agents to be government-
certified after proving that they will be
used only for legitimate research
purposes and that sufficient measures
are in place to safely handle and dis-
pose of those agents while ensuring
protection against unlawful access.

Finally, lab employees would have to
register with the Department of Health

□ 1300
and Human Services and pass through a criminal background check. These provisions are critical because under current law, laboratories that acquired anthrax and other deadly agents prior to 1997 were not required to register with the government unless they were shipping the agent to another lab, as a result of the thousands of laboratories nationwide which stock deadly biological agents, viruses, and bacteria without uniform security standards or proper oversight. Under these lax security conditions, a rogue employee or outside terrorist group could easily gain access to some of the most dangerous pathogens on Earth.

I applaud the leadership of the gentleman from Michigan (Mr. Dingell) and the gentleman from Louisiana (Mr. Tauzin) as they work with the Senate conferees to bring this bill to the floor, and I urge my colleagues to support this important legislation for combating bioterrorism.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from Maryland (Mrs. Morella).

Mrs. MORELLA. Mr. Speaker, I rise in strong support of the conference report and for the Public Health Security and Bioterrorism Preparedness and Response Act. I indeed thank the gentleman from Louisiana (Mr. Tauzin), the chairman of the committee, and the gentleman from Michigan (Mr. Dingell) for their fine work and for the members and the staff of both committees. This is a terrific conference report, it is strong, and it is bipartisan, and it is critically important to our nation’s preparedness against terrorism.

The conference report will improve the public health infrastructure at the national, state, and local levels, to address growing threats of bioterrorism. The legislation provides additional resources to prepare us for bioterrorist threats or other public health emergencies.

I am particularly pleased that this legislation will boost programs and provide critical resources for many local communities who were on the front lines in the hours and the days following September 11, and the subsequent anthrax attacks. These brave men and women deserve our fullest commitment.

I look to my own district in Montgomery County, Maryland. Our first responders at the Pentagon and that terrible morning of September 11, and the Federal scientists at the National Institutes of Health and the Food and Drug Administration are working harder than ever to produce new and improved vaccines for anthrax, among other bioterror agents.

The conference report we are considering today ensures emergency readiness and demonstrates a significant Federal commitment to local jurisdictions who ensure the safety and health of the American people.

In addition, the conference report improves protection of our water supply and increases the protection of our Nation’s food supply. The Food and Drug Administration, headquartered in my district, will have an increased number of food inspectors to ensure our food is safe from bioterrorists.

Mr. Speaker, the conference report we are considering deserves our fullest support.

Mr. BROWN of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. Wynn), a member of the Committee on Energy and Commerce.

Mr. WYNN. Mr. Speaker, I rise in strong support of the conference report to H.R. 3448, the Bioterrorism Preparedness Act.

Let me take a moment and congratulate and thank our committee chairman, the gentleman from Louisiana (Mr. Tauzin), for his outstanding work; as well as our own ranking member, the gentleman from Michigan (Mr. Dingell); and our subcommittee chairman, the gentleman from Florida (Mr. Bilirakis); and my good friend and subcommittee ranking member, the gentleman from Ohio (Mr. Brown).

They have done good work in bringing this bill to the floor in the true spirit of bipartisanship.

I am particularly pleased because this bill provides $1.6 billion for grants to States and local governments, the first responders of our frontlines of defense, for public and private health care facilities to improve planning and preparedness activities. It will enhance laboratory capacity, educating and training for health care personnel, and developing new drugs, therapies, and vaccines, all a very important task for our homeland security.

This funding is particularly critical to upgrade our local health infrastructure to respond to a bioterrorism attack, for example, because the public health laboratories in many communities just outside of Washington, D.C. After September 11, we realized how much we were on the front line. For instance, in my district in Montgomery County, Maryland, we require much-needed resources for improved disease surveillance and also to train our local personnel, as well as to restore and improve our hospital preparedness, so this is very important to us.

The measure also provides $1.5 billion of funding to expand the current stockpiles of medicines and vaccines such as smallpox. That is what people are concerned about in the area of bioterrorism, and the bill responds.

Mr. Speaker, this is an excellent bill.

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

Mr. BROWN of Ohio. Mr. Speaker, I yield myself the remainder of the time.

Mr. Speaker, I thank the gentleman from Michigan (Mr. Tauzin) and the gentleman from Florida (Mr. Bilirakis) and the gentleman from Michigan (Mr. Dingell) and the staffs of all of the Members that were involved for their excellent work on this very complex bill.

All of us are clearly happy with the legislation and disappointed with the legislation. I would like to highlight again as we close in the last couple of minutes a couple of highlights of that. I am particularly happy with the antibiotic resistance language in this bill. It is the first time Congress, and I give credit to the gentleman from Louisiana (Mr. Tauzin) and really everybody involved, it is the first time Congress has addressed this issue as seriously as we have on this. It is a serious problem, with drugs as common as penicillin, a drug that we all know, now is not as effective an antibiotic as it was 20 years ago. We are seeing a whole host of antibiotics not as effective as they were. This bill is the first step.

What we have left undone is legislation that will continue to come to this committee on how we work with the gentleman from Louisiana on where half the antibiotics in this country are used for nonmedicinal, nontherapeutic purposes in animals, not to cure sick animals, but to help animals grow faster and to help them get on the market more quickly so that consumers can benefit from them, patients can benefit from them. We also have done something in this bill that we had not done before, and that is fund post-market surveillance of prescription drugs, as we have pushed through, with PDUFA in speeding up, accelerating the process of approval of prescription drugs, a very good thing to get them on the market more quickly so that consumers can benefit from them. We also have done something in this bill that we had not done before, and that is fund post-market surveillance of prescription drugs, as we have pushed through, with PDUFA in speeding up, accelerating the process of approval of prescription drugs, a very good thing to get them on the market more quickly than they have in the past, if there are problems, the FDA is looking much more closely as these drugs are used in a huge part of the population rather than just clinical trials. So that when we, in fact, can detect much more quickly than before if there is damage done to people with the vast increase in the use of these drugs, with direct consumer advertising and all that.

This legislation also has good provisions with something called DDMAC, which is Division of Drug Market Advertising and Communications at FDA.
It is a review of marketing materials. As the drug companies, more and more, are spending huge numbers of dollars marketing their drugs, I think that will be a particularly positive direction.

I am disappointed, and I hope that we can move in a positive way on the pediatric rule at some point so that drug testing will be done immediately on children as it is being done on adults during the clinical trials.

So those are some things I hope we can look for. We have done a good job on this bill with PDUFA; we have done a good job on this bill overall with bioterrorism; we have done a good job with food safety and antibiotic resistance. There is a lot more to do on antibiotic resistance; there is a lot more to do with food safety; there is a lot more to do with preserving safety and efficacy of prescription drugs on the market and we get them on the market more quickly.

So I would close by expressing my gratitude to the conference committee and by imploring the chairman of the Committee on Energy and Commerce, the distinguished gentleman from Louisiana (Mr. TAUZIN), so that we can move forward on some of these other issues during the next few months.

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

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

Let me first thank the gentleman from Ohio (Mr. BROWN) for his kind comments and for the extraordinary work that he and other colleagues on the other side of the aisle have provided us in producing, I think, an excellent bill from conference.

Let me first clarify something. In debating earlier, I think I heard the suggestion that the EPA would be required in the bill to review the vulnerability assessments submitted to it under title IV. I want to be very clear about this. Nothing in this conference report contains that requirement. The report simply makes that discretionary with the EPA. These are submitted to the EPA, and they are not required to review them. It is a discretionary matter with EPA.

Mr. Speaker, let me first make a point that I think is important. This bill comes up at an extraordinary time in our Nation’s history. It comes up in a week when partisanship reared its ugly head as we discussed issues involving 9-11 over the last several weeks. But I want to make something very clear. This bill represents the best of bipartisan effort. This bill, shepherded through by the staff, by Reid Stuntz on the Democratic side and Mr. Dave Marvenuto on our side and the incredible work of the staffs on all three committees, the Committee on Agriculture and the Committee on the Judiciary, has produced a huge bipartisan response to the enemies of our country who think they can threaten us with biological agents or threaten us with chemicals that will make this country more and more vulnerable.

There was a time before 9-11 when we did not think these thoughts, when we did not have to do what this bill requires. But all of that has changed, and I think it also demonstrated something to the world and to our enemies around the world, that this country is full of heroes. There are heroes who work in our own forces who are in Special Forces right now in Afghanistan and parts of the world we may not even read about who are defending us right now against Al Qaeda and the folks around the world who would indeed threaten our security. There are heroes who work in much more quiet and obscure places, in little hospitals, in the CDC, and they work at a border station where they inspect food and drugs coming into this country. They may be members of an ambulance team. They may be members of a first response team. But those heroes in America who demonstrated on 9-11 just how this country can respond when we need to are going to be better armed today with $1.6 billion of new tools.

This is an important bill. It is a statement, bipartisan statement here in America that we are ready to defend this country, and we are ready to make sure our heroes, both abroad and at home, are equipped with all of the tools they need to make us safer and more secure.

Mr. TAUZIN. Mr. Speaker, when the Joint Statement of Managers was filed last night, it inadvertently omit some important language concerning a Performance Goals Letter for the authorization of the Prescription Drug User Fee Act (PDUFA).

Chairman TAUZIN and Ranking Minority Member DINGELL hereby submit the following additional statement which they view as authoritative legislative history on the provision in question.

PERFORMANCE GOALS LETTER

Authorization of PDUFA is accompanied by a letter entitled “PDUFA Reauthorization Performance Goals and Procedures.” This letter is not have force of law, but nonetheless the Agency views it as a statement of their obligations, and they issue a yearly report on their performance in meeting the goals specified in the letter.

Title IX of the goals letter is entitled “Independent Consultants for Biotechnology Clinical Trial Pre- and Peri-NDA/BLA Risk Management Plan Activities (Title VIII). The Managers view this title as a strong addition to the PDUFA regimen. Under this title, user fee monies will be available for postmarket surveillance for up to three years for drug and biological products. This Title, and upon agreement of the Managers, the title will now include the following additional language at the end Section D of Title VIII.

W.J. “BILLY” TAUZIN, Chairman.

Mr. BALDACCI. Mr. Speaker, I am pleased that we will be passing legislation today to authorize vital funding for our state and local public health systems. Recognizing the difficulties facing our state and local governments and health facilities following the unprecedented attacks on our country, it’s clear that we must greatly expand the resources of our health systems.

Mr. Speaker, immediately following the first Anthrax attacks, I met with public health officials from my State, and with representatives of the nation’s health care community. What I learned from this discussion is that our local and state health infrastructure and information systems is woefully unprepared to deal with the level of biomedical, chemical and radiological threats for which we clearly now must be prepared.

I am very concerned about the speed at which funds have been distributed to our state and local governments in order to update their health systems to deal with future attacks.

Today with passage of the Bioterrorism bill we will be making a commitment to our states, local governments and health facilities. We will provide significant assistance to their efforts to protect the health of our citizens. Funds will be translated into improvements in preparedness planning, surveillance and hospital capacity and information and communication technology specific to meet the needs of our state and local health systems.

States will receive for bioterror-related activities $1.6 billion in grants in fiscal year 2003, and an additional $1.6 billion for each of the next 3 years. These funds are on top of those already authorized for fiscal year 2004 through fiscal year 2006. These funds are on top of those already appropriated and distributed for the current fiscal year. States will receive approximately $250 million in the current fiscal year.

I would add that as much as I appreciate these specific funds for bioterror threats, I believe other important issues facing our state
and local governments should be addressed. In particular, I support forward funding of fiscal year 2003 monies the President has identified for First Responders in our districts and states. Many of those charged in our state and local governments for maintaining public safety are frustrated with the lack of funding for First Responder needs. To date, no funds for local first responders has been sent to our states. I hope that significant funds for First Responders become available for distribution as soon as possible. While the Supplemental legislation which we will consider later today does not in itself ensure that the much more is needed to cover costs our local and state governments have incurred and will soon incur to put necessary safety and preparedness plans in place.

Mr. Speaker, I am pleased to support today’s bioterrorism conference report and urge my colleagues to support this measure to set aside vital funds to our state and local governments and hospitals.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of this Bioterrorism Conference Report. I commend our chairman and ranking member, Mr. TA UZIN and Mr. DIN GELL, for their hard work in developing this consensus legislation. This bill represents the kind of common-sense, worthwhile policy that can be produced when the two parties work together.

This bill includes a number of important provisions that will go a long way to improve our nation’s ability to prevent and respond to a bioterrorist attack. With the formula grants in vision that will go a long way to improve our national security and national sovereignty.

And permit a robust competitive food system to provide consumers a wide variety of affordable foods.

FOOD AUTHORITIES OF BIOTERRORISM BILL

Title III of the bioterrorism bill responds to legislative proposals presented to Congress by the Department of Health and Human Services. We worked closely with Secretary Thompson and personnel of the Food and Drug Administration to craft the most extensive expansion of the food related enforcement authorities in the history of the Federal Food, Drug, and Cosmetic Act (FFDCA). New authorities provide for expanded records access and maintenance, administrative detention of foods, registration of food facilities and several other provisions that are especially focused on assuring effective enforcement.

To maintain this new authorization of the FDA, the law also permits the Department to strike a balance by adding significantly to the already strong enforcement authorities of the FDA, while assuring that the authority will be for the intended purposes. I believe that my colleagues will be pleased with how this balance was struck to protect the American consumer while constituting a robust competitive food system to provide consumers a wide variety of affordable foods.

ADMINISTRATIVE DETENTION: SECTION 303 OF THE TITLE

Amendment to Section 306 of the FFDCA provides the Secretary with limited authority to detain administratively an article of food where the FDA has ‘credible evidence or information showing that such article presents a threat of serious adverse health consequences or death.’ ‘Credible evidence or information’ requires that the FDA have specific information showing that it believes to be reliable and probable. The ‘serious adverse health consequences’ standard, which is usually consistent in Title III of this Act, relies on reliable and significant evidence showing in a reasonable probability that the use, or exposure to, a violative product will cause serious adverse health consequences or death. This amendment to existing FDA guidance under section 7.3 of Title 21 of the Code of Federal Regulations.

A detention order must be approved by a senior FDA official (district director for the district in which the food to be detained is located or a more senior official). In general, the Secretary should be informed of seizure or injunction actions with regard to food that has been detained. The Secretary is required to provide by regulation the timeframe and the case for permissible food, such as fresh produce and seafood.

Once a detention order is issued, the Secretary must insure that the detained article of food is kept in a secure facility under conditions commercially appropriate for the food. The Secretary should consider the viability of the food is maintained during the detention. Any person who would be entitled to claim the article of food if it were seized may appeal a detention order to the Secretary. If an appeal is filed, the Secretary must provide an opportunity for an informal hearing which would be conducted in accordance with the procedures set forth in Part 16 of Title 21 of the Code of Federal Regulations. The Secretary has five days to confirm, modify or terminate the detention order; failure of the Secretary to provide for an informal hearing or to act on the appeal within five days of an appeal automatically terminates the detention order. The Secretary may not thereafter re-institute the terminated detention order.

This section also permits the Secretary to request that the Secretary of Treasury hold food offered for import at a port of entry for a period not to exceed 24 hours if the FDA is unable to inspect, examine, test or investigate the food when it is offered for import and the Secretary has ‘credible evidence or information’ indicating that the article of food presents a threat of serious adverse health consequences or death to humans or animals.” The purpose of the temporary hold is to permit the FDA to inspect, examine or investigate the article of food to determine whether it presents a threat of serious adverse health consequences to humans or animals. The courts have defined a pattern of importing adulterated food that presents a threat of serious adverse health consequences.

The courts have defined an expansive program of registration of facilities engaged in manufacture, processing, and preparation of food and to permit the FDA to inspect, examine or investigate the article of food to determine whether it presents a threat of serious adverse health consequences or death to humans or animals.” The purpose of the temporary hold is to permit the FDA to inspect, examine or investigate the article of food to determine whether it presents a threat of serious adverse health consequences to humans or animals. The courts have defined a pattern of importing adulterated food that presents a threat of serious adverse health consequences.

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DEBARMENT: SECTION 304 OF THE TITLE

Amendment to Section 306 of the FFDCA provides broad authority for debarment of persons from food importation so that FDA may protect against importation of food that willfully sell harmful foods. Debarment may be based on a felony conviction relating to the importation of United States or upon a person engaging in a pattern of importing adulterated food that presents a threat of serious adverse health consequences. The courts have defined an authority to be exercised reservedly to assure that only “bad actors” are the subject of debarment actions. The courts have defined a pattern of proscribed conduct as three or more separate instances of a similar character. Thus, three violative lots of a common shipment would be of a similar character, and constitute a pattern of importation of adulterated or misbranded food. The courts have defined a pattern of proscribed conduct as three or more separate instances of a similar character. Thus, three violative lots of a common shipment would be of a similar character, and constitute a pattern of importation of adulterated or misbranded food.
packing or holding food for human consumption to assist the Secretary in promptly con-
tacting management of concerned food fac-
cilities in the event of a threat to food safe-
ty. The registration is to include informa-
tion regarding the name and address of the facility, as well as all trade names under which the facility conducts business. Also, if the establishment facility or any of its records could be significantly enhanced without undue burden, the Secretary may require by guidance that the general food category of products to which the facility is to be designated. Within 18 months of enactment the Secretary is re-
quired to promulgate implementing regula-
tions, which shall specify compliance time-
frames and requirements. The con-
feres fully expect FDA to complete the rule-
making within the 18 months provided.

The bill would require the Secretary to promptly notify each registrant of their reg-
istration number. The conferes intend for the Secretary to provide for electronic data submission and use of an electronic database to maintain a current listing of registered facilities. The listing of registered facilities is to be held strictly confidential. Since fail-
ure to register would be a violation of the Federal Food, Drug, and Cosmetic Act, the Secretary is required to promptly issue registration numbers under this system is imperative.

The conference expects the Secretary to broadly impose the registration requirement to domestic facilities engaged in processing or distributing food for human consumption as the Secretary deems necessary. The registration requirement would not au-
 thorize registration of farm facilities (in-
cluding facilities attendant to harvesting of food crops) or facilities handling or processing food establishments (including facilities attendant to their operations, which are under the same ownership or management) or most fishery facilities. In this condition, the Secretary would be authorized to require registration of a foreign facility, but only if food from such facility is exported to the United States without further processing or packaging out-
side the U.S. If an article of food that is of-
ered for import is from a foreign facility for which registration has not been submitted, the article would be held at the port of entry until registration is submitted.

The conferes intend for the Secretary to exercise his discretion in the development and implementation of registration regu-
lations to ensure that registration require-
ments are neither burdensome nor disruptive of the smooth flow of commerce.

MAINTENANCE AND INSPECTION OF RECORDS: THE TITLE

A new Section 411 of the FFDDCA would au-
thorize FDA to have access to and to copy certain records in the possession of persons involved in the production and distribution of food. Access to records would occur only if the Secretary has a reasonable belief that an article of food that is adulterated or misbranded or for which a threat to food safety has been determined that notice is complete, but it would not extend to the most commercially sensitive or confidential records of the record keeper, including recipes (including formulation and preparation or processing techniques), financial data, personnel data, research data, or sales data (other than shipment data regarding sales).

Clearly, the authority would not permit ac-
cess to medical or financial data, personnel data, research or customers (other than shipment data), nor would it permit access to informa-
tion such as correspondence or marketing plans.

This new records access authority is re-
sponsive to a request of the Department to in-
vestigations may be made of possible threats to the public health, but strictly lim-
ited to avoid potential abuse of confidential business information. The managers intend for limitations on records access to be strictly-
ly observed. A determination that there is reasonable belief that a food is adulterated and presents a threat of serious adverse health consequences should be made under the direct supervision of senior officials of the FDA.

In addition, the Secretary would be re-
qued to take appropriate measures, pre-
 therein. The conference intends for the outermost container of a ship-
ment to include markings that are unlikely to be ob-
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Safeguards include that the food is adulterated and presents a threat of serious adverse health consequences should be made under the direct supervision of senior officials of the FDA.
already working to protect our food production system. Obviously, the events of September 11 have caused these and other agencies of USDA to increase their vigilance, and we are very fortunate to have them. Not unlike our firefighters and police, they do a difficult job every day; a job we appreciate even more during these troubled times.

With this legislation, additional resources will be authorized for USDA to modernize its Agricultural Research Service laboratory facilities. Likewise, funding is authorized for USDA to provide grants to agricultural colleges and universities to review their security needs. These grants, coupled with security upgrades, will strengthen the regulatory system.

Likewise, authority is granted to expand USDA’s biosecurity research programs, both in the Agricultural Research Service, and those programs involving colleges and universities throughout United States.

This conference report strengthens USDA’s regulatory efforts with regard to food safety, and animal and plant health. Specifically, the conference report recognizes the inadequacy of current USDA authorities with regard to the regulation of biological agents and toxins that present severe threat to plant or animal health, and the products of plants and animals. Based on this recognition, the conference report adopts provisions that would allow the FDA to provide grants to agricultural colleges and universities to increase their vigilance, but we are already working to protect our food production system. Obviously, the events of September 11 have caused these and other agencies.
the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3717, as amended, on which the yeas and nays are ordered. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 18, not voting 8, as follows:

[Roll No. 190]

YEAS—408

Abercrombie, Hawaii

Ackerman, New York

Aderholt, Alabama

Akin, Georgia

Allen, Georgia

Allen, Oregon

Armed, California

Baca, California

Bach, California

Baird, Washington

Baldacci, Maine

Baldwin, Wisconsin

Ballerenge, Iowa

Barcia, New York

Barr, California

Barrett, Rhode Island

Barlett, California

Bass, Alabama

Beccerra, California

Bentsen, Texas

Berner, Oregon

Berkeley, California

Berger, New York

Berman, California

Berry, North Carolina

Biggerstaff, West Virginia

Bilirakis, Florida

Bishop, Georgia

Blumenauer, Oregon

Blink, California

Boebert, Tennessee

Boehmer, Michigan

Bonilla, Texas

Bono, California

Boumedi, California

Boriski, New York

Boswell, Arkansas

Boucher, Louisiana

Boyd, Florida

Brown, North Carolina

Brown, South Carolina

Bryant, North Carolina

Burr, North Carolina

Buyer, Texas

Calahan, Ohio

Calvert, California

Camp, Texas

Cannon, Missouri

Canterbury, New Hampshire

Cantor, New York

Capito, West Virginia

Caps, Ohio

Cardin, Maryland

Carson, Nevada

Carson, New Mexico

Castle, Delaware

Chabot, Ohio

Challman, Minnesota

Clayton, Connecticut

Clement, Tennessee

Clyburn, South Carolina

Coley, Texas

Collin, Texas

Collins, New York

Conaway, Texas

Cooksey, Georgia

Costello, Illinois

Cox, Texas

Coyne, Hawaii

Cramer, New Jersey

Crane, New Mexico

Crawley, Ohio

Cubin, Idaho

Culherson, Tennessee

Cummings, Maryland

Cunningham, California

Davis (CA)

Davis (FL)

Deutch

Deyver, District of Columbia

Diaz-Balart, Florida

Dicks, Washington

Diamond, New York

Dodd, Connecticut

Doyle, Pennsylvania

Douglas, Nevada

Duncan, South Carolina

Dunn, Georgia

Edwards, California

Ehlers, Michigan

Ehrlich, California

Engel, New York

English, Florida

Enos, Wyoming

Etcheking, Idaho

Evans, Missouri

Everett, Virginia

Farr, California

Fetter, New York

Foley, New York

Ford, Michigan

Forsella, New York

Frelinghuysen, New Jersey

Frost, New Hampshire

Gallagher, Connecticut

Ganske, Wisconsin

Gekas, Ohio

Gephardt, Missouri

Gibbons, Connecticut

Gilchrest, Maryland

Gilman, Iowa

Gonalez, Texas

Goodlatte, Georgia

Gordon, Alabama

Graves, Georgia

Green (TX)

Green (WI)

Greenwood, South Carolina

Grucci, New Jersey

Gutierrez, California

Gutwein, Wyoming

Hail (OH)

Hail (TX)

Hansen, Iowa

Harman, Maryland

Hart, Texas

Hastings (FL)

Hastings (WA)

Hayes, Tennessee

Hayworth, Georgia

Hefley, Missouri

Heller, Nevada

Hill, Colorado

Himes, Connecticut

Hinojosa, Texas

Holben, Oklahoma

Hollen, Maryland

Hollenbeck, Ohio

Holmes, Virginia

Holt, Montana

Hooley, Michigan

Horn, Texas

Hostettler, Indiana

Houghton, Michigan

Hoyt, Oregon

Hulsef, Illinois

Hyde, Illinois

Jackson, Mississippi

Jackson, South Carolina

Jackson, Wisconsin

James, Maryland

Jarrett, Alabama

Johnson (CT)

Johnson (IL)

Johnson, Iowa

Johnson, Montana

Johnson, Paul

Johnson, Sam

Jones, Nevada

Jones, Oklahoma

Jones, Virginia

Jones (OH)

Jones, Wyoming

Joyner, North Carolina

Kahle, Utah

Kapoor, New York

Kaufman, California

Keller, New York

Kemp, Georgia

Kennedy, Massachusetts

Kennedy, Idaho

Kerns, Tennessee

Kildee, Michigan

Kihm, Missouri

King, New York

King, Nebraska

King, Virginia

King, Washington

Kirk, Alaska

Kiss, Maryland

Klein, Colorado

Koch, Kansas

Knowles, Idaho

Kolbe, Arizona

Kolle, Wisconsin

Koschinsky, Wisconsin

LaFalce, New York

LaHood, Illinois

Langevin, Rhode Island

Lanzetta, New Jersey

Law, Hawaii

Leach, Texas

Lee, Florida

Legen, Illinois

Lent, New York

Levin, Michigan

Lewis, Florida

Lewis, Georgia

Linder, Minnesota

Lindsay, Ohio

Litt, Connecticut

Litt, New York

Loudon, North Carolina

Lowry, New Mexico

Lucey, California

Lugar, Iowa

Maloney (CT)

Maloney (NY)

Mansfield, Ohio

Matheson, Utah

McCarty (MO)

McCarthy (NY)

McCollium, Texas

McCready, Alabama

McGurk, Massachusetts

McHale, Maryland

McNamara, Massachusetts

Mckean, Pennsylvania

McKinney, Texas

McNulty, New York

Meek, Pennsylvania

Meehan, Massachusetts

Menendez, New Jersey

Mica, Florida

Millender-Donaldson, Michigan

Miller, Dan

Miller, Gary

Miller, Jeff

Rivers, Colorado

Rodriguez, Florida

Roemer, Louisiana

Rogers (KY)

Rogers (MI)

Rosen, California

Ros-Lehtinen, Florida

Ross, Illinois

Rothman, New Jersey

Roukema, New Jersey

Roybal-Allard, California

Rubba, Virginia

Rush, Pennsylvania

Ryan (RI)

Ryan (KS)

Ryan (KS)

Sandborn, Wisconsin

Sander, Arizona

Thatcher, Idaho

Tiber, Indiana

Toomey, Pennsylvania

Towner, South Dakota

Tunney, Illinois

Tyler (NC)

Terry, Arizona

Thornberry, Texas

Tinkle, Oregon

Tipton, Tennessee

Udall (NM)

Udall (CO)

Udall (NM)

Udall (AZ)

Walden, New York

Waller, Texas

Wamp, Tennessee

Whitfield, Georgia

Whitworth, Virginia

Williams, Oklahoma

Wilson (NM)

Wilson (SC)

Wilson (NC)

Wilson, Virginia

Winder, New Hampshire

Wolsey, Montana

Wolsey, Wyoming

Woolsey, California

Woolsey, Washington

Young (AK)

Young (GA)

Young (FL)

Young (IN)

Young (ND)

Young (OH)

Young (PA)

Young (SC)

Young (TX)

Young (WA)

Young (WY)

APPROVED—2

Mr. TIERNEY changed their vote from 'yea' to 'nay.'

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

PAYING TRIBUTE TO WORKERS IN NEW YORK CITY FOR RESCUE, RECOVERY, AND CLEAN-UP EFFORTS AT SITE OF WORLD TRADE CENTER

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3624.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr.
minutes. Vote was by electronic demand, yeas 416, nays 0.

The Speaker pro tempore. Is there objection to the request of the gentleman from Texas (Mr. McDermott) to assume the chair temporarily?

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

The result of the vote was announced as above recorded.

ANNOUNCEMENT OF INTENTION TO APPOINT CONFEREES ON H.R. 4, ENERGY POLICY ACT OF 2002

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

Mr. TAUZIN. Mr. Speaker, the Speaker’s office has authorized me to announce that it is the Speaker’s intention to appoint House conferees to the conference of the disagreement between the House and the Senate on H.R. 4, the House energy bill, and the former S. 517, the Senate version of the same bill. Upon our return from the Memorial Day recess those conferees will be appointed.
enforcement structures such as security and the like, this bill becomes one of the assisting tools in making that happen. There are other uses looking at antidrug smuggling, antiterorist, antichild pornography provisions, and in preparing this bill to come to the floor under a rule, since it did not get the two-thirds required on suspension, notwithstanding the fact it got a significant majority vote, the members of the majority looked at the bill and said are there any areas of this bill that we would still like to retain but that probably are far less essential today than they were when the committee moved on this bill some months ago?

Clearly, one of the obvious areas is an attempt to adjust what has been described as an inappropriate or unfair compensation structure for Customs officials at particular locales. Notwithstanding the fact that we believe those adjustments are overdue and need to be made, the Customs and Border Protection Act, the Committee on Rules, and the Committee on Rules accepted, the willingness to delete those provisions which appeared to be controversial.

The labor union that represents Customs workers is not opposed to the bill in its current form, as they said in their letter, as long as this provision does not come back in.

I can assure anyone that if we make a change, our goal is not to change it today and then rechange it tomorrow. The commitment is to make the changes once and get on with the job, and that is what we are doing.

Therefore, this bill is before us today in a form that should not illicit significant opposition, but that we would be very desirous of a significant bipartisan vote to let the American people know that in making sure that our borders are protected and protected, that the Customs Service is in the forefront of moving to the new structure to secure homeland security. This particular bill goes a long way toward assisting in that effort.

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

Mr. RANGEL. Mr. Chairman, I yield myself such time as I may consume.

Let me join with the chairman in support of the bill. He spoke about and to indicate that our substitute merely tries to perfect two provisions.

The first provision deals with the question of immunity. I want to say that under this particular bill and agencies and employees are our first line of defense against terrorism. They do a fantastic job. But under this particular bill they are granted immunity for their conduct when they perform searches, and personal searches, if indeed the search was made in good faith.

Now, under the Constitution, the standard for liability is not really whether or not there has been good faith but whether or not it has been reasonable, and that is the proper test that we have to use. This is the constitutional test we have to use. And there is no evidence that blanket immunity will work and by the customs agency, even though the search may have been performed in good faith, should leave our American citizens without any recourse.

In our fight against terrorism, we must make certain that we do not do damage to the principles of civil rights and certainly not do damage to the constitutional rights of American citizens. So in that vein, in the aura of immunity for the particular customs officer, but we do allow for the aggrieved party. If indeed they are found to have been subject to an unreasonable search, they may sue the individual who handled the search.

The second thing that is provided here is that under current law the Customs Service is empowered to search without a warrant for inbound mail. Section 144 would allow customs officials to open mail with reasonable cause, which is a much lower standard than probable cause and would eliminate the need for judicial review. The United States Post Office believes that this is an unreasonable provision. They have written in support of the provision which they have mentioned would be in the substitute where we just strike the provision that gives the Customs Service the power to open mail just because they think it is reasonable but they do not have to do it.

Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Georgia (Mr. LEWIS), a distinguished member of the Committee on Ways and Means, and ask that he be allowed to allocate time based on the requests made of him.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS. Mr. Chairman, I yield myself such time as I may consume. Let me respond briefly to the two provisions that my colleague from New York referred to.

That same letter that indicated that the union would not oppose if we move the labor provisions in strong support of the immunity provision for customs inspectors. Rarely do you have a job which basically says you will examine people as they come across the border. There are clearly provisions, customs guidelines, that determine racial, religious, ethnic and gender profiling that prohibit that but do allow some protections for the customs officer.

If anyone would listen to the case histories of some of these cases that are in the courts, for example notwithstanding the fact that someone was searched and contraband was found, they nevertheless wanted to sue because they did not believe the customs officials had a right to search them. And that was notwithstanding the fact that the obvious evidence of the contraband on them was more than enough reason for the customs official to search them.

Mr. Chairman, I believe the substitute is a good-faith effort, but they are trying to walk a fine line; and it is the committee’s opinion that there is no fine line that you can walk. Because if you provide inspectors immunity, and the Federal Government supports that immunity under a very clear guideline that would not violate any racial, religious, ethnic or gender profiling approach, then they are saying the Federal Government should waive its sovereign immunity notwithstanding.

That then creates a new unprecedented class of Federal torts and we are right back in the courtroom with years and years of lives of people who were simply carrying out their job under a very narrow proscribed set of rules. Because even if they do that, there is no protection against this new form of Federal torts if the Federal Government waives its sovereign immunity.

It seems to me in this particular era, we either back up these people or we do not. If they are following the rules, we should protect them. If they are not, there are clear procedures to make sure they are treated right. They should be treated in if they violate administrative policy in carrying out their jobs.

So in looking at the bill itself, I do hope Members appreciate the broad support that the underlying bill has, and that although the substitute focuses on a couple of areas that will be addressed beyond the immunity question, if we are going to allow a true examination of the ways in which we can protect this country, under a search of this type, it seems appropriate that based upon sufficient suspicion you ought to be able to read a piece of outbound mail. Under the courts of
this country, you would only be allowed to then take a look at what the content of the mail was. But it seems to me if you can have the ability to deal with it with inbound mail, you certainly ought to, with full court protection, have the ability to look at it in terms of outbound mail as well.

As we are now becoming more and more aware through the news media of the ability of various terrorist groups to communicate using the modern technology which allows for rapid communication, I am sure we certainly would not ignore the good old-fashioned postage stamp on an envelope, if it was given unusual constitutional protection and they knew that no official of the government could, even with a court order, take a look at what was in a particular envelope that appeared very, very suspicious.

We believe it is an essential part of the bill; and we would like to retain it in the bill. Therefore, my colleagues should vote for the bill and against the substitute.

Mr. Chairman, I ask unanimous consent that the remainder of my time be controlled by the gentleman from Illinois (Mr. CRANE), the chairman of the Subcommittee on Trade, and that he be allowed to disperse the time in such manner as he sees fit.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Chairman, I thank the gentleman from Georgia (Mr. Lewis) for yielding me this time.

I rise in support of H.R. 3129, the Customs Border Security Act of 2001. As a Member representing a border community, I am pleased that Congress is taking action to improve the security of our borders and customs officials’ ability to detect and inspect illegal shipments. The bipartisan committee, made up of individuals whose civil rights are violated by these laws, was implemented in the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound mail.

Courts have upheld Customs’ general border search authority, and in particular over inbound mail and outbound shipments. These decisions support Congress acting to affirm Customs’ authority for all merchandise, including that carried on or in an airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound merchandise.

Some entering sellers of illegal drugs have been bold enough to state on their internet site that mail-order customers should use the mails to avoid inspections:

Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail is anonymous and safe.

That is a quote from a drug dealer’s Web site where they say this. Here is what they say, and I am going to submit this for the RECORD.

Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail is anonymous and safe.

That is a quote from a drug dealer’s Web site where they say this. President Clinton commissioned the International Crime Control Strategy Committee, a bipartisan committee. They looked at that. Among their findings was this:

"Criminals have identified various methods of currency smuggling that remain a challenge. Note that these methods is the exploitation of the U.S. mail. Hundreds of thousands of dollars can be smuggled out of the United States, at only the cost of postage, in letters and packages."

But scariest of all is testimony that we heard prior to September 11 that those were using the U.S. mail that they were exploiting the U.S. mail. We heard testimony, the committee of this Congress, that we were creating one of the greatest enforcement stumbling blocks United States agencies had in fighting terrorists and money laundering. Despite this, the post office continued not to cooperate with the Treasury, the FBI and the customs. Therefore, we had this headline which we could have avoided or possibly avoided by adopting this language prior to September 11: Attacks Show a Lack of Cooperation Between Agencies.

Has September 11 not taught us one thing? Has it not taught us that the post office ought to be a partner in our fight against terrorism? It is therefore language should have been adopted before September 11. Let us adopt it now. Let us slam the door on money launderers, terrorists and drug dealers and let us do it today.

The Customs Service should be able to inspect merchandise that is exiting the United States through the U.S. Postal Service—just like it can inspect all merchandise that enters the United States through the Postal Service.

This strong language allows the U.S. Customs Service to inspect merchandise exiting the United States via any mode of transportation—including truck, ship, car, airplane, private express carrier, or person.

The Postal Service claims that it is exempt under search authority for all merchandise, including that carried on or in an airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound mail.

Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail is anonymous and safe.

That is a quote from a drug dealer’s Web site where they say this. Here is what they say, and I am going to submit this for the RECORD.

Customs testimony at this hearing pointed out that not only money laundering is involved, that this “loophole literally creates a haven for smugglers of all kinds. A flawed system such as this can facilitate many other illegal exports and intransit shipments such as child pornography, items or materials to be used in terrorist attacks, weapons, sensitive military or high tech products not licensed for exportation...”

The Postal Service’s position is clearly anti-law enforcement and allows the US Postal Service to be the outbound smuggling method of choice for drug cartels and other criminal entities. No public policy is served by exempting outbound Postal Service shipments of merchandise from Customs’ inspection.

**Protect the U.S. Border while maintaining privacy—privacy of the U.S. Mail is not at risk.**

**Parity between outbound and inbound mail shipments**

The U.S. Customs Service should be able to inspect merchandise that is exiting the United States via any mode of transportation—just like it can inspect all merchandise that enters the United States through the Postal Service. (19 U.S.C. § 1581; 19 U.S.C. § 1582; 19 C.F.R., Part 145; 19 C.F.R., Part 162)

**Parity between modes of export**


The Postal Service claims that it is exempt from these laws—making it the only mode of export for which Customs cannot inspect outbound merchandise.

**Constitutional basis**

Customs’ inspection of outbound and inbound merchandise is Constitutional.

Under the Constitution, the Customs Service has outbound and inbound border search authority. The search area includes that carried on or in an airplane, vessel, vehicle, person, package, or envelope departing or entering the United States. Neither the Fourth Amendment nor any statute prohibits Customs from inspecting outbound merchandise. (See, e.g., California Bankers Ass’n v. Shultz, 416 U.S. 1 (1974); United States v. Ramsey, 431 U.S. 606 (1977). United States v. Cordova, 769 F.2d 625 (9th Cir. 1985). United States v. Whitling, 781 F.2d 692 (9th Cir. 1986). United States v. Berisha, 925 F.2d 791 (5th Cir. 1991).)

**Privacy**

Allowing Customs to inspect outbound merchandise sent via the Postal Service does not change the law that Customs Officers may not open sealed letter class mail that only contains correspondence without a warrant or consent. (19 C.F.R. § 145.3)

For inbound Postal Service shipments, the Customs regulations prohibit Customs officers from opening letter class mail that contains only correspondence except when either a warrant or the consent of the sender/addressee is obtained. The Postal Service has endorsed these regulations for inbound shipments and they could easily be applied to outbound Postal Service shipments.

Mr. LEWIS of Georgia, Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. SCOTT). Mr. SCOTT. I thank the gentleman for yielding time.

Mr. Chairman, I rise in opposition to H.R. 3129, the Customs Border Security Act, in its present form and urge my colleagues to support the substitute offered by the gentleman from New York (Mr. RANGEL).

Section 141 of H.R. 3129 is problematic because it offers full immunity from civil damages if a customs officer performed the search in so-called good faith. Since the bill does not define what constitutes good faith, it effectively expands the current immunity standard to the point of making it nearly impossible for a person to seek redress against a customs officer for an unconstitutional search.

Under current law, government officers performing their specified functions are afforded qualified immunity from civil damages as long as the officer’s actions do not violate clearly established statutory or constitutional rights which a reasonable person would have known. The Fourth Circuit Court of Appeals said in 1992 that officers are entitled to qualified immunity for bad guesses in gray areas, they are liable for transgressing bright lines.” That is the current law.

The availability of qualified immunity is determined against a standard of objectively reasonable conduct. Whether an officer may be held personally liable turns on the objective legal reasonableness of the action assessed in light of the legal rules that were clearly established at the time the action was taken. As the Supreme Court said in 1986, the present qualified immunity protects “all but the plainly incompetent and those who knowingly violate the law.”

But this bill seeks to go further and extends the immunity to situations where customs officers allege that they were acting in good faith, regardless of whether they were transgressing a bright line in the law or not, and regardless of whether they should have known that their actions violated the law. Under this bill, a customs officer could engage in blatantly discriminatory conduct; but if he believed it was in good faith, then he could not be held liable.

Let us remember what we are talking about here. Unconstitutional, unreasonable searches by government officials, searches which could include strip searches and so-called cavity searches. Mr. Chairman, many of these searches have been found to have been conducted pursuant to policies of racial profiling. A March 2000 General Accounting Office report found that while African Americans were nine times more likely to be searched than white Americans, they were no more likely to be found to be carrying contraband. The only effective means to stop these practices is through lawsuits and here we have a bill that will throw some of these people out of court, deny them compensation for violations of their constitutional rights, and make it even less likely that these illegal searches will be stopped.

The substitute offered by the gentleman from New York (Mr. RANGEL) offers a more balanced approach. Those aggrieved will still have their day in court, because although customs officers will still be immune from liability under the substitute, the Federal Government will ultimately be liable for violations. In cases like these, the government, rather than the individual officer, usually ends up paying the judgment anyway, so this should not be a significant burden. And this is a fairer alternative since the immunity is preserved but the person who is victimized can still be made whole, and the Federal Government will be encouraged to correct the practices of its employees.

I urge my colleagues to vote in favor of the Democratic substitute and, if it fails to vote against H.R. 3129.

Mr. CRANE, Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I disagree with the gentleman from California (Ms. WATERS) says, yes, I do. I disagree with the gentleman from California. But every day that I go through the airport, I have to stand in line and I look like a terrorist, although the gentleman from California feels that I am suspect due to my activities, due to suspicions or I am reacting a certain way, then I have no ill feelings to those individuals that search me. Every time I go through the airport, I have to go through a steel frame, I have to stand and spread my eagle, they go through my bags, I have to take off my shoes and put those through the machine. Does that violate my civil liberties? Yes. But in the name of protection of this country, I feel it is very, very important. There are some inconveniences.

Do you realize that today we have many of the people that we suspect as
being terrorists that produce pro al Qaeda and pro bin Laden information in Arizona that are still in those flight schools? And our agents cannot deport them because under the first amendment they have got all the rights that they can. They are recruiting individuals in Afghanistan to defeat the Western world. One of the things we need to do is these individuals before a visa is ever granted, to do a better background research before we ever let them in. Because once they get in here, because this cannot get rid of them because of our politically correct laws which I feel personally endanger us in this country.

We had two individuals in 1999 on an airline, now al Qaeda supporters. One looked suspicious. The other actually went up and ratted the airline door, and they stopped. These individuals were arrested when they landed. They are now suing the airline for racial profiling. I guarantee you, there is some work out there that is going to grant them the case. My point is that if a customs agent feels with their professional training that there is a problem, a risk to American citizens, there is value in the balance between civil liberties, the Bill of Rights, and the Constitution. I might say as the civil liberties and civil rights of service to this country, I do believe this time.

Mr. Chairman, with great respect to the previous speaker and certainly his service to this country, I do believe that there is value in the balance between civil liberties, the Bill of Rights, and the Constitution. I might say as well that the headline read by one of the speakers, "Agencies Don’t Communicate," goes far deeper than violating the civil liberties and civil rights of Americans who travel throughout this Nation. Let me say for once what we should be allowed on is very much what is transpiring in the Permanent Select Committee on Intelligence, but it should be going on in the Committee on Armed Services, it should be going on in Judiciary, Committee on International Relations, and a number of other committees and a select committee to investigate what happened in light of the July 6 memo and the August memo. The question is not so much as to agencies communicating; it is whether or not internally the memo went where it was supposed to get. It was acted upon, whether or not the FBI and the CIA communicates. This legislation does not speak to that issue.

And so I rise to oppose this bill today in its present form, and I rise to support the substitute by the gentleman from New York (Mr. Rangel). It is clear that the customs agents are to be respected and the work that they do to be protected. And an undercutting and an undermining of civil liberties is not the solution to fighting terrorism. This bill would weaken protection against racial profiling and other illegal searches and undermine the right to privacy in personal correspondence. Mr. Chairman, I would like to tell the story of Yvette Bradley, a 33-year-old advertising executive and her sister who arrived at Newark airport from a vacation in Jamaica. She is an African American woman. Upon encountering customs agents, Ms. Bradley recalls that she along with most of the other black women on the flight were singled out for searches and interrogation where she experienced one of the most humiliating moments of her life.

Ms. Bradley was searched throughout her body, including her private parts. And, of course, Mr. Chairman, no drugs or contraband was found. The gentleman from Georgia (Mr. Lewis), of course, was one of those cases, as being a strong advocate on diminishing racial profiling by the U.S. customs department. I too happen to be a strong supporter of the customs department and its agents and the responsibilities they have. As we have repeatedly on this floor, there is not a thin line of difference between Democrats and Republicans and others on fighting terrorism. Interestingly enough, however, they have all of the provisions that they need to ensure the safety of the Nation. That is, the customs department and the agents. The PATRIOT Act gave a number of new restrictions that would assist in fighting terrorism. There is no need in this bill to give a pass on the Bill of Rights and the Constitution, the understanding of unreasonable searches and seizures. It is unfair. The ability to search mail more than they have now is unfair, and it is not a solution to terrorism.

The legislation did not go to the Committee on the Judiciary. This legislation came out of the Committee on Ways and Means on a party vote. It seems simply ludicrous that we throw to the wind our Constitution when we are fighting terrorism around the world. This bill fails to address the very serious problems of racial profiling and the invasion of privacy by our customs agents. It throws to the wind the ability to secure relief from the government if you are unfairly racially profiled. Mr. Chairman, it is going on right now. In spite of the random selection, I believe it is going on right now as we speak in our airports of random or racially profiled selections of individuals.

In addition, with respect to the mail provision, I believe that the substitute provides us a much better offering of this legislation. I would ask my colleagues to support the substitute; and if that substitute should fail, I would ask my colleagues to oppose the bill in its present form, that is, H.R. 3129.
not when they are boarding. Nothing in the provision limits it to terrorist investigations.

Section 144 of the bill provides immunity to a Customs officer conducting a search of a person or property provided he or she was acting in “good faith.” The term “good faith” is not defined.

Customs Service agents should not be provided with additional immunity because the Customs Service has an uneven record on racial profiling, it routinely conducts particularly intrusive searches, and has broad authority to seize personal property when the person is shipping prohibited goods. A March 2000 General Accounting Office report found that while African American men and women were nearly nine times more likely to be searched as white American men and women, they were no more likely to be found carrying contraband. I do support the Rangel substitute which balances protecting hard working customs agents against liability while still allowing the grieving citizen the right to sue for unjust acts against them.

Section 144, “Border search authority for certain contraband in outgoing mail,” would allow the U.S. Customs Service to open outbound international mail without a warrant if they have reasonable cause to suspect the mail contains certain contraband. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United Parcel Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

Section 144 would allow Customs officials to open sealed, outbound international mail without a warrant if they have reasonable cause to suspect the mail contains certain contraband. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United Parcel Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

Section 144 would allow Customs officials to open sealed, outbound international mail without a warrant if they have reasonable cause to suspect the mail contains certain contraband. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United Parcel Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

I urge my colleagues to vote “no” on H.R. 3129 because the bill would weaken protections against racial profiling and other illegal searches and undermines the right to privacy in personal correspondence.

Mr. CRANE, Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me time and rise in strong support of this legislation.

Mr. Chairman, I want to remind the body that this bill will provide $10 million for the Customs Cyber-Smuggling Center. This center, along with FBI, does all that work that is so critical to protecting our children from people who lurk on the Internet in cyberspace with the explicit and sole goal of exploiting them for sexual purposes.

The Rangel substitute is the only opportunity for all of us and for America, but it has also become a new venue for crime. While most Members are not aware of it, most of the child pornography that flows into America from abroad now flows in through cyberspace. So the Customs officials are extremely involved in preventing cyber-smuggling of pornographic material and stopping the cyberspace attacks on our children.

The Customs officials are very skilled now at going into the chat rooms on our computers, following the conversations that go on there and spotting those individuals who are posing as young people but are actually adults out to lure children into meetings that are sexually exploited, or, in the tragic case of a young girl in Connecticut, murdered. That happened just this week.

So the computers, their chat rooms, cyberspace, represents a new and terrible threat to our children. These are the same people used to lurk around school yards. That did have at least the advantage of our being able to see them and adults being able to report them and the police being able to pick them up. But now, they can lurk around school yards. They do not have to be seen visibly. They can lurk in the chat rooms that our children frequent and they can play on their innocence and their trust to build up communication with them and give them the confidence to meet them. Then, when they have the meeting, when they get the child in their literal physical grasp, that child then is helpless.

So the Customs Cyber-Smuggling Center has been on the front line of stemming this attack on our children, and this bill gives them $10 million that is critical to their beefing up their staff, to their being more effective in intercepting conversations with children and preventing those critical meetings and thereby protecting our children. So I commend the chairman on this legislation, and particularly for being able to work with us and include this critical money in this bill.

But I also want to address the importance of voting for the bill and voting against the substitute. The protection that is given to the Customs officials in this bill in protection that was requested by the Customs Department, that is wanted by the Customs officers, that was supported by the Treasury Department last time around on this bill and responds very deeply to their need to be protected just for doing their job.

There are tragic stories of Customs officials carrying out their responsibilities, doing what they are required by law to do to protect us, and then being sued, left out there by the government to pay all their own costs of the litiga-

 tion, losing their homes. There are terrible stories, and only because they are doing their job.

But we encourage litigation in our society. We encourage settlement of suits where there has been no wrongdoing, and we leave our Customs officials exposed. They explicitly asked for this protection. We can do no less than provide it for them.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I think the Rangel substitute does a lot to help this bill. I am in support of the Rangel substitute and am opposed to the bill in its current form.

First of all, Customs officials do need protection. We do need the agents of the Customs department to receive protection. The government is the one who should feel the full brunt of this. So we want to be sure our Customs agents are protected.

I do not take a second seat to anyone and I yield to no one in my support of the war against terrorism, but I refuse to accept government agents engaging in misconduct in a good faith method, in that the standards many times are too subjective, and we have seen it in law enforcement all around. We make the standards so vague and subjective that even people abuse them, and we are not able to bring them to task. These things are not grounded in the law. So we have to be very careful, and that is what the Rangel substitute does.

Secondly, we do not need to expand the search that the Customs authorities are doing without probable cause. The Postal Service opposes this provision, with good reason.

Racial profiling is too rampant and too important now. I urge my colleagues that when there is any hint of anything that would lead to impropriety or abuse of the civil rights and human rights of any individual, we should oppose it. Therefore, I oppose this bill, and I support the Rangel substitute.

Mr. CRANE, Mr. Chairman, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I thank the gentleman from Georgia for yielding me time.

Mr. Chairman, this is a bill which, compared to previous versions, certainly has done much better for our country and does much better for our Customs officers, our men and women in the Customs Service. This bill does not try to mistreat our employees, the men and women who place themselves in the way every day to defend this country against terrorism, who try to interdict the drugs that many would have come into our country, and it treats them the way they should be treated, with respect, when it comes to their employment and their salary, their working conditions.

Those previous versions of the bill which would have harmed our Customs
I do not think our Customs officers have requested this. I never heard that in committee, that they requested this. There is no reason to go to the point of providing immunity to Customs officers who violate the Constitution. They already have a qualified immunity for unconstitutional searches. Why are we going beyond what they have even asked for?

In committee, when we asked the general counsel for Customs, please explain why you are asking this particular immunity exception to be applied, we could not get a good answer from the general counsel of the Customs Service. This is a good bill. Why tarnish it with something that is unnecessary? Of course, most people are going to vote for this because most people will look at the fact that we are providing additional resources to Customs and doing the right thing for most of our officers. This does not belong there. That is why I object to this.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume to my friend, Mr. Crane.

Mr. CRANE. Mr. Chairman, at the outset, Mr. Chairman, I would like to ask a question: Do we know what a terrorist looks like? Did we know just a few short days ago that a young college student, the age of 21, would put pipe bombs in mailboxes in several Midwestern and Western States?

Mr. Chairman, I must tell you I rise in strong opposition to the Customs Border Security Act of 2001, H.R. 3129. This bill threatens to violate and weaken the civil rights of innocent passengers. At the committee markup recently, as many agencies of the Government, especially law enforcement and intelligence, currently obtain information through customs. It is clear that customs will be requiring more information in the future for antiterrorist efforts. It is equally clear that customs is the logical place to handle the critical flow of commerce.

While I, like many, appreciate the attempts made by the Customs Service to improve our record of racial profiling of passengers, now is not the time to grant Customs officers immunity from lawsuits involving personal searches.

H.R. 3129 would increase the chances of racial profiling and illegal searches. This bill will also violate personal privacy by expanding the power of the Customs Service to search mail leaving the United States without a warrant.

While I, like many, appreciate the attempts made by the Customs Service to improve our record of racial profiling of passengers, now is not the time to grant Customs officers immunity from lawsuits. Civil lawsuits against government officials and agencies are an important deterrent to racial profiling and unconstitutional and illegal searches. As public officials, Customs agents already have qualified immunity, which is more than adequate to protect them if acting within the scope of their official authority.

Without the possibility of a lawsuit, individuals who have been treated in an unconstitutional manner by a government agency would have no redress, and the government agents would have less incentive to comply with the Constitution.

Mr. Chairman, I urge my colleagues to protect the civil rights of innocent passengers and oppose this bill.

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

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 3129, the Customs Border Security Act of 2001, is the authorization for the U.S. Customs Service, International Trade Commission and Office of the U.S. Trade Representative through 2004. We have included a number of critical tools for fighting terrorism, drugs and child pornography.

The legislation will help customs close a gap in our border that lets illegal money be taken out of the country. This legislation will also significantly increase customs’ ability to stop the flow of illegal drugs over our borders and into our children’s hands. When this bill came to the floor last year, it was caught up in the general debate on trade and the subject of a lot of misinformation.

Mr. CRANE. Mr. Chairman, I see the time as expired. Mr. Chairman, I reserve the balance of my time.
The administration also requested that customs be able to search outgoing mail because the U.S. mail is often used to transmit laundered money out of the country. I want to assure members of the committee that we look very carefully at the privacy issues involved here and believe they are adequately addressed in this legislation. Our bill preserves our cherished fourth amendment rights against unwarranted search by requiring that no letter may be read by customs officers unless a warrant is obtained, just like current law with respect to inbound mail. Remember, money from illegal activities is what leads us to terrorists and drug smugglers.

We have increased funding to reestablish the New York Customs offices and an additional increase in funding to upgrade our textile transshipment monitoring and enforcement operations. We add $10 million for the Customs Cyber-smuggling Center. This legislation also contains authorization for funding for customs’ new automation, the Automated Commercial Environment.

Mr. Chairman, I urge all of my colleagues who are serious about stopping terrorism, drugs, and online child pornography, while keeping our trade flowing, to support this bill. I urge my colleagues to support it.

Mr. SERRANO. Mr. Chairman, on behalf of the Latino community I urge my colleagues to oppose H.R. 3129, the Customs Border Security Act, and to strongly support the Rangel substitute. H.R. 3129 will expand Federal authority for U.S. customs officers by granting them expanded “good faith” immunity. Ex- panding Customs officers’ immunity would only undermine the civil rights of many individuals who would be left without recourse to remedy unconstitutional and discriminatory searches, particularly when this agency has a history of targeting minorities. The Rangel substitute correctly addresses the racial profiling concerns while ensuring that customs inspectors are not liable for monetary damages in civil suits involving personal searches. The U.S. government would consent to be sued and to be held liable for civil damages for suits brought in connection with a wrongful personal search.

According to a Customs Service study conducted in fiscal year 1998, almost half of the people searched by customs were Latino or African-American, although the contraband produced by the searches was lower for minorities than for whites. Another study by the GAO in March 2000 revealed that black female U.S. citizens were nine times more likely than white or Hispanic females to be subjected to X-ray searches by U.S. Customs officials than their white counterparts, although black women were less than half as likely to be found carrying contraband as white women.

There is also no reason why Customs needs expanded authority to search outgoing international mail without a warrant. We inspect mail that comes into the country because we are interested in what it might contain. But the interests in outgoing mail are not the same and do not warrant invading our privacy. The Postal Service opposes this provision. Customs has every right to inspect mail by getting a search warrant. There is no need to change current law. The Rangel substitute also addresses the inspection of outbound mail.

I urge my colleagues to support the Rangel substitute and, if it fails, to vote no on H.R. 3129 because it weakens protection against racial profiling, thus undermining the civil rights of many people and support the Rangel substitute.

Mr. BACHUS. Mr. Chairman, Customs currently can do border searches of everything that enters or leaves the United States—with the exception of outbound mail shipped by the U.S. Postal Service.

The U.S. Customs Service should be able to inspect merchandise that is exiting the United States through the U.S. Postal Service—just like it can inspect all merchandise that enters the United States through the Postal Service.


Existing law enables the U.S. Customs Service to inspect merchandise exiting the United States via any mode of transportation—including truck, ship, car, airplane, private express carrier, or person. [22 U.S.C. Section 401; 22 U.S.C. Section 2778; 31 U.S.C. Section 5317; 50 U.S.C. App. Section 2411]

The Postal Service claims that it is exempt from these laws—making it the only mode of export for which Customs cannot inspect outbound merchandise. In fact, the Postal Authority not only refuses to cooperate with the Customs Service, but they openly resist their efforts to carry out their statutory obligations.


Furthermore, courts have upheld Customs’ general border search authority and, in particular, over inbound mail and outbound ships. These decisions support Congress acting to affirm Customs’ authority. [See United States v. Ramsey; United States v. Berisha; United States v. Ezeizuka, 936 F.2d 136 (3d Cir. 1991); United States v. Democratic Front for the sudanese U.S. Citizens, United Arab Emirates, United States v. Udofot, 711 F.2d 831 (8th Cir. 1958)].

The general public may not know about the inability of Customs to effectively search outbound merchandise, but others do. Some enterprising sellers of illegal drugs have even boldly stated on their internet site that mail-order customers should use the mails to avoid inspections.

Do not use UPS, Federal Express, or any other overnight express service, as customs may look at it. Regular mail (registered, if you like) is less likely to be opened and safe.

Recent Congressional testimony of Customs pointed to the lack of export examination requirements as to USPS shipments as the “greatest enforcement stumbling blocks,” creating “a money launderer’s dream-come-true.” [Testimony, U.S. Customs Service, House of Representatives Committee on Government Reform, Criminal Justice, Drug Policy and Human Resources Subcommittee Hearing, May 26, 2000.]

I urge testimony at this hearing pointed out that not just money laundering is involved, that this “loophole literally creates a haven for smugglers of all kinds. A flawed system such as this can facilitate many other illegal exports and illegal shipments such as child pornography, items or materials to be used in terrorist attacks, weapons of mass destruction or high tech products not licensed for exportation.”

The Postal Service’s position is clearly anti-law enforcement and allows the U.S. Postal Service to be the outbound smuggling method of choice for drug cartels and other criminal entities. No public policy is served by exempting outbound Postal Service shipments of merchandise from Customs’ inspection. I urge the membership to give this legislation the strongest vote of confidence.

Mr. Chairman, I rise in support of H.R. 3129, the Customs Border Security Act. I want to thank Chairman THOMAS and CRANE for working with me to address my concerns for improving staffing and equipment on the Northern Border.

By and large, Customs personnel were able to apprehend a terrorist at Blaine, Washington. This action helped prevent a terrorist act against our nation. Today, we face greater threats of terrorism and we need to better protect our borders, especially our Northern Border.

For this reason, I am pleased that this bill authorizes more funding to hire approximately 285 additional Customs Service officers to protect the borders and ports along the U.S.-Canadian border. This legislation also increases equipment for the Customs Service to expedite the movement of goods and passengers on our Northern Border.

Over the past few years, Washington State has seen an increase in trade and passenger traffic on the U.S.-Canadian border. In 1999, trade between Washington and Canada has grown approximately $19 billion. Furthermore, we have seen a growth in the cruise industry in Seattle. Unfortunately, we had to deny ships from visiting Seattle because of insufficient Customs officers to inspect them.

The increases in staff and equipment in this bill are positive steps towards a comprehensive and sustained effort to better protect the Northern Border from potential terrorist activities, and improve the flow of goods and traffic between the U.S. and Canada. I ask my colleagues to support this bill.

Ms. KILPATRICK. Mr. Chairman, I rise to announce my opposition to the underlying bill that we consider today. It is a near certainty that the substitute amendment offered by my colleague from California (Ms. WATERS) will not be approved, and without the improvements contained in her amendment, there is little choice for me but to vote against this bill.

Last December, I voted against this bill’s passage when it was considered under suspension of rules. I did so because I objected to a provision in the bill that would have provided immunity to customs officers for personal searches at border locations, as long as the officers follow agency guidelines. That was too broad an exemption.

May 22, 2002
I share the view of many in this chamber that the men and women who make up the U.S. Customs Service are good and hard working people, dedicated to performing their jobs and committed to protecting the safety of this country’s borders. Nowhere is the dedication of U.S. Customs Service personnel exemplified more than at Detroit’s ports of entry.

Unfortunately, inspection abuses have occurred and civil rights have been violated. The grant of immunity provided in the earlier bill asked that the constitutional rights of Americans be surrendered at the border. I opposed passage of H.R. 3129 last December, and I oppose its passage today for the very same reasons.

I have dedicated my entire life to the advancement of civil rights under civil law. To vote for this bill as it is presently configured would require me to suppress a deep-seated core value that I hold dear. There are times when many in this chamber put aside their personal values in order to advance causes and issues that provide for the greater good. This is not one of those times.

This bill has the potential of short circuiting the civil liberties of Americans and international visitors who step on to U.S. soil from international ports. By doing so, we are compromising on the values that make up part of the American character and surrendering the protections guaranteed to us under the Constitution. I cannot in good conscience surrender my convictions to protect the civil liberties of all Americans and those that come to this country. For that reason I oppose the passage of this bill.

Mr. CRANE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as the original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H. R. 3129

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 “Customs Border Security Act of 2001”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.

Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.

Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

CHAPTER 1—OVER TIME AND PREMIUM PAY OF OFFICERS OF THE CUSTOMS SERVICE

Sec. 121. Correction relating to fiscal year cap.

Sec. 122. Correction relating to overtime pay.

Sec. 123. Correction relating to premium pay.

Sec. 124. Use of savings from payment of premium pay.

Sec. 125. Effective date.

CHAPTER 2—MISCELLANEOUS PROVISIONS

Sec. 131. Additional Customs Service officers for border enforcement.

Sec. 132. Study and report relating to personnel practices of the Customs Service.

Sec. 133. Study and report relating to accounting and auditing procedures of the Customs Service.

Sec. 134. Establishment and implementation of cost accounting system, reports.

Sec. 135. Study and report relating to timeliness of prospective rulings.

Sec. 136. Study and report relating to Customs user fees.

Subtitle C—Personnel Provisions

Sec. 141. Immunity for United States officials that act in good faith.

Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.

Sec. 143. Mandatory advanced electronic information for cargo and passengers.

Sec. 144. Border search authority for certain contraband in outbound mail.

Sec. 145. Authorization of appropriations for re-establishment of Customs operations in New York City.

Subtitle D—Textile Transshipment Provisions

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.

Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.


TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.

Sec. 402. Regulatory audit procedures.

TITLE V—UNITED STATES MEXICO BORDER, UNITED STATES-CANADA BORDER, AND FLORIDA AND THE GULF COAST SEAPORTS.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Trade Act of 1974, $90,244,000 shall be available until expended for the operations of the Customs Service as provided in subsection (b). In paragraph (1) of section 301(b)(1)(A), as amended by section 101(a) of the Trade Act of 1974, $90,244,000 shall be available until expended for the operations of the Customs Service as provided in subsection (b). In paragraph (2) of section 301(b)(1)(A), as amended by section 101(a) of the Trade Act of 1974, $90,244,000 shall be available until expended for the operations of the Customs Service as provided in subsection (b).

(b) FISCAL YEAR 2003.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(A) of the Trade Act of 1974, $90,244,000 shall be available until expended for the operations of the Customs Service as provided in subsection (b). In paragraph (1) of section 301(b)(1)(A), as amended by section 101(a) of the Trade Act of 1974, $90,244,000 shall be available until expended for the operations of the Customs Service as provided in subsection (b). In paragraph (2) of section 301(b)(1)(A), as amended by section 101(a) of the Trade Act of 1974, $90,244,000 shall be available until expended for the operations of the Customs Service as provided in subsection (b).
(J) $360,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat.
(K) $480,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.
(L) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured.
(M) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic.
(N) $20,000 for 25 portable traffic information radio stations, with 1 station to be located at each border crossing.
(O) $930,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring.
(P) $390,000 for 60 inbound commercial truck transponders to be distributed to all ports of entry.
(Q) $1,600,000 for 40 narcotics vapor and particle detectors to be distributed to each border crossing.
(R) $400,000 for license plate reader automatic targeting software to be installed at each port to target inbound vehicles.
(2) THE U.S.-MEXICO BORDER.—For the United-States-Mexico border, the following:
(A) $3,000,000 for 4 Vehicle and Container Inspection Systems (VACIS).
(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.
(C) $3,000,000 for 4 1-MeV pallet x-rays.
(D) $250,000 for 50 portable contraband detectors (buses) to be distributed among ports where the current allocations are inadequate.
(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.
(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.
(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.
(3) FLORIDA AND GULF COAST SEAPORTS.—For Florida and the Gulf Coast seaports, the following:
(A) $4,500,000 for 6 Vehicle and Container Inspection Systems (VACIS).
(B) $11,800,000 for 5 mobile truck x-rays with transmission and backscatter imaging.
(C) $7,200,000 for 8 1-MeV pallet x-rays.
(D) $250,000 for 50 portable contraband detectors (buses) to be distributed among ports where the current allocations are inadequate.
(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.
(b) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1979 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,000,000 shall be available until expended for the maintenance and support of the equipment and training of personnel to maintain and support the equipment described in subsection (a); and
(i) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a); or
(ii) can be obtained at a lower cost than the equipment described in subsection (a).
(2) TRANSFER OF FUNDS.—Notwithstanding any other provision of this section, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of:
(A) the amount specified in any of subparagraphs (A) through (R) of section 101(a) for equipment specified in any other of such subparagraphs (A) through (R);
(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and
(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).
(3) COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.
As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required by the Federal Management and Metrosite Code, the Commissioner of Customs shall establish performance goals, performance indicators, and cost that is the same or less than the equipment described in subsection (a).
(2) INCREASING PUBLIC AWARENESS.
(a) In General.—The Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the Child Cyber-Smuggling Center of the Customs Service.
(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY/CHILD SEXUAL EXPOSITION.
The Commissioner of Customs may use amounts made available for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.
(2) In General.—For the fiscal year 2002:
(a) $30,000 for the operation of the bi- and trilingual tipline.
(b) $50,000 for the creation of a bilingual tipline.
(c) The Secretary of the Treasury, after consultation with the Commissioner of Customs, may furnish to the Customs Service $10,000,000 for fiscal year 2002 for the acquisition of the equipment described in subsection (a) if such other equipment that is being paid to customs officers, the Commissioner of Customs may reallocate an amount not to exceed 10 percent of:
(A) the amount specified in any of subparagraphs (A) through (R) of section 101(a) for equipment specified in any other of such subparagraphs (A) through (R);
(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and
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(B) the amount specified in any of subparagraphs (A) through (G) of subsection (a)(2) for equipment specified in any other of such subparagraphs (A) through (G); and
(C) the amount specified in any of subparagraphs (A) through (E) of subsection (a)(3) for equipment specified in any other of such subparagraphs (A) through (E).
(3) COMPLIANCE WITH PERFORMANCE PLAN REQUIREMENTS.
As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the United States Customs Service, as required by the Federal Management and Metrosite Code, the Commissioner of Customs shall establish performance goals, performance indicators, and cost that is the same or less than the equipment described in subsection (a).
(2) INCREASING PUBLIC AWARENESS.
(a) In General.—The Customs Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the Child Cyber-Smuggling Center of the Customs Service.
“(B) shall use an amount from the Customs User Fee Account equal to such amount determined under paragraph (2) for additional premium pay described in clauses (i) and (ii) of subsection (b)(1)(A).”

“(2) DETERMINATION OF SAVINGS AMOUNT.—The Secretary shall calculate an amount equal to the difference between—

“(A) the estimated cost for premium pay that would have been incurred during fiscal year 2002 if this section, as in effect on the day before the date of the enactment of section 123 of the Customs Border Security Act of 2001, had governed such costs; and

“(B) the actual cost for premium pay that is incurred during fiscal year 2002 under this section, as amended by section 123 of the Customs Border Security Act of 2001.”

SEC. 125. EFFECTIVE DATE.

This chapter, and the amendments made by this chapter, shall apply with respect to pay periods beginning on or after 15 days after the date of the enactment of this Act.

CHAPTER 2—MISCELLANEOUS PROVISIONS

SEC. 131. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amount made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)), as amended by this Act, $20,000,000 shall be available until expended for the Customs Service to hire approximately 265 additional Customs Service officers to address the needs of the officer and ports along the United States-Canada border.

SEC. 132. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service, and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 133. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time customs officers have to wait for rulings from the date on which a request for the ruling is received by the Customs Service.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term “prospective ruling” means a ruling that is requested by an importer on goods that are posed to be imported into the United States and that relates to the proper classification, valuation, or marking of such goods.

SEC. 136. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of each customs user fee imposed under section 1301(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58e(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report in classified form containing—

(1) the results of the study conducted under subsection (a); and

(2) recommendations for the appropriate amount of the customs user fees if such results indicate that such fees are not commensurate with the level of services provided by the Customs Service.

Subtitle D—Antiterrorism Provisions

SEC. 141. IMMUNITY FOR UNITED STATES OFFICER OR EMPLOYEE WHO PERFORMS SEARCHES.

(a) IMMUNITY.—Section 3061 of the Revised Statutes of the United States (19 U.S.C. 482) is amended—

(1) by striking “Any of the officers” and inserting “(A) Any of the officers”; and

(2) by adding at the end the following:

“(B) Any officer or employee of the United States conducting a search pursuant to subsection (a) shall not be held liable for any civil damages as a result of such search if the officer or employee performed the search in good faith.”.

(b) REQUIREMENT TO POST POLICY AND PROCEDURES FOR SEARCHES OF PASSENGERS.—Not later than 90 days after the date of enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility providing customs inspections, or at such other Customs border facilities as the Commissioner determines, that provides summaries of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy relating to the prohibition on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICE AND FACILITIES, Port STAFFING AND OPERATING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1331) is amended—

(1) by striking “Whenever the President” and inserting “(a) Whenever the President”; and

(2) by adding at the end the following:

“(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

“(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

“(B) Modify hours of operation, temporarily any Customs office or port of entry of the Customs Service, to the extent necessary to respond to the specific threat.

“(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

“(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

“(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).”

SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—In general.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(1) by striking “in the first sentence” and inserting “in the first sentence, and”;

(2) by striking “Any manifest” and inserting “(1) Any manifest”; and

(3) by adding at the end the following:

“(2) In addition to any other requirement under this section, for each land, air, or vessel carrier required to make entry or obtain clearance under the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such carrier or owner) after entry, or owner of such carrier, shall electronically transmit cargo manifest information in advance of such entry or clearance in such manner, time, and form as prescribed under regulations promulgated by the Secretary. Such manifest may exclude any class of land, air, or vessel carrier for which the Secretary concludes the requirements of this subparagraph are not necessary.

“CONFORMING CHANGES.—Subparagraphs (A) and (C) of section 431(d)(1) of such Act are each amended by inserting before the semicolon “or subsection (b)(2)’’.

“PASSENGER INFORMATION.—Paragraph 2 of Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 431 the following:

“SEC. 432. PASSENGER AND CREW MANIFEST INFORMATION REQUIRED FOR LAND, AIR, OR VESSEL CARRIERS.

“(a) IN GENERAL.—Whenever arriving or departing on a land, air, or vessel carrier required to make entry or obtain clearance under
the customs laws of the United States, the pilot, the master, operator, or owner of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission manifest information described in subsection (b) in advance of such entry or clearance in such manner, time, and form as prescribed under regulations by the Secretary.

(3) Information described.—The information described in this subsection shall include for each person described in subsection (a), the person’s—

(A) full legal name;

(B) date of birth and citizenship;

(C) gender;

(D) passport number and country of issuance;

(E) alien registration number or resident alien card number, as applicable;

(F) passenger name record; and

(G) such additional information that the Secretary, by regulation, determines is reasonably necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.

(c) Definition.—Section 401 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

‘‘(4) ‘‘Mail transiting the United States that is being searched at the border, without a search warrant, by [any] government to examine textile makers and other abuse of children) of title 18, United States Code.

‘‘(5) Mail sealed against inspection under mail transiting the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

‘‘(6) Provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of the article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or would be eligible for preferential treatment under the provision of law in question."

SEC. 144. BORDER SEARCH AUTHORITY FOR CER- TAIN CONTRABAND IN OUTBOUND MAIL.

The Tariff Act of 1939 is amended by inserting after section 852 the following:

‘‘SEC. 553. EXAMINATION OF OUTBOUND MAIL.

‘‘(a) Examination.—

‘‘(1) In General.—For purposes of enforcing compliance with the customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service and foreign mail transiting the United States that is being imported or exported by the United States Postal Service.

‘‘(2) Provisions of Law Described.—The provisions of law described in this paragraph are the following:

‘‘(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

‘‘(B) Sections 1651, 1653, 1655, 1656, and 1657 of title 18, United States Code (relating to obscenity and child pornography).


‘‘(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).


‘‘(G) Search of Mail Not Sealed Against Inspection and Other Mail.—Mail not sealed against inspection under the postal laws and regulations of the United States, mail which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a Customs officer.

‘‘(H) Search of Mail Sealed Against Inspection.—(1) Mail sealed against inspection under the postal laws and regulations of the United States may be searched by a Customs officer, subject to a warrant upon reasonable cause to suspect that such mail contains one or more of the following:

‘‘(A) Monetary instruments, as defined in section 1596 of title 18, United States Code.

‘‘(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

‘‘(C) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

‘‘(D) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

‘‘(E) Merchandise mailed in violation of section 1701 of title 18, United States Code.

‘‘(F) Merchandise mailed in violation of any provision of chapter 71 (relating to obscenity or child pornography) chapter 110 (relating to sexual exploitation and other abuse of children) of title 18, United States Code.


‘‘(I) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. app. 1 et seq.).


‘‘(K) Merchandise subject to any other law enforced by the Customs Service.

‘‘(2) No person acting under authority of paragraph (1) shall read, authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading—

‘‘(A) a search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

‘‘(B) the sender or addressee has given written authorization for such reading.

‘‘SEC. 145. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) Authorization of Appropriations.—

‘‘(1) In General.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2002. In addition, $1,463,000 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(b) Use of Funds.—Of the amount appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(c) Investigator.—(1) $1,156,380 for 10 investigators to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(d) International Trade Specialists.—$226,500 for 3 international trade specialists to be assigned to Customs headquarters to be dedicated to illegal textile policy issues and other free trade agreement enforcement issues.

(e) Permanent Import Specialists for Hong Kong.—$500,000 for 2 permanent import specialist positions and $900,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist with proactive enforcement of bilateral trade agreements.

(f) Various Permanent Trade Positions.—$3,500,000 for the following:

‘‘(A) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

‘‘(B) 2 permanent positions to be assigned to the Customs attaché office in South Africa to address trade enforcement issues pursuant to the African Growth and Opportunity Act (title I of Public Law 106–200).

‘‘(C) 4 permanent positions to be assigned to the Customs attaché office in South Korea, to address the trade issues in the geographic region.
(E) 2 permanent positions to be assigned to the proposed Customs attaches’ office in New Delhi, India, to address the threat of illegal textile transshipment and other trade enforcement issues.

(F) 2 permanent positions to be assigned to the Customs attaches’ office in Rome, Italy, to address trade enforcement issues in the geographic region.

(3) By not later than the date on which the President submits to Congress the budget for fiscal year 2003 for the salaries and expenses of the Customs Service, the amount to be available for import specialists, special agents, and other qualified Customs personnel to travel to sub-Saharan Africa countries to provide technical assistance in developing and implementing effective visa and anti-transshipment systems.

(4) Special Agents.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries in the performance of investigations and other enforcement initiatives.

TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 330(c)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(c)(2)) is amended by adding at the end the following:

(t) $51,400,000 for fiscal year 2002.”;

(b) In Subsection (g).—Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

(g)(A) If during the course of any audit concluded under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or moneys payable to the United States under section 432, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

(b) Nothing in this paragraph shall be construed to authorize a refund not otherwise authorized under section 520.”.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute as:

Amendment in the nature of a substitute offered by Mr. CRANE—Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the Customs Border Security Act of 2002.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial and commercial operations, commercial operations, and air and marine interdiction.

Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.

Sec. 103. Compliance with performance plan requirements.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Miscellaneous Provisions

Sec. 121. Additional Customs Service officers for United States-Canada border.

Sec. 122. Study and report relating to personal practices of the Customs Service.

Sec. 123. Study and report relating to accounting and auditing procedures of the Customs Service.

Sec. 124. Establishment and implementation of cost accounting system; reports.

Sec. 125. Study and report relating to time-line of prospective rulings.

Sec. 128. Study and report relating to Customs service.

Sec. 127. Fees for Customs inspections at express courier facilities.

Sec. 128. National Customs Automation Program.

Subtitle D—Antiterrorism Provisions

Sec. 141. Immunity for United States officials that act in good faith.
Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR NONCOMMERCIAL OPERATIONS—OFFICE OF THE UNITED STATES REPRESENTATIVE AND AIR AND MARINE INTERDICT.

(a) NONCOMMERCIAL OPERATIONS.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $899,121,000 for fiscal year 2002.;";

(2) in subparagraph (B) to read as follows:

"(B) $1,356,456,000 for fiscal year 2003.; and"

(3) by adding at the end the following:

"(C) $1,399,592,400 for fiscal year 2004.;"

(b) COMMERCIAL OPERATIONS.—

(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (i) to read as follows:

"(i) $1,666,683,000 for fiscal year 2002.;"

(B) in clause (ii) to read as follows:

"(ii) $1,642,602,000 for fiscal year 2003.; and"

(C) by adding at the end the following:

"(D) $1,688,867,650 for fiscal year 2004.;"

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 through 2004 under subsection (B)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $308,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.

(c) AIR AND MARINE INTERDICT.—Section 301(b)(8) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(8)) is amended—

(1) in subparagraph (A) to read as follows:

"(A) $177,860,000 for fiscal year 2002.;"

(2) in subparagraph (B) to read as follows:

"(B) $830,000,000 for fiscal year 2003.; and"

(3) by adding at the end the following:

"(C) $875,099,725 for fiscal year 2004.;"

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in section 101.

SEC. 102. ANTI-TERRORIST AND ILlicit Narcotics Detection Equipment for the United States-Mexico Border, United States-Canada Border, and Florida and the Gulf Coast Seaports.

(a) FISCAL YEAR 2002.

(1) IN GENERAL.—The amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)) provided by section 101(a) of this Act, $90,241,000 shall be available until expended for the acquisition of equipment described in subsection (a).

(2) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, the following:

(A) $3,500,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(F) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed.

(G) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing based on traffic volume.

(3) UNITED STATES-CANADA BORDER.—For the United States-Canada border, the following:

(A) $3,500,000 for 4 Vehicle and Container Inspection Systems (VACIS).

(B) $8,800,000 for 4 mobile truck x-rays with transmission and backscatter imaging.

(C) $3,600,000 for 4 1–MeV pallet x-rays.

(D) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate.

(E) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume.

(b) FISCAL YEAR 2003.

(1) IN GENERAL.—Of the amounts made available for fiscal year 2003 under section 301(b)(1)(B) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(B)), as amended by section 101(a) of this Act, $9,300,000 shall be available until expended for the acquisition of equipment described in subsection (a), the purchase of personnel to maintain and support the equipment described in subsection (a), and the acquisition of technologically superior equipment.

(2) TRANSFER OF FUNDS.—

(a) IN GENERAL.—The Commissioner of Customs may use amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, for the acquisition of equipment other than the equipment described in subsection (a) if such other equipment—

(A) is technologically superior to the equipment described in subsection (a); and

(b) will achieve at least the same results at a cost that is the same or less than the equipment described in subsection (a).

(b) can be obtained at a lower cost than the equipment described in subsection (a).
SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM TO PREVENT CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

SEC. 121. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

SEC. 122. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

SEC. 123. STUDY AND REPORT RELATING TOaccoOUNTING AND AUDITING PROCEDURES OF THE CUSTOMS SERVICE.

SEC. 124. ESTABLISHMENT AND IMPLEMENTATION OF CUSTODIAL ACCOUNTING SYSTEM REPORTS.

SEC. 125. STUDY AND REPORT RELATING TO ACQUISITION OF COMMERCIAL EXPRESS COURIER FACILITIES.

SEC. 126. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

SEC. 127. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS COURIER FACILITIES.

SEC. 128. STUDY AND REPORT RELATING TO DUES OF THE CUSTOMS SERVICE.

SEC. 129. STUDY AND REPORT RELATING TO CENTERS OF THE CUSTOMS SERVICE.

SEC. 130. CHANGE IN WITH PERFORMANCE PLAN REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity 3.75 percent of the amounts deposited in accordance with regulations prescribed by the Secretary of the Treasury.

Amounts deposited in accordance with the provisions of this subsection may be used by the Commissioner of Customs to fund the operations of the Customs Service.

The Comptroller General shall be informed of the exercise of any such authority and shall be provided a report on the extent of such authority exercised.

Such fees shall be used to support the operations of the Customs Service, including the costs of operating the child pornography cyber tipline of the Customs Service, and for the purposes described in subsection (a).

The procedures for the assessment and collection of such fees shall include, at a minimum, the procedures described in section 13031(b)(9) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(b)(9)), as amended.

The Secretary of the Treasury shall pay such fees into the Treasury.

The Secretary shall ensure that such fees are deposited in the Treasury in a manner that adequately protects such fees.

SEC. 131. AUTHORIZATION OF APPROPRIATIONS FOR CHILDMISSING AND EXPLOITED CHILDREN PROGRAM.

SEC. 132. STUDY AND REPORT RELATING TO PERFORMANCE OF THE CUSTOMS SERVICE.

SEC. 133. STUDY AND REPORT RELATING TO THE CUSTOMS SERVICE'S ROLE IN THE FOREIGN TRADE ZONE PROGRAM.
with the preceding sentence shall be available until expended for the provision of customs services to express consignment carrier facilities or centralized hub facilities."

"(d) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on October 1, 2002.

SEC. 128. NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 411(b) of the Tariff Act of 1930 (19 U.S.C. 1411(b)) is amended by striking the second sentence and inserting the following: "The Secretary may, by regulation, require the electronic submission of information described in subsection (a) or any other information required to be submitted to the Customs Service specifically pursuant to this subpart."

Subtitle D—Antiterrorism Provisions

SEC. 141. IMMUNITY FOR UNITED STATES OFFICIALS THAT ACT IN GOOD FAITH.

(a) IMMUNITY.—Section 3731 of the Revised Statutes (19 U.S.C. 482) is amended—

(1) by striking "Any of the officers" and inserting "Any of the officers"; and

(2) by inserting after subsection (a),

"(b) Any officer or employee of the United States conducting a search of a person pursuant to this Act, shall not be liable for any civil damages as a result of such search if the officer or employee performed the search in good faith."

(b) REQUIREMENT TO POST POLICY AND PROCEDURES OF THE CUSTOMS SERVICE FOR SEARCHES OF PASSENGERS.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking "Whenever the President" and inserting "Whenever the President"; and

(2) by adding at the end the following:

"(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees at any location.

(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to close temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

(3) The Secretary of the Treasury or the Commissioner of Customs, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2) of this section."

SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) CARGO INFORMATION.—

(1) IN GENERAL.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended—

(A) in the first sentence, by striking "Any manifest" and inserting "(1) Any manifest"; and

(B) by adding at the end the following:

"'(2) In addition to any other requirement under this section, for each entry, air, or vessel cargo required to make entry under the customs laws of the United States, the repairer for which the Secretary concludes the conduct of profiling of passengers based on the cargo manifest information described in this subsection shall in-""
“(F) Merchandise mailed in violation of any provision of chapter 71 (relating to ob-scenity) or chapter 110 (relating to sexual ex-plotation and other abuse of children) of title 18, United States Code.


“(J) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. app. 1 et seq.).

“(K) Merchandise subject to any other law enforced by the Customs Service.

“(2) No person acting under authority of any provision of law has been claimed has occurred when preferential treatment under any provision of law has been claimed and verified entry information.

“(3) Improvements to the transshipment monitoring system if applicable.

“(5) GAO REPORT. —The Comptroller General shall submit to the Com- missioner of Customs and Border Protection a report that—

(a) Authorizes Appropriations. —The amounts authorized to be appropriated for the fiscal year 2002 shall be used to—

(1) support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide over-sight.

(2) Inspectors. —$652,080 for 10 Customs in-spectors to be assigned to ports for documentation review to investigate instances of smuggling, quota and trade agreement circumvention, and use of counterfeit visas to enter inadmissible goods.

(B) $149,603 for 1 investigator to be assigned to Customs headquarters textile program to coordinate and ensure implementation of textile production verification team results from an investigation perspective.

(C) $1,165,380 for 10 Investi-gators to be assigned to the textile sector to investigate and ensure implementation of trade agreement enforcement initiatives.

(D) $1,463,000 for 21 Customs import specialists to be assigned to ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide over-sight.

(E) $33,108,000 for fiscal year 2004.

(F) 2 permanent positions to be assigned to the Customs attaches office in Rome, Italy, to address trade enforcement issues in the geography region, including issues under free trade agreements with Israel.

(G) At least 10 attorneys for the Office of the Chief Counsel of the U.S. Department of the Interior, trade branch, to address trade enforcement issues in the geography region, including issues under free trade agreements with Israel.


(I) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).

(J) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).


TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended—

(1) in clause (1) to read as follows:

"(1) $51,440,000 for fiscal year 2002;"

(2) in clause (ii) to read as follows:

"(ii) $54,080,000 for fiscal year 2003; and"

(3) by adding at the end the following:

"(iii) $57,240,000 for fiscal year 2004.

(b) Submission of Out-Year Budget Projections.—Section 330(e) of the Tariff Act of 1930 (19 U.S.C. 1330(e)(2)) is amended by adding at the end the following:

"(4) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Comptroller General of the United States a projection of the United States Government for the succeeding fiscal year that will remain available until expended.

TITL IV—OTHER TRADE PROVISIONS

SEC. 401. INCREASE IN AGGREGATE VALUE OF Articles EXEMPT FROM DUTY REQUIRED ABOAD BY UNITED STATES RESIDENTS.

(a) In General.—Subheading 9804.00.65 of the Tariff Schedule of the United States is amended in the description column by striking "$400" and inserting "$3800".

(b) Effective Date.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

"(6) In the course of any audit conducted under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values that are within the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 592, the Customs Service shall treat the over-payments or over-declarations on finally liquidated entries as an offset to any under-payments or under-declarations also identified on final liquidated entries if such over-payments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

"(7) This paragraph shall be construed to authorize a refund not otherwise authorized under section 530.

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, the gentleman from Illinois (Mr. CRANE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

The substitute increases authorization funding levels at section 101, including earmark for resources at noncommercial offices at New York, London, Hong Kong, other section 121. It extends authorization through 2004. It deletes sections 121 through 125 concerning customs officer pay changes, and remuneration. It adds new section 127 to change customs' fees for couriers to a fixed fee structure. It clarifies in section 143 that advanced electronic manifest requirements apply only to inbounds, as provisions to require sharing of information collected by customs to other government agencies.

It clarifies in section 143 that advanced electronic manifest requirements apply only to inbounds, as provisions to require sharing of information collected by customs to other government agencies.

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

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

The CHAIRMAN pro tempore. The amendment in the nature of a substitute offered by the gentleman from Illinois (Mr. CRANE).

The amendment in the nature of a substitute is agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 107-482.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN pro tempore. Is the gentleman from California (Ms. WATERS) the designee of the gentleman from New York (Mr. RANGEL)?

Ms. WATERS. Yes.

The CHAIRMAN 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 Ms. WATERS:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Customs Border Security Act of 2002".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial operations, commercial operations, and air and marine interdiction.
Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.

Sec. 103. Compliance with performance plan requirements.

Subtitle B—Cyber-Physical Security

Sec. 111. Authorization of appropriations for program to prevent child pornography/child sexual exploitation.

Subtitle C—Miscellaneous Provisions

Sec. 121. Custom Service office for United States-Canada border.

Sec. 122. Study and report relating to personnel practices of the Customs Service.

Sec. 123. Study and report relating to accounting and auditing procedures of the Customs Service.

Sec. 124. Establishment and implementation of cost accounting system; report.

Sec. 125. Study and report relating to timeliness of prospective rulings.

Sec. 126. Study and report relating to Customs fees.

Sec. 127. Fees for Customs inspections at express courier facilities.

Sec. 128. National Customs Automation Program.

Subtitle D—Antiterrorism Provisions

Sec. 141. Exclusive remedy for personal injury.

Sec. 142. Emergency adjustments to offices, ports of entry, or staffing of the Customs Service.

Sec. 143. Mandatory advanced electronic information for cargo and passenger fees.

Sec. 144. Authorization of appropriations for reestablishment of Customs operations in New York City.

Subtitle E—Textile Transshipment Provisions

Sec. 151. GAO audit of textile transshipment monitoring by Customs Service.

Sec. 152. Authorization of appropriations for textile transshipment enforcement operations.


TITLE II—OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Sec. 201. Authorization of appropriations.

TITLE III—UNITED STATES INTERNATIONAL TRADE COMMISSION

Sec. 301. Authorization of appropriations.

TITLE IV—OTHER TRADE PROVISIONS

Sec. 401. Increase in aggregate value of articles exempt from duty acquired abroad by United States residents.

Sec. 402. Relating to audit procedures.

TITLE I—UNITED STATES CUSTOMS SERVICE

Subtitle A—Drug Enforcement and Other Noncommercial and Commercial Operations

Sec. 101. Authorization of appropriations for noncommercial and commercial operations, commercial operations, and air and marine interdiction.

(a) Noncommercial Operations.—Section 301(b)(1) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)) is amended—

(1) in subparagraph (A) to read as follows:

‘‘(A) $899,121,000 for fiscal year 2002;’’;

(2) in subparagraph (B) to read as follows:

‘‘(B) $1,365,456,000 for fiscal year 2003;’’;

and

(3) by adding at the end the following:

‘‘(C) $1,389,592,400 for fiscal year 2004.’’.

(b) Commercial Operations.—(1) IN GENERAL.—Section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)) is amended—

(A) in clause (1) to read as follows:

‘‘(1) $1,606,068,000 for fiscal year 2002;’’;

(B) in clause (1) to read as follows:

‘‘(1) $1,642,662,000 for fiscal year 2003;’’;

and

(C) by adding at the end the following:

‘‘(3) $1,683,667,050 for fiscal year 2004.’’.

(2) AUTOMATED COMMERCIAL ENVIRONMENT COMPUTER SYSTEM.—Of the amount made available for each of fiscal years 2002 through 2004 under section 301(b)(2)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(2)(A)), as amended by paragraph (1), $338,000,000 shall be available until expended for each such fiscal year for the development, establishment, and implementation of the Automated Commercial Environment computer system.

(3) REPORTS.—Not later than 90 days after the date of the enactment of this Act, and not later than each subsequent 90-day period, the Commissioner of Customs shall prepare and submit to the Committee on Ways and Means of the Representatives and the Committee on Finance of the Senate a report demonstrating that the development and establishment of the Automated Commercial Environment computer system is being carried out in a cost-effective manner and meets the modernization requirements of title VI of the North American Free Trade Agreement Implementation Act.

(c) AIR AND MARINE INTERDICTION.

(1) IN GENERAL.—Section 301(b)(3) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(3)) is amended—

(A) in paragraph (A) to read as follows:

‘‘(A) $177,880,000 for fiscal year 2002;’’;

(B) in paragraph (B) to read as follows:

‘‘(B) $170,629,000 for fiscal year 2003;’’;

and

(C) by adding at the end the following:

‘‘(C) $175,099,725 for fiscal year 2004.’’.

(d) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

‘‘(3) By not later than the date on which the President submits to Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (a).’’

Sec. 102. Antiterrorist and illicit narcotics detection equipment for the United States-Mexico border, United States-Canada border, and Florida and the Gulf Coast seaports.

(a) FISCAL YEAR 2002.—Of the amounts made available for fiscal year 2002 under section 301(b)(1)(A) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a) of this Act, $90,244,000 shall be available until expended for acquisition and other expenses associated with implementation and deployment of antiterrorist and illicit narcotics detection equipment along the United States-Mexico border, the United States-Canada border, and Florida and the Gulf Coast seaports, as follows:

(1) UNITED STATES-MEXICO BORDER.—For the United States-Mexico border, $4,800,000 shall be available for Vehicle and Container Inspection Systems (VACIS),

(2) $11,200,000 for 5 mobile truck x-rays with transmission and backscatter imaging,

(3) $13,000,000 for the upgrade of 8 fixed-site truck x-rays from the present energy level of 150 electron volts to 1,000,000 electron volts (1-MeV),

(4) $7,200,000 for 8 1-MeV pallet x-rays,

(5) $1,000,000 for 20 portable contraband detection (busters) to be distributed among ports where the current allocations are inadequate,

(6) $900,000 for 50 contraband detection kits to be distributed among all southwest border ports based on traffic volume,

(7) $500,000 for 25 ultrasonic container inspection units to be distributed among all ports receiving liquid-filled cargo and to ports with a hazardous material inspection facility,

(8) $2,450,000 for 7 automated targeting systems,

(9) $900,000 for 30 rapid tire deflator systems to be distributed to those ports where port runners are a threat,

(10) $400,000 for 20 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed,

(11) $1,000,000 for 20 remote watch surveillance camera systems at ports where there are suspicious activities at loading docks, vehicle queues, secondary inspection lanes, or areas where visual surveillance or observation is obscured,

(12) $1,254,000 for 57 weigh-in-motion sensors to be distributed among the ports with the greatest volume of outbound traffic,

(13) $180,000 for 36 AM traffic information radio stations, with 1 station to be located at each border crossing,

(14) $1,040,000 for 260 inbound vehicle counters to be installed at every inbound vehicle lane,

(15) $950,000 for 38 spotter camera systems to counter the surveillance of customs inspection activities by persons outside the boundaries of ports where such surveillance activities are occurring,

(16) $3,600,000 for 4 1-MeV pallet x-rays,

(17) $250,000 for 50 portable contraband detectors (busters) to be distributed among ports where the current allocations are inadequate,

(18) $300,000 for 25 contraband detection kits to be distributed among ports based on traffic volume,

(19) $240,000 for 10 portable Treasury Enforcement Communications Systems (TECS) terminals to be moved among ports as needed,

(20) $400,000 for 10 narcotics vapor and particle detectors to be distributed to each border crossing,

(21) $400,000 for license plate reader automatic targeting software to be installed at each border crossing,

(22) $3,600,000 for 4 1-MeV pallet x-rays,

(23) $250,000 for 50 Portable Contraband Detectors (busters) to be distributed among ports where the current allocations are inadequate,

(24) $300,000 for 25 Contraband Detection Kits to be distributed among ports based on traffic volume,

(25) $240,000 for 10 Portable Treasury Enforcement Communications Systems (TECS) Terminals to be moved among ports as needed,

(26) $400,000 for 10 Narcotics Vapor and Particle Detectors to be distributed to each border crossing,

(27) $400,000 for license plate reader automatic targeting software to be installed at each border crossing,

(28) $3,600,000 for 4 1-MeV pallet x-rays,
SEC. 112. ADDITIONAL CUSTOMS SERVICE OFFICERS FOR UNITED STATES-CANADA BORDER.

Of the amounts made available for fiscal year 2002 under paragraphs (1) and (2)(A) of section 301(b)(1)(A) of the Customs Procedures Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)(1)(A)), as amended by section 101(a)(1), $2,300,000 shall be available until expended for the Customs Service to hire approximately 285 additional Customs Service officers, to efficiently meet the needs of the offices and ports along the United States-Canada border.

SEC. 113. STUDY AND REPORT RELATING TO PERSONNEL PRACTICES OF THE CUSTOMS SERVICE.

(a) STUDY.—The Commissioner of Customs shall conduct a study of current personnel practices of the Customs Service, including an overview of performance standards and the effect and impact of the collective bargaining process on drug interdiction efforts of the Customs Service and a comparison of duty rotation policies of the Customs Service and other Federal agencies that employ similarly-situated personnel.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term ‘‘personnel practice’’ means a personnel practice that is proposed to be implemented by the Customs Service relating to the fee so imposed.

SEC. 114. FEES FOR CUSTOMS INSPECTIONS AT EXPRESS COURIER FACILITIES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of customs user fees imposed under section 203(a) of the Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

SEC. 115. ESTABLISHMENT AND IMPLEMENTATION OF CUSTOMS USER FEES.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) In general.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service’s fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for the identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by officers and personnel from the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.

(b) REPORTS.—Beginning on the date of the enactment of this Act and ending on the date of the fiscal year that the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on implementing the cost accounting system pursuant to subsection (a).

SEC. 125. STUDY AND REPORT RELATING TO TIMELINESS OF PROSPECTIVE RULINGS.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the Office of Regulations and Rulings of the Customs Service has made improvements to decrease the amount of time to issue prospective rulings in which the cost accounting system described in subsection (a) is fully implemented, the Commissioner of Customs shall prepare and submit to Congress on a quarterly basis a report on implementing the cost accounting system pursuant to subsection (a).

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a).

(c) DEFINITION.—In this section, the term ‘‘timeliness of prospective rulings’’ means a ruling that is requested by an importer on goods that are proposed to be imported into the United States, that relates to the proper classification, valuation, or marking of such goods.

SEC. 126. STUDY AND REPORT RELATING TO CUSTOMS USER FEES.

(a) STUDY.—The Comptroller General shall conduct a study on the extent to which the amount of customs user fees imposed under section 203(a) of the Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(a)) is commensurate with the level of services provided by the Customs Service relating to the fee so imposed.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report containing the results of the study conducted under subsection (a) and 2 recommendations for the appropriate amendment of the customs user fee.

(c) DEFINITION.—In this section, the term ‘‘customs user fees’’ means a fee so imposed by the customs service relating to the processing of letters, documents, records, shipments, merchandise, or any other item that is valued at an amount under $2,000 (or such higher amount as the Secretary may set by regulation pursuant to section 408 of the Tariff Act of 1930), whether or not such item is informally entered or released (except items entered or released for immediate exportation),’’; and

(d) In subparagraph (d)—

(A) in the matter preceding clause (i), by striking ‘‘the processing of letters, documents, records, shipments, merchandise, or any other item that is valued at an amount under $2,000’’ and inserting ‘‘the processing of letters, documents, records, shipments, merchandise, or any other item that is valued at an amount under $2,000, or such higher amount as the Secretary may set by regulation pursuant to section 408 of the Tariff Act of 1930, whether or not such item is informally entered or released (except items entered or released for immediate exportation),’’; and

(B) in clause (ii) to read as follows—

‘‘(i) Except for the emergency or emergency carrier facility or centralized hub facility, $.66 per individual airway bill or bill of lading.’’

(2) By redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following:—

(2) the amount specified in any subparagraph (A) through (B) of subsection (a) for equipment specified in any other of such subparagraphs (A) through (B); and

(C) the amount specified in any of the subparagraphs (A) through (B) of subsection (a) for equipment specified in any other of such subparagraphs (A) through (B).

SEC. 103. COMPLIANCE WITH PERFORMANCE REQUIREMENTS.

As part of the annual performance plan for each of the fiscal years 2002 and 2003 covering each program activity set forth in the budget of the Customs Service, the Commissioner is required under section 1115 of title 31, United States Code, the Commissioner of Customs shall establish performance goals, performance standards and, comply with all other requirements contained in paragraphs (1) through (6) of subsection (a) of such section with respect to each of the activities to be carried out pursuant to section 102.

Subtitle B—Child Cyber-Smuggling Center of the Customs Service

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR PREVENTION CHILD PORNOGRAPHY/CHILD SEXUAL EXPLOITATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—

There is authorized to be appropriated to the Customs Service $1,000,000 for fiscal year 2002 to carry out the program to prevent child pornography/child sexual exploitation established by the Child Cyber-Smuggling Center of the Customs Service.

(b) USE OF AMOUNTS FOR CHILD PORNOGRAPHY CYBER TILNE.—Of the amount appropriated for this section, the Child Cyber-Smuggling Center Service shall provide 3.75 percent of such amount to the National Center for Missing and Exploited Children for the operation of the cyber tipline of the Center and for increased public awareness of the tipline.

SEC. 112. ESTABLISHMENT AND IMPLEMENTATION OF SMALL BUSINESS ACCOUNTING SYSTEM REPORTS.

(a) ESTABLISHMENT AND IMPLEMENTATION.—

(1) In general.—Not later than September 30, 2003, the Commissioner of Customs shall, in accordance with the audit of the Customs Service’s fiscal years 2000 and 1999 financial statements (as contained in the report of the Office of the Inspector General of the Department of the Treasury issued on February 23, 2001), establish and implement a cost accounting system for expenses incurred in both commercial and noncommercial operations of the Customs Service.

(2) ADDITIONAL REQUIREMENT.—The cost accounting system described in paragraph (1) shall provide for the identification of expenses based on the type of operation, the port at which the operation took place, the amount of time spent on the operation by officers and personnel from the Customs Service, and an identification of expenses based on any other appropriate classification necessary to provide for an accurate and complete accounting of the expenses.
“(b)(1) For fiscal year 2004 and subsequent fiscal years, the Secretary of the Treasury may adjust (not more than once per fiscal year) the amount described in subparagraph (A)(ii) by not more than $3.00 per individual airway bill or bill of lading. The Secretary shall provide notice in the Federal Register of a proposed adjustment and shall provide notice of the proposed adjustment and the reasons therefor and shall allow for public comment on the proposed adjustment.

“(ii) The payment required by subparagraph (A)(i) only payment required for reimbursement of the Customs Service in connection with the processing of an individual airway bill or bill of lading in accordance with subparagraph (A)(ii) except that the Customs Service may charge a fee to cover expenses of the Customs Service for adequate office space, equipment, furnishings, supplies, and security.

“III. (i) The payment required by subparagraph (A)(ii) and clause (ii) shall be paid on a quarterly basis to the Customs Service in accordance with regulations prescribed by the Secretary of the Treasury.

“(II) 50 percent of the amount of payments received under subparagraph (A)(ii) and clause (i) shall be paid to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) of this section.

“(III) Notwithstanding section 521 of the Tariff Act of 1930, whenever the President, in his discretion, determines that the amount of payments received under subparagraph (A)(ii) and clause (ii) shall be paid to the Secretary of the Treasury, which is in lieu of the payment of fees under subsection (a)(10) of this section.

(b) Effective date.—The amendments made by subsection (a) take effect on October 1, 2002.

SEC. 128. NATIONAL CUSTOMS AUTOMATION PROGRAM.

Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1411(b)) is amended by striking the provisions described in subsection (a) and inserting the following:

“The Secretary may, by regulation, require the electronic transmission of information described in subsection (a) or any other information required to be submitted to the Customs Service separately pursuant to this subpart.

Subtitle D—Antiterrorism Provisions

SEC. 141. EXCLUSIVE REMEDY FOR PERSONAL SEARCH CLAIMS.

(a) Exclusive remedy.—Section 3061 of the Revised Statutes of the United States (19 U.S.C. 482) is amended—

(1) by striking “of the officers” and inserting “or any of the officers”;

(2) by adding at the end the following:

“Any remedy provided by this paragraph shall be in addition to any other civil action or proceeding for money damages by reason of the same subject matter against the employee whose act or omission gave rise to the action or against any estate of such employee, The United States shall be liable for any such claim, and any other civil action or proceeding for money damages arising out of or relating to the same subject matter against the employee or the employee’s estate is precluded without regard to when the submission occurred.

(b) Requirement to Post Policy and Procedures for Searches of Passengers.—No later than 30 days after the date of the enactment of this Act, the Commissioner of the Customs Service shall ensure that at each Customs border facility appropriate notice is provided of the policy and procedures of the Customs Service for searching passengers, including a statement of the policy and procedures on the conduct of profiling of passengers based on gender, race, color, religion, or ethnic background.

SEC. 142. EMERGENCY ADJUSTMENTS TO OFFICES, PORTS OF ENTRY, OR STAFFING OF THE CUSTOMS SERVICE.

Section 318 of the Tariff Act of 1930 (19 U.S.C. 1318) is amended—

(1) by striking “Whenever the President” and inserting “(a) Whenever the President”;

and

(2) by adding at the end the following:

“(b)(1) Notwithstanding any other provision of law, the Secretary of the Treasury, when necessary to respond to a national emergency declared under the National Emergencies Act (50 U.S.C. 1601 et seq.) or to a specific threat to human life or national interests, is authorized to take the following actions on a temporary basis:

“(A) Eliminate, consolidate, or relocate any office or port of entry of the Customs Service.

“(B) Modify hours of service, alter services rendered at any location, or reduce the number of employees of any location.

“(C) Take any other action that may be necessary to directly respond to the national emergency or specific threat.

“(2) Notwithstanding any other provision of law, the Commissioner of Customs, when necessary to respond to a specific threat to human life or national interests, is authorized to take the following actions:

“(A) Use temporarily any Customs office or port of entry or take any other lesser action that may be necessary to respond to the specific threat.

“(B) The Secretary of the Treasury or the Commissioner of the Customs Service, as the case may be, shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 72 hours after taking any action under paragraph (1) or (2).

SEC. 143. MANDATORY ADVANCED ELECTRONIC INFORMATION FOR CARGO AND PASSENGERS.

(a) Cargo information.—In general.—Section 431(b) of the Tariff Act of 1930 (19 U.S.C. 1431(b)) is amended by inserting the following:

“(1) Any manifest made by an officer of the customs service in connection with the processing of a container (or the authorized agent of such carrier (or the authorized agent of such operator or owner) shall provide by electronic transmission cargo manifest information in such manner, time, and form as prescribed under regulations by the Secretary.

(b) Information described.—The information described in this subsection shall include for each person described in subsection (a), if applicable, the person’s—

(1) full name;

(2) date of birth and citizenship;

(3) gender;

(4) passport number and country of issuance;

(5) United States visa number or resident alien card number;

(6) passenger name record; and

(7) such additional information that the Secretary, by regulation, determines is necessary to ensure aviation and maritime safety pursuant to the laws enforced or administered by the Customs Service.

(c) Sharing of information.—The Secretary shall cooperate with other appropriate Federal departments and agencies for the purpose of providing to such departments and agencies as soon as practicable electronic transmission information obtained pursuant to subsection (a). In carrying out the preceding sentence, the Secretary, to the maximum extent practicable, shall protect the privacy rights of the person with respect to which the information relates.

(d) Definition.—Section 801 of the Tariff Act of 1930 (19 U.S.C. 1401) is amended by adding at the end the following:

“(1) The term ‘land, air, or vessel carrier’ means a land, air, or vessel carrier, as the case may be, that transports goods or passengers for payment or other consideration, including money or services rendered.

(e) Effective date.—The amendments made by this section shall take effect beginning 45 days after the date of the enactment of this Act.

SEC. 144. AUTHORIZATION OF APPROPRIATIONS FOR REESTABLISHMENT OF CUSTOMS OPERATIONS IN NEW YORK CITY.

(a) Authorization of Appropriations.—

1. In general.—There is authorized to be appropriated for the reestablishment of operations of the Customs Service in New York, New York, such sums as may be necessary for fiscal year 2002.

2. Operations described.—The operations referred to in paragraphs (1) and (2) include, but are not limited to, the following:

(A) Operations relating to the Port Director of New York City, the New York Customs Management Center (including the Director of Field Operations), and the Special Agent-In-Charge for New York.

(B) Commercial operations, including textile enforcement operations and salaries and expenses of—

(1) trade specialists who determine the origin and value of merchandise;

(2) agents who monitor the entry data into the United States of textiles and textile products; and
(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(b) Availability.—Amounts appropriated pursuant to paragraph (a) of appropriation under subsection (a) are authorized to remain available until expended.

Subtitle E—Textile Transshipment Provisions

SEC. 151. GAO AUDIT OF TEXTILE TRANSSHIPMENT—MONITORING BY CUSTOMS SERVICE.

(a) GAO Audit.—The Comptroller General of the United States shall conduct an audit of the provisions established and carried out by the Customs Service to monitor textile transshipment.

(b) Report.—Not later than 9 months after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Ways and Means of the House of Representatives and Committee on Finance of the Senate a report that contains the results of the study conducted under subsection (a), including recommendations for improvements to the transshipment monitoring system if applicable.

(c) Transshipment Described.—Transshipment within the meaning of this section has occurred when preferential treatment under any provision of law has been claimed for a textile or apparel article on the basis of material false information concerning the country of origin, manufacture, processing, or assembly of that article or any of its components. For purposes of the preceding sentence, false information is material if disclosure of the true information would mean or would have meant that the article is or was ineligible for preferential treatment under the provision of law in question.

SEC. 152. AUTHORIZATION OF APPROPRIATIONS FOR TEXTILE TRANSSHIPMENT ENFORCEMENT OPERATIONS.

(a) Authorization of Appropriations.—(1) In general.—There is authorized to be appropriated for textile transshipment enforcement operations of the Customs Service $9,500,000 for fiscal year 2002.

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until expended.

(b) INSPECTORS.—$602,080 for 10 Customs inspectors to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to administer the program and provide oversight.

(c) INSPECTORS.—$1,463,380 for 21 Customs import specialists to be assigned to selected ports for documentation review to support detentions and exclusions and 1 additional Customs import specialist assigned to the Customs headquarters textile program to coordinate the Office’s implementation of textile production verification team results from an investigation perspective.

(d) INTERNATIONAL TRADE SPECIALISTS.—$228,560 for 10 international trade specialists to be assigned to Customs headquarters to coordinate the Office’s implementation of textile production verification team results from an investigation perspective.

(e) PERMANENT IMPORT SPECIALISTS.—$500,000 for 2 permanent import specialist positions and $500,000 for 2 investigators to be assigned to Hong Kong to work with Hong Kong and other government authorities in Southeast Asia to assist such authorities promote the enforcement of bilateral trade agreements.

(f) VARIOUS PERMANENT TRADE POSITIONS.—$3,500,000 for the following:

(1) 2 permanent positions to be assigned to the Customs attaché office in Central America to address trade enforcement issues for that region.

(ii) $300,000 for 2 data reconciliation analysts to review apparel shipments.

(3) ATTORNEYS.—$400,000 for 4 additional trade attorneys to help sub-Saharan African countries to provide technical assistance to sub-Saharan African countries to provide technical assistance to sub-Saharan Africa countries to provide technical assistance to sub-Saharan Africa countries.

(4) SPECIALISTS.—$300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries.

(b) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e)(2)(A) of the Tariff Act of 1930 (19 U.S.C. 2171(g)(2)) is amended—

(1) in paragraph (A)—

(iii) Customs officials who work with foreign governments to examine textile makers and verify entry information.

(2) by redesignating clause (ii) as clause (iii).

(3) by adding at the end the following:

(c) ADDITIONAL STAFF FOR OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE FOR CONGRESSIONAL AFFAIRS.—

(1) In General.—There is authorized to be appropriated such sums as may be necessary for fiscal year 2002 for the salaries and expenses of 2 additional legislative specialist employee positions within the Office of the Assistant United States Trade Representative for Congressional Affairs.

(2) Availability.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) are authorized to remain available until December 31, 1999.

(c) See page 384 for a text of the Harmonized Tariff Schedule of the United States.

§300,000 for 2 special agents to be assigned to Customs headquarters to be available to provide technical assistance to sub-Saharan African countries.
United States is amended in the article description column by striking “$400” and inserting “$300”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 402. REGULATORY AUDIT PROCEDURES.

Section 509(b) of the Tariff Act of 1930 (19 U.S.C. 1509(b)) is amended by adding at the end the following:

“(6)(A) If, during the course of any audit conducted under this subsection, the Customs Service identifies overpayments of duties or fees or over-declarations of quantities or values, and the time period and scope of the audit that the Customs Service has defined, then in calculating the loss of revenue or monetary penalties under section 502, the Customs Service shall treat the overpayments or over-declarations on finally liquidated entries as an offset to any underpayments or underdeclarations also identified on finally liquidated entries if such overpayments or over-declarations were not made by the person being audited for the purpose of violating any provision of law.

“(B) This paragraph shall be construed to authorize a refund not otherwise authorized under section 520.”.

The CHAIRMAN pro tempore. Pursuant to House Resolution 426, the gentleman from New York (Mr. Rangel) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from California (Ms. Waters).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer this substitute because the legislation, H.R. 3129, as introduced, needlessly expands the scope of Federal authority and threatens the protection of civil rights by granting broad search immunity to customs agents and by allowing warrantless searches of outgoing international U.S. mail.

We have said over and over again that we support efforts to give protection to customs agents; and when they talk to the Members of Congress about their need for protection, they were not in any way saying that they did not have some immunity. What they were saying is they wanted to get through the courts faster.

This bill goes far too far, and it is unfortunate that the majority has not been able to discuss or compromise on the critical issues of racial profiling and privacy that are raised in this legislation.

This substitute does address those civil liberties questions and retains the portion of the bill that fairly addresses issues of search, seizure, and privacy.

It has been consistently stated by the gentleman from New York (Mr. Rangel) and others that the existing doctrine of qualified immunity shields public officials performing discretionary duties from civil damage suits unless their conduct does not violate any clearly established statutory or constitutional rights which a reasonable person should have known. The Supreme Court has repeatedly held that the reasonableness of an official’s behavior, not the subjective good-faith standard used in this legislation, is the proper test for liability.

What the Customs Service has complained about is the pace of trial through the Federal courts. Bluntly stated, they want the cases against their agents disposed of faster, like every other civil litigant in the country. This bill’s response in section 141 is the creation of a broad category of immunity, unavailable to any other law enforcement officer.

That provision is both unnecessary and dangerous to the rights of the public who deserve their day in court to protect their interests and stop illegal and unconstitutional searches by the Customs Service that have been highlighted in recent GAO studies.

It is important to note that the Customs Service has argued that section 141 of this legislation would apply retroactively and result in the dismissal of a host of lawsuits, many of which were brought by African American women, who are contesting the legality of a broad category of intrusive searches documented by the GAO. When viewed in that light, this provision looks less like a tool to address terrorism than a broom to sweep away troublesome cases that raise issues of questionable conduct and policy.

The substitute replaces section 141’s grant of immunity with an exclusive remedy against the government for the actions of customs agents who act within the scope of their authority. This compromise fairly balances the interest of cultural agents who follow policy with the interests of aggrieved persons who have been the victim of questionable searches.

With respect to privacy interests, the authors of this bill have completely failed to make a case for weakening the legal standard for the search of U.S. mail. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service. Another area for searches by private carriers such as Federal Express and United Parcel Service.

The Customs Service’s interest in confiscating illegal weapons, shipments, drugs, or other contraband in-bound or out-bound is adequately protected by its ability to secure a search warrant when it has probable cause. The U.S. Postal Service, however, cannot always hold the package while they wait for the court to issue a warrant.

The U.S. Postal Service has even taken the position that there is no evidence against them, that the long-established privacy protections will bring any significant law enforcement improvements over what is achieved using existing statutorily approved law enforcement techniques.

In short, experts from the postal service have argued that this provision is unnecessary. As we search for increased security, we must remain mindful of the fact that our civil liberties are a precious resource, and ensure that freedom is not a casualty.

We believe the Rangel substitute strikes the appropriate balance between civil liberties and security by correcting deficiencies in H.R. 3129 as introduced, because increased security should not come at the cost of our constitutional rights.

Of course, I would urge all of my colleagues to join me in supporting the Rangel substitute.

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

The CHAIRMAN pro tempore (Mr. LaHood). Is the gentleman from Illinois (Mr. Crane) opposed to the amendment?

Mr. CRANE. I rise in opposition to the amendment. Mr. Chairman. The CHAIRMAN pro tempore. The gentleman is recognized.

Mr. CRANE. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. Foley), our distinguished colleague from the Committee on Ways and Means.

Mr. FOLEY. Mr. Chairman, I thank the gentleman for his hard work on this bill. I strongly oppose the substitute and strongly support the base bill.

Are we giving up freedoms and liberties in this bill? Absolutely not. But when we have looked at what has happened in this country since September 11, I think it is incumbent upon us to strengthen the laws that are already on the books and strengthen the rights of our agents to inspect packages that come. We lost a constituent in Palm Beach County through anthrax. We have lost a lot of relatives and family in the World Trade Center, and in the plane that went down in Pennsylvania.

Every time we start looking at tightening our borders and strengthening our integrity and our system, we hear these charges of civil rights abuse and civil rights violations. What about the 2,800-and-some Americans who died in New York? What about their civil rights?

We have to protect our borders. This bill does that. I do not mean to be out-raged, but I am at times, because I cannot understand, when we are protecting our own borders, when people are coming into this country as our guests, that we do not have the right to search them thoroughly, whether they are U.S. citizens or guests from other nations.

In order to protect domestic tranquility, we must work to focus our efforts to make certain that we do not hamstring our Customs agents, our mail inspectors, from being able to thoroughly search the evidence which may make its way into the country. Ships that come into the ports should be thoroughly screened.

We do this in this bill. We provide the mechanism and means where we are asked, our manifests before the flights and cargo arrive, so we can thoroughly screen it. We are giving $24 million for Florida and other Gulf Coast seaports.
Florida has already been a leader in the Nation on this issue. This bill will provide technology to continue this work.

We also authorize a very important $10 million for child cybersmuggling, which is why we have the National Center for Missing and Exploited Children for its operation at the child pornography tip line. We strengthen our borders in Mexico and we strengthen our borders in the north, in Canada. We are not targeting any group. We are not mistreating communities. We are providing security and protection for the United States citizens of this country.

I suspect there will be acrimony on this debate. This is the first time since 1992 we have reauthorized the U.S. Customs Service, the oldest law enforcement agency in our country. I am certain there are a lot of people having vigorous debates on civil liberties and civil rights. I do not disagree that we have to be careful not to tread on the basic premises of our Constitution.

But we are at war. We have people who have threatened the integrity of this country. We have people who have destroyed the fabric of our communities through fear, intimidation, and through an reckless disregard for human life. We have packages that could come in this country that could destroy our ports. So I think we have to be more proactive. I think we have to give them the tools. I think we have to provide for those protections so they can make the appropriate search.

If we are to wait for a court to rule on every package that comes in this country through the U.S. mail service, or by virtue of a person carrying it across our borders, we will forever jeopardize the safety and integrity of this country. The courts do not move that fast. They do not operate that quickly. What we are trying to do is provide a level of protection for our citizens that is high time we do it.

I salute the committee for its hard work on this bill, and the chairman, and I salute the many Members that I work on this bill, and the chairman, and I reclaim my time.

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CRANE).

Mr. CRANE. Mr. Chairman, I thank the gentleman from California, my friend, for yielding time to me.

Mr. Chairman, the substitute is very simple, because for the most part, as I believe most of us have said earlier, this bill is actually a very good bill. It just needs two provisions which are heinous, which go against our Constitution. If most Americans would have an opportunity to examine this, they would say that this does not belong here.

The first provision grants an exception to our privacy rights to allow Customs, without ever having to go after a search warrant, without ever having to show probable cause, to open up American citizens’ mail. This is a provision which they could not substantiate. They could not explain why it was so essential. I think everyone understands why there is no exception to opening foreign mail into this country. No one would argue that. But when it comes to Americans and the mail we send abroad, why is it so essential that Mrs. JONES’ mail to her mother, who happens to live in the Netherlands, has to be searched through some scrutiny, legal scrutiny, to determine if it is fair or not for Mrs. JONES’ mail to be opened without her consent?

We can do it if we just go through the regular course of getting a warrant, showing probable cause to open up Mrs. JONES’ mail. But why all of a sudden do we want to be able to have exceptions?

Remember, just 6 months ago, we passed some laws that gave law enforcement authority as a result of trying to deal with terrorism. But to just undo the mechanisms that we have in place to ensure that we are adequately protected from abusive officials does not seem to be right.

The second provision, which again would mostly target African American women, and that is not conjecture, that is a fact. The General Accounting Office in 2000 found that not only are African American women stopped and searched more often, but it is 9 times more often, it is 9 times more often than their counterparts, Anglo or white women counterparts, 9 times more often. Guess what? It also happens to be the case that those African American women are half as likely to contain contraband as white women, American women.

So while the group that is most targeted is least likely to possess contraband, they are the ones who are most targeted. How does that make sense? What has had their rights violated, rights under the Constitution, why should we not be able to go out there and seek justice, seek redress?

This substitute says you cannot go after monetary damage, but it also does not say forget about the constitutional rights, you also cannot go after that rogue official who went after you. Most of our officials within Customs are excellent officers. Several have died in the line of duty. I know the perception is there is a terrorist from coming down to Los Angeles and bombing, or rigging bombs at the Los Angeles International Airport, my airport, was a Customs officer in the State of Washington.

They do tremendous work. Why do we have to pass all of them with the broad brush and believe that they are all going to be bad apples or rogue officers and do these bad things? When there is one that does it, why deny us the tools to seek a constitutionally protected right?

Mr. Chairman, I would ask the chairman if he would engage with me in a brief colloquy. I have a concern that has also been raised as to whether or not this provision, section 1H1, in the law, is actually retroactive, which would mean that previous bad acts by officials would also be exempted from action if this legislation were to become law.

I guess if we had to pass this, at least let us make it forward-looking, so officers are now on alert.

Mr. Chairman, I would ask the chairman if he would be willing to entertain a brief colloquy. I am concerned that this legislation, as I believe Customs is trying to profess, would be retroactive. But as I read section 1H1, there is nothing in the provision that says that this will apply to previous conduct of Customs officials. I would hope the chairman would clarify whether or not this law is indeed retroactive.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. Mr. Chairman, it is my understanding that is absolutely not retroactive.

Mr. CRANE. It is not retroactive. I thank the chairman for that answer, and I reclaim my time.

Mr. Chairman, we need to do every thing we can to give our law enforcement men and women the tools they need. This bill does a lot to go that route of giving them the resources, the tools they need.

One of the tools they do not need is the ability to violate the Constitution. One of the tools they do not need is the ability to violate our privacy rights. I do not believe any officer from Customs would stand here and say that is what I want.

I can understand if they are saying we want to have any frivolous lawsuit against our conduct while engaging in the scope of our authority, that that should not be appropriate; that those laws while they were acting in the scope of their authority should not be appropriate. Those frivolous lawsuits, absolutely.

In fact, this substitute has language which, as I said before, would not permit monetary damages against a law enforcement official acting within his scope of authority.

So I would hope that the Members of this body will recognize that this substitute is reasonable, it is sensibly based, it tries to go after the problem that Customs tried to identify, which completely missed in providing some exceptions to constitutional law which have no place in this good legislation.

I would hope that my colleagues, as they come down, would recognize that. We want to do everything we can to elevate our good officers, but there is no reason to protect the bad apples. I would hope that Members would vote for this substitute.

Mr. CRANE. Mr. Chairman, I yield 7 minutes to our distinguished colleague, the gentleman from Indiana (Mr. SOUDEE).
(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Chairman, first let me say that I believe that some of the statements that have been made in the course of this hearing, while well intentioned, have been bordering on outrageous. I would like to correct some of the record.

My particular involvement in this has been as chair of the Subcommittee on Criminal Justice, Drug Policy, and Human Resources in the Committee on Government Reform, where we have authorizing and oversight authority on the drug issues, which has led me into the border issues whenever we talk about drugs.

The reason our subcommittee also has jurisdiction over commerce is it leads us into trade. The reason we have jurisdiction over Justice is it leads us into immigration.

We have had 86 hearings since September 11. 3 on the north border, 3 on the south border, in addition to myself visiting many of these water crossings, as well as staff doing additional border crossings. So far, we have held hearings on the Vermont and upstate New York borders, we have held hearings in the Washington State corridor with Seattle, and in Los Angeles and Long Beach harbors, as well as in San Diego and as well as in Douglas, Arizona, on both borders.

I have also been to relatively obscure sights like Fortuna and Portal, North Dakota, where if you wanted to get a judge to clear something, you would have something in the vicinity of probably 120 miles to go with hardly a tree between there and the judge, where some of these counties only have 2 policemen in the whole county, and where our entire security perimeter is the Customs and the Border Patrol or INS agent at that little station. North Dakota has more crossings with Canada than any other State.

We are totally dependent on our brave personnel at the border to make judgment decisions.

I want to cover a number of things in this, but first let me cover what I believe are some relatively outrageous statements made on the good faith searches.

First off, under this bill, they have to make a judgment that this person seemed nervous at the border. They decided that the risk was so high that they would risk a lawsuit in order to try to save people’s lives in Los Angeles.

The thanks that they get is to imply that somehow they are not going to follow the Customs guidelines in gender-specific or race-specific searches because they saved people’s lives. We should not have people on the border who are risking their careers or their livelihoods high to protect us, and we need to work out these types of questions. They did not search somebody’s mail, but, in fact, they went in hot pursuit, which was something that had they not done, the terrorist would have escaped. Had we not captured that terrorist, we would not have much of the information on al Qaeda networks that are in Montreal and other places. We would not have been able to put together the schemes. Every day every Customs agent has to ask himself or herself, what is their priority; is their priority the safety of the citizens they are hired to protect, whether it be the laws of the United States or, in fact, a terrorist?

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They have to make a decision, what is the priority. And at every border crossing, Customs agents have told me that they are concerned about their flexibility and what their guidelines are and that they are inhibited in their ability not to racial profile, but how they are just extra cautious because they believe that without the ability to have good-faith searches and a little more clarity inside the Customs Department to change this. This is not a dramatic change, because, as I said, good faith says they cannot profile on the basis of gender, race, color, religion or ethnic background.

Now let me address another point. One of the big problems we have on the north border is that DC Bud and Quebec Gold are coming across from Canada. In the south border it is heroin and cocaine coming in. In the north border it is also precursor chemicals coming in for methamphetamines.

What goes back out from American citizens the other way or from illegals or citizens of other countries is the money. If we are going to track the money that goes to terrorists and drug cartels around the world, we have to have the ability to, when there is likely suspicion based on good-faith logical efforts, to be able to search in a timely fashion within the southern because you are making judgment at the border. You have to establish it is a good-faith effort. You have to be able to track the money.

We have lost much of the terrorist networks around the world because we are losing track of the money. And much of that money is coming back from America going out. At the Canadian Parliamentary/U.S. Parliamentary session that we had this past weekend, one of their concerns is that we are slowing at certain borders, and on our side of the border we have slowed down the borders because we are doing so much checking going out. That is because a lot of the problem is not Canadian and it is not Mexican or Central American, it is American citizens who are, in fact, bringing things in and then taking it back out and we have to have some ability to track that money.

Furthermore, one of the big concerns for all the communities, whether it be Southern California or Texas or Arizona or in the north states like Michigan and Indiana and Washington State, for example, a pickup that is made in Fort Wayne will have as many as a hundred border crossings put in the pickup because they basically have 40 percent Canadian parts and about 60 percent U.S.; and the same thing on the reverse of the border. When you have that happen, we cannot be random checking every single person that is going through. Clearly we have to have some form of better intelligence and better screening.

But we also have to have, because of the biggest busts in United States history, whether it be of drugs on the Vermont border, whether it be at Port Angeles where people save many of thousands of lives because they use their judgment as a customs agent, they have to feel that they are making the best judgment. What one of the people at the Vermont border saw was that we thought the bottom part of a truck was funny on the bottom of a truck because the bottom of the truck, one of the pieces of equipment did not look right. They decided to check this truck. It was the biggest drug haul they ever got at that border.

We depend on the discretion of these brave people on the border to do this. We need to give them some flexibility because they are trying to protect us. They will not harass. They still cannot single out based on that. They have to have a logical good-faith suspicion that is there.

I have a full statement I would like to put on the record on the need to reauthorize the Customs Service. I am disappointed that we did not address the overtime question. We are using these people in many cases for 60 hours a week. We are running out of the budget. We need to figure out how we will deal with this. It has been a great privilege and honor to meet so many of them. I think they should be upheld and praised and not criticized.

1. NEED TO REAUTHORIZE AND IMPROVE CUSTOMS SERVICE

H.R. 3129 comes at an extremely critical time. In the wake of September 11, it is clear that we have to improve security at our nation’s borders and ports of entry. Numerous threats face us at the borders: terrorism, narcotics smuggling, weapon smuggling. The key agency in intercepting these threats is the U.S. Customs Service.
Customs has not been reauthorized for many years. While I am personally impressed with the job being done by the men and women at the Customs Service, it is clear that they will need more help. H.R. 3129 addresses many of the problems faced by the Customs Service for the Northern border as it meets the new challenges of the 21st century.

2. MANIFEST AUTHORITY

Section 143 of this bill will require all carriers who are entering the U.S., whether on land, by sea, or by air, to provide the Customs Service with advance manifests of their cargo, crew and passengers.

This provision is absolutely critical in our ongoing fight against terrorism, narcotics smuggling, and other illegal contraband. The Customs Service needs to have this information before a truck, ship or airplane reaches our borders and shores. Advance information allows Customs to determine which shipments and which persons need extra scrutiny based on the level of risk. Customs can’t target the riskiest cargo, crew members and passengers if it doesn’t know in advance what and who they supposedly are.

Currently, carriers are required to provide some information. The amount of information, however, varies widely depending on where trucks, ships and airplanes are arriving. In enacting this provision, I believe we will help Customs standardize and improve its targeting procedures, thus enhancing our security.

3. ENHANCEMENTS IN STAFFING

Our Subcommittee has been conducting a comprehensive study of law enforcement and security at our nation’s borders and ports of entry. We have been very impressed with the job being done by our Customs employees at land crossings, sea ports and airports. But it is especially clear after September 11 that they need more help, particularly on the Northern border.

Section 131 of this bill authorized funds to hire 285 additional Customs inspectors for the Northern border. This is a good start in addressing the severe staffing problems faced at many of our ports of entry.

After September 11, Customs went to a heightened state of alert, meaning that Customs inspectors began conducting more inspections and working much longer hours. We have spoken to many Customs inspectors, and nearly all of them are putting in long hours of overtime. This will allow our inspectors to detect contraband and terrorists. Compensating them from a national emergency forces them to put in the kind of hours they had to last fall.

4. IMPROVEMENTS IN TECHNOLOGY

Section 102 of this bill provides for additional equipment and technology for Customs inspections on both the Southern and the Northern borders. At each of the ports of entry we have visited, it has been clear that the experience, dedication and judgment of individual inspectors is the most important defense we have against those who would do us harm—like Ahmed Ressam, who was caught trying to smuggle bombs into this country in December 1999 by the alertness of Customs inspectors at Port Angeles, Washington.

However, our inspectors can’t do their job if they don’t have the right tools, and that means technology. Section 162 authorizes funds for additional equipment and technology at our borders and sea ports. This equipment, including VACIS scanning units, cargo container scanners, and other detection devices, allows Customs inspectors to examine far more trucks and cargo containers than they could manually.

5. AUTOMATED COMMERCIAL ENVIRONMENT (ACE)

Section 101 authorizes funds to continue the development of Customs’ “next generation” computer system, the ACE system. Customs is currently using computer technology that dates back to the 1980s. Currently, it frequently breaks down, and it simply isn’t adaptable to current trade realities. The ACE system will fix these problems and provide the international trade community with a single window through which to provide information to all government agencies that regulate and inspect the goods entering the country.

6. IMMUNITY FOR GOOD FAITH SEARCHES

Some people have criticized Section 141, which provides immunity from civil damages for U.S. officials conducting searches at our ports of entry. However, this provision is necessary if our Customs inspectors are going to be able to do the job we’re asking them to do. We want our inspectors to be vigilant and thorough in protecting us from terrorists, drug smugglers and others who would do us harm. If so, then we need to give them the assurance that, if they are acting in good faith, they can’t be hauled into court. Mr. Speaker, Ms. Waters, I yield 1 1/2 minutes to the gentleman from California (Mr. Becerra).

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

Just to respond to my friend, the gentleman from Indiana (Mr. Souder), the activities that the gentleman described of customs officials trying to apprehend individuals who were suspects or known to be terrorists. Anybody who believe they were suspects, whether it was contraband or terrorist activities, all that is protected under current law because those officials would have been acting under the color of law and would have had under an objective standard the right to do that because it would have been perceived to be reasonable.

What this legislation does, it removes the objective person’s standard of what is reasonable under the Constitution, and says what is subjectively reasonable. If the officer said, well, I believed I was reasonable in going after that African American woman and strip searching her because I thought she might be carrying contraband, we under this legislation could not challenge that. Because so long as he believed he was acting in good faith, however that good faith is defined, because this bill does not define it, you could not go after that person.

This legislation would deny us any recourse, that African American woman, that individual who is innocent, recourse. What the substitute says, and I will yield with the time the gentleman gave, the new provision, let us protect the officers so they do not find themselves in court, but do not make the government free of liability for violations of the Constitution. Make the government clean up its act even if you do not cause individuals in the customs service to face lawsuits individually.

Mr. SOUDER. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Indiana.

Mr. SOUDER. Mr. Chairman, the gentleman made a misstatement of fact. The CHAIRMAN pro tempore (Mr. NETHERCUTT). The time of the gentleman from California has expired.

Mr. SOUDER. Mr. Chairman, the problem with this standard and, of course, somebody can take it to court if they do not think they filed in good faith, but the fact is that the burden of proof at the time of the actual what is going on at the border, the officer has to make a decision in his mind, not in an outside mind, as to whether it was in good faith. They did at Port Angeles which helped save people in Los Angeles. They made a good-faith effort in what they thought was a good-faith effort. But it intimidates a lot of officers who know if they may think it is a good-faith effort, but outside does not, depending on what that group is and how, it is an inhibiting factor.

They can be sued or you can have a process if you feel it is not good faith in that officer’s eyes and he would have to defend that position. It is a question of where the burden is, and you are implying that the customs officers on the border are not capable or we will have rogue officers. If they are rogue officers, they can be pursued. The question is if they do not think they did a good-faith effort, how is it intimidating in our border safety?

Mr. WATERS. Mr. Chairman, I yield myself 1 minute to continue to deal with the question that is before us.

I think the gentleman misunderstands. The fact of the matter is the gentleman from California (Mr. Becerra) explained that we are not stripping away the protection. They will have immunity from liability. We are taking the liability and placing it in the hands of the officer. The regular officer does not have to think the individual that would have made that decision who thought that it was a reasonable decision at that time.
Mr. Chairman, I yield to the gentleman from California (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, the further point where the gentleman from Indiana misstates what is current law and what I said, we base it because the Supreme Court has said, not on what the gentleman from Indiana (Mr. SOUDER) believes is reasonable or what I believe is reasonable. It is an objective standard, not a subjective standard.

This bill changes the Supreme Court’s law that says you base reasonableness on an objective standard, and it says based reasonableness on what that officer believed was reasonable. And that is not fair because that subjective judgment could cause people’s rights to be violated.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I yield to the gentleman from California (Mr. BECERRA).

Mr. FILNER. Mr. Chairman, I thank the gentlewoman for yielding me time. I want to thank the gentlewoman from California (Ms. WATERS) and the gentleman from California (Mr. BECERRA) for their strong defense of the constitutional guarantees of our citizens no matter where they are. And I would say to the gentleman from Indiana (Mr. SOUDER) who has become so expert on what is going on at the border, I was at the border with him in San Diego and I was at those hearings and I did those tours. And there was nothing in those hearings that could lead me to the conclusion that he has stated here in favor of the basic bill.

I represent a border district. I represent the southernmost area of California that borders Mexico. After next year I will represent the whole California/Mexico border. In fact, I represent the border crossing in which there are the most people crossing of any place in the world; and I have represented this area for a decade and a half. So I think I know something about what is going on there and what we can achieve and what we can protect. I think we can do both. We can provide customs with the tools that they need to do their job, and we can protect the constitutional rights of my constituents and citizens from all over this country.

We had a very good bill, I am told, that would have provided a larger vote in support; but the bill that came to the floor sacrificed privacy under the guise of security, and so we have the Waters substitute, which I am speaking in favor of.

The immunity that is requested has not been really supported by customs. They have not made the case of why the current standard of qualified immunity is insufficient. Officers are already protected from the unwarranted claims as we have heard many times before.

As far as the mail goes, we inspect mail that comes into this country because we do not know what it might contain. But with the mail going out, our privacy should not be unduly invaded. As we have heard several times, customs can search the mail already if they get a warrant. They can hold the mail if it is suspicious. But we should not authorize a wholesale opening of mail without a warrant.

Mr. Chairman, in these United States of America even in 2002, even after September 11, we should not try to guarantee the security of our Nation by crushing the civil rights of our people. This is not a way to go. Support the substitute. Vote down the basic bill.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentlewoman from California (Ms. WATERS) controls 14 minutes. The gentleman from Illinois (Mr. CRANE) controls 18 minutes.

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to extend her remarks.

Ms. WATERS. Mr. Chairman, I yield to the distinguished gentleman from Texas (Mr. BECERRA).

Mr. BECERRA. Mr. Chairman, I was very pleased to hear the dialogue and debate with the gentleman from California (Mr. BECERRA) and the distinguished gentleman from Indiana (Mr. SOUDER), but I think the more we can clarify what this substitute does we might be able to get legislation that all of us could support. It is a simple process. Those of us who live every day as Americans but also have a history of discrimination by this Nation against us are very sensitive to laws that would undermine even more those basic rights. It is our cause, if you will, our particular duty to bring to this House our diverse perspective, and that is to understand what it means to racially profile young African American and young Hispanic men and women and others of diverse racial backgrounds.

What we say today is that this is not an indictment of customs agents. As all of us have, we have excellent and outstanding customs agents working throughout our Nation in every one of our districts. As I go through the International Airport in Houston, Texas, every day, I see the fine work of men and women of the Customs Service. We promote and support them.

As a member of the Committee on the Judiciary, we are constantly looking for ways to enhance and provide them with the resources that they need. Let us draw ourselves with that kind of negative attitude which is trying to be drawn to those of us who are now speaking about civil liberties.

It is clear and simple. The substitute is not a complicated initiative. It says this: "Remain in current law with respect for the privacy of mail; require a warrant, a simple probable cause." That is not a difficult proposition. Might I say that most of us are not getting mail timely anyhow. This is not a comment on the U.S. Postal Service. It is not a comment on the U.S. Postal Service. It is a comment on the status of mail today because of necessary security precautions. We accept that. With that in mind, ample opportunity is given to those who believe there is need to search mail. I welcome them searching mail, but they can do it under current law and that is what the substitute provides.

Secondarily, with respect to the Customs agents, there is no chilling effect. Do the job. If someone determines suspiciousness, I give that person 100 percent latitude to do so. The question becomes those who willy-nilly want to seek persons who have no basis upon being sought, there is no suspiciousness, other than color, of their skin, and what the substitute provides for us, which I cannot find a reason to divide on this, it protects the Customs agents 100 percent. It tells them to do their job.

If, however, an aggrieved citizen or person comes and says I know that I was targeted on the basis of not good faith, but on racial profiling, the government stands in the shoes of that agent, protects the agent, but then the opportunity of the aggrieved citizen to be able to seek address of their grievances.

That is the key to the substitute. Why this could not be supported by my colleagues on both sides of the aisle, to make this the kind of legislation that speaks to what we are trying to do, not a single divide on fighting terrorism but a recognition that the values of this Nation are different.

Let me finally say, Mr. Chairman, and I have said this before, we have a lot of work to do on fighting terrorism, and part of it is in the question of intelligence and sharing intelligence. It is a shame and a sham that there is a closed session dealing with intelligence and part of it is in the question of intelligence and sharing intelligence. It is a comment on the status of that committee when other committees of jurisdiction, such as the Committee on Judiciary, have not yet held hearings regarding this important issue.

I believe if we spend our time trying to track why intelligence and memoranda is not shared up the track or up the line so that we can determine how to fix those problems, I think we can spend a lot of good energies doing that, and in this instance, I think we can spend good energies on the substitute to make this bill better so that we can fight terrorism in a unified voice but as well stand for the values that this Nation stands for.

Mr. Chairman, I support the substitute. I would ask my colleagues to do so, and I would ask my colleagues to join me in asking that we investigate fully why memos are not communicated that deal with protecting this Nation and providing good intelligence.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

I would say to the gentlewoman on the other side of the aisle the fact that
none of our colleagues on the Committee on Ways and Means raised this issue during consideration of this bill in committee. Rangel amendment.

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

Ms. WATERS. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I am here in support for the Rangel substitute which would strike, among other things, section 144 from the bill. As the ranking member of the committee that has jurisdiction over the Postal Service, I am especially concerned about section 144. This section would allow Customs agents to inspect outbound mail without a search warrant.

Never in our Nation's history have we allowed law enforcement to inspect the outbound personal letters of our Nation's citizens without a search warrant. This is an intrusion on the privacy of the American citizens sending letters abroad, and it could have adverse effects on the delivery of letters by the Postal Service.

As many of my colleagues have heard, the American Civil Liberties Union opposes the measure, saying it violates people's expectation of privacy in the mail and that the Customs Service's interest in protecting our borders is adequately protected by its ability to secure a search warrant. A leading association of business mailers supports the provision as well, saying it would slow the pace of mail and add millions to the cost of shipping goods overseas.

The Postal Service is strongly opposed to the provision. They say it would have a detrimental impact on their ability to move mail and could jeopardize their international express mail service.

Not only is this provision troubling from a civil liberties standpoint and the standpoint of mail delivery, it may also violate our commitment under international mail treaties. In addition, it contradicts section 3623 of title XXXIX which prohibits inspection of certain classes of mail without a search warrant. The provision does not amend title XXXIX and instead would create a statutory conflict.

The Customs Service has full authority to search outbound mail now as long as they have a search warrant. Customs argues that this requirement creates too much of a burden for them and that they need broader search authority. It may be that the Customs Service needs this authority, but the Committee on Ways and Means has never held a hearing on this issue to explore why this authority is needed or its impact on civil liberties, and the Committee on Government Reform, which has jurisdiction over the Postal Service, has not had an opportunity to examine the issue.

These are serious concerns that need to be explored. We should not approve this unprecedented authority until the Committee on Ways and Means and the Committee on Government Reform have had an opportunity to examine the issue very, very carefully. I urge my colleagues to vote for the Rangel substitute and give us an opportunity to explore these concerns.

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

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

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from California (Mr. WAXMAN) for bringing that to our attention, and I have just been informed that the Democratic members of the Committee on Ways and Means raised some of those concerns under the gentleman's jurisdiction in committee and even tried to offer amendments. So I thank the gentleman very much for bringing this to the floor at this time.

Mr. WAXMAN. Mr. Chairman, reclarifying, there, well, they might have raised concerns and offered amendments, but the committee that has jurisdiction over the Postal Service did not have a chance to examine it nor did the Committee on Ways and Means, and I have yet to see on the matter which would have brought in expert testimony.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Ms. WATERS. Mr. Chairman, I have no more speakers. I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from Illinois (Mr. CRANE) has the right to close.

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thought we had the right to close.

The Rangel amendment, the substitute states that Customs inspectors are not liable for civil damages for suits brought in connection with a personal search. However, the bill does state that the U.S. Government consents to be sued and to be held liable for civil damages for suits brought in connection with the wrongful personal search. I think it is necessary for me to say that because I think there is some confusion about what this amendment does.

Before I talk about this amendment any more, I think it is important for us to discuss the many good things in this bill. This bill includes good legislation, all of which we include in the substitute. This bill includes important authorization for appropriations such as providing Customs with funding above the administration's request and equal to that provided in the appropriations process.

Most of the increased funding allows for an authorization of $308 million for each fiscal year to ensure that the Customs automation system will be developed in a timely fashion, providing the USTR with more than requested by the administration and providing the International Trade Commission with its full fiscal year request. The bill also authorizes such sums as needed to reestablish New York Customs headquarters and operations.

Finally, the bill authorizes $1.3 million for Customs to hire additional personnel to assist ATOA beneficiaries to comply with visa and textile transshipment requirements.

The bill also includes provisions that will help ensure the safety of our borders, including requiring all carriers to file an electronic manifest describing passengers and cargo before entering the country.

So I do not want anyone to get the idea that somehow because we have a substitute that we have ignored those parts of the bill that we think are good, but we think that it is very important for us not to jump on the bandwagon of undermining the civil liberties of American citizens in the name of fighting terrorism. We believe in fighting terrorism, but we do not believe we undermine or waive the Constitution of the United States to do so.

Let me just say that our Customs agents have all of the authority that they need to do the searches that they want to do, that was protected, with qualified liability, and they do not need to have this bill which, in fact, goes far beyond anything that they have requested.

Let me remind Members of this Congress that with this authority, with this protection, we do expect our agents to be careful and to be reasonable. They have the ability to strip-search. My colleagues heard the GAO study. We are not making this up. The GAO study talked about the fact that African American women are searched much more than other women. It talked about the fact that African American women have much less contraband, despite the fact they are searched more.

While there are those who are willing to throw out the Constitution, I suspect they are only willing to do it until their wife comes through, or their sister, or their neighbor or their friend, and is strip-searched in ways that they cannot believe is reasonable.

Let me just say that this bill will transfer the liability from the individual agents to the government where it belongs. There are many people who work for government and are agents of the government of the United States and they do not have to accept the liability, that it is on the shoulders of the government of the United States, and that is the way that it should be. I think that the case has been made here today. I think that these issues were brought up in committee. We see the dissenting views of those who signed a letter indicating their dissenting views, and I would say that not only has the case been made but that the Members of the United States should not go throw out the Constitution of the United States in an effort to deal with terrorism.
Mr. Chairman, I yield the balance of the time to the gentleman from Michigan (Mr. CONyers), the ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore. The gentleman from Michigan (Mr. CONyers) is recognized for the last 2 minutes on the debate of the gentlewoman’s time.

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

Mr. CONYERS. Mr. Chairman, I thank the gentlewoman from California (Ms. WATERS) for yielding me the time, and I compliment her on her statement.

When H.R. 3129 came to the floor on suspension last December and here again today, we argued that the legislation introduced needlessly expanded the scope of Federal authority and threatened the protection of civil rights by granting broad search immunity to Customs agents so broad and by allowing warrantless searches of outgoing international U.S. mail, that the measure was unacceptable.

In defeating the legislation, we reiterated our commitment to aggressively investigating and preventing future terrorist attacks and agreed to work with the majority to improve the legislation, but, unfortunately, the majority has not been open to discussion and compromise on critical issues of civil profiling and privacy that are raised by this legislation. Why? Although the Rangel substitute addresses those civil liberty questions and retains the portion of the bill that fairly addresses issues of border security.

Meetings between staff and the Customs Service have clarified the Customs immunity question and proven the fact that the Section 141 immunity provision is unnecessary. Although Customs failed to document the specific cases, they disclosed, and we are unaware of any case where a Customs agent, acting within the scope of their authority, has been subject to a pre-judgement attachment of their personal assets or judgement of any kind following a trial.

As we have consistently stated, the existing doctrine of qualified immunity shields public officials performing discretionary functions from civil damages if their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person should have known. The Supreme Court has repeatedly held that the reasonableness of an officer’s behavior, not the subjective “good faith” standard used in this legislation, is the proper test for liability.

What the Customs Service has complained about is the pace of trial through the federal courts. Therefore, stated, they want the cases against their AGENTS DISPOSED OF FASTER, LIKE EVERY OTHER CIVIL LITIGANT IN THE COUNTRY. This H.R. 3129 RESPONSE IN SECTION 141 IS THE CREATION OF A BROAD CATEGORY OF IMMUNITY, UNAVAILABLE TO ANY OTHER LAW ENFORCEMENT OFFICER.

That provision is both unnecessary and dangerous to the rights of the public, who deserve their day in court to protect against racial profiling and other illegal and unconstitutional searches by the Customs Service that have been highlighted in recent GAO studies.

It is important to note that the Customs Service has argued that Section 141 of this legislation would apply retroactively and result in the dismissal of a host of lawsuits, many of which were brought by African-American women who are contesting the legality of disparate intrusive searches documented by the GAO. When viewed in that light, this provision looks less like a tool to address terrorism than a broom to sweep away troublesome cases that raise issues of questionable conduct and policy.

The substitute replaces Section 141’s grant of immunity with an exclusive remedy against the government for the actions of Customs agents who act within the scope of their authority. This compromise fairly balances the interests of Customs agents, who follow policy, with the interests of those aggrieved persons who have been the victim of questionable searches.

With respect to privacy interests, the authors of this bill have completely failed to make a case for weakening the legal standard for the search of U.S. mail. Under current law, the Customs Service is empowered to search, without a warrant, inbound mail handled by the United States Postal Service and packages and letters handled by private carriers such as Federal Express and the United Parcel Service.

The Customs Service’s interest in confiscating illegal weapons’ shipments, drugs or other contraband inbound or outbound is adequately protected by its ability to secure a search warrant when it has probable cause. Short of an emergency, postal officials can always hold the mail while they wait for a court to issue a warrant.

The U.S. Postal Service has even taken the position that “There is no evidence that eroding these long established privacy protections will bring any significant law enforcement improvements over what is achieved using existing, statutorily approved law enforcement techniques.” In short, experts from the Postal Service have determined that this provision is unnecessary.

As we search for increased national security, we must remain mindful of the fact that our civil liberties are a precious resource and ensure that freedom is not a casualty of vigilance. We believe that the Rangel substitute strikes the appropriate balance between civil liberties and security by correcting deficiencies in H.R. 3129 as introduced. Because increased security should not come at the cost of our constitutional rights, I urge you to join me in supporting the substitute.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

My bill would provide Customs with new, necessary search tools in light of America’s new security needs while balancing the need for privacy.

The Rangel substitute guts some key provisions. By striking the outbound mail provision, the Rangel substitute allows continued money-laundering to occur. The Rangel immunity provision leaves the Federal Government open to a new class of torts. My bill protects our own inspectors who act in good faith.

Under my bill the government can sue under the Federal Torts Claims Act.

Mr. Chairman, I urge a no vote on the Rangel substitute and a yes vote on H.R. 3129.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Rangel Amendment to H.R. 3129, the Customs Border Security Act of 2001.

As a Member of Congress, and as an African American, I cannot tolerate the practice of stopping and searching American citizens for no reason other than their race. As I studied H.R. 3129, I wondered what I would happen.

As I thought about this issue, I realized that the words that went to the core of this issue had been written over two centuries ago, and could be found within one of the documents sitting on my desk—the Constitution of the United States. For the Constitution’s preamble states: “We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.”

Let me repeat the key phrases that are critical to this issue: “We, the people of the United States . . . establish justice, insure domestic tranquility, do ordain and establish this Constitution for the United States of America.”

H.R. 3129 is bad for America’s citizens. However, the Rangel Amendment addresses the core concern of Customs: that Customs inspectors are not personally liable for monetary
Section 141 of the bill provides immunity to a Customs officer conducting a search of a person or property, and supports the Rangel Amendment.

The term “good faith” is not defined in the bill. An officer could engage in blatantly discriminatory conduct, but if he or she was acting in “good faith,” the color of their skin. We must remember Dr. King’s words: “Injustice anywhere is a threat to justice everywhere.”

I urge my colleagues to vote against H.R. 3717, as amended.

The vote was taken by electronic device, and there were—ayes 197, noes 231, not voting 6, as follows:

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The SPEAKER pro tempore. Under the rule, the previous question is ordered to be taken.

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

The SPEAKER pro tempore. The ayes had it.

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

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

The SPEAKER pro tempore. The ayes had it.
Mr. Speaker, today we are considering the emergency supplemental appropriations bill for fiscal year 2002. This wartime supplemental comes 8 months after the September 11 attacks against our country. Americans have begun the process of healing and recovery, but we must be mindful of the threats that continue to face our Nation. The alerts and intelligence reports that we receive are constant reminders that our war against terrorism is far from over.

After last September, America responded by fortifying our homeland and launching an aggressive global war on terrorism. Mr. Speaker, this war is not time sensitive. It is absolutely critical to our continued ability to fight and win this war.

There are a number of important provisions in this bill, but none more important than the funds that will go towards helping America win this war on terrorism, both abroad and at home. The bill provides $15.77 billion for the Department of Defense. This money will go towards ongoing military operation costs, personnel costs, and costs of association with our international allies. Fighting the war is expensive, and this effort is no exception. However, I believe that the American people are united in their support for making sure that our military has the necessary resources to carry out its mission of insuring our national security. In short, we need to help our President to make sure that our military and the men and women who are dealing not only in law enforcement, but also our military, have the necessary elements to win.

After last September, we have seen the announcement of possible terrorist attacks. Many Americans are dealing with a sense of fear about our future. I want to emphasize that this bill addresses this uncertainty about the future and will hopefully help to instill confidence in people.

Priorities and funding have been given to allow our intelligence operations to track, analyze, and prosecute global terrorist threats against the United States and our allies. With the $1.5 billion included in the supplemental, intelligence funding has increased to record levels since September 11. This bill also provides funds to improve the Federal Bureau of Investigation’s technology systems. These additional funds will enhance the FBI’s overall counterterrorism and intelligence processing capabilities, allowing for better electronic sharing of information between the Federal, State, and local law enforcement agencies.

In addition to protecting our national security, this wartime supplemental also provides funds to help secure our homeland.

This supplemental builds on what Congress has already done to address this issue, and provides additional money to the INS to help them better account for individuals who have committed immigration violations and who have not followed orders to leave this country.

Since last September, a number of changes have been implemented to improve safety at our airports. For those of us who fly frequently, these changes can take some getting used to. I must confess that I too hold back out of line, and searched from head to toe on more than one occasion.

However, these safety changes are necessary to restore confidence in our airlines. Americans should be further assured because this bill provides additional funds for checking baggage, explosive detection systems, as well as baggage screening and security enhancement at United States commercial ports. Other initiatives targeted at protecting our borders include funds for secure transportation of nuclear weapons and materials, as well as money for the increased security at nuclear weapons facilities.

After the September 11 attacks, this Congress acted with expediency to pass a $40 billion emergency supplemental for recovery and to fight the war on terror. Today, we build upon our past efforts and continue to remember those who lost their lives in New York, Pennsylvania, and here in Washington, D.C. As our President has said, and I quote our President, “We will direct every resource at our command, every means of diplomacy, every instrument of law enforcement, every financial influence, and every necessary weapon of war to the destruction of this hateful enemy and to the defeat of the global terror network.”

This shared commitment means that we will continue to provide and fund whatever is necessary to winning the war on terrorism.

Yet this bill also advocates for fiscal discipline and restraint in other areas. On March 20 of this year, the House passed its budget resolution. H. Con.
Res. 353. However, the absence of a budget resolution conference report makes it necessary for us to consider language that would deem the House-passed budget resolution to be a conference report. In effect, this language would bind the House to the spending and tax levels established in the budget resolution, and the corresponding 302(a) allocations, and any related rulemaking provisions.

This language is necessary both to establish parameters on discretionary spending and to implement such mandatory initiatives accommodated in the budget resolution such as a prescription drug benefit under Medicare, concurrent receipt of military retirement and veterans disability benefits, and a new tax benefit for charitable giving.

I want to take a minute to remind my colleagues that this House-passed budget was a carefully crafted bill that balanced our priorities of winning the war on terrorism, improving our economic and personal security. From providing the largest increase in 20 years to the national defense to growing our economy and paying down the debt, this wartime budget makes America safer, the economy more secure, and ensures the future for every single American.

I am pleased that the measure that is before us today recognizes the critical needs associated with our continued war effort, while maintaining our commitment to fiscal discipline. I urge my colleagues to support this open rule and the underlying legislation.

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

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

Mr. Speaker, last week, congressional Republicans were caught using a September 11 Presidential photo as a fund-raising prop for their political campaigns. It was a particularly shameless example of political war profiteering, one that did an immense disservice to the President, as well as to the country. Unfortunately, Republican leaders have not learned their lesson, and they are trying to do it again today by confusing the public with this rule.

So let me speak very plainly about the question posed by the vote on the rule today. If we want to increase America’s national debt and write a blank check for political war profiteering, one that did an immense disservice to the President, as well as to the country. Unfortunately, Republican leaders have not learned their lesson, and they are trying to do it again today by confusing the public with this rule.

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Mr. Speaker, the gentleman from Texas (Mr. Sessions) is a great American, especially since he knew in advance that I was rising in opposition for the first time in my 18 years in Congress against a Republican rule before this House.

I do it out of principle and I do it in all good faith, not to be critical of the Committee on Rules, not to be critical of their goals, but to express some concerns that I have that I think are very important, and that is aid to Israel.

For in this bill, suddenly, in the middle of the night, in the Committee on Appropriations, without any encouragement from Prime Minister Sharon, without any encouragement from Chairman Arafat, within the Beltway some decided that we ought to give Israel $200 million in economic support, and give Mr. Arafat's area $50 million in economic support.

But to bring some history to the House, to ask Members to reflect back to the time of Prime Minister Netanyahu came before this very body, stood right in front of the Speaker and told this body that it was time for Israel to wean themselves of American economic support because their economy was better than ours. When we spoke to Mr. Netanyahu said that, I immediately arranged a trip. I sat down with Mr. Netanyahu. I sat down with him, just the 2 of us. We worked out a process to wean Israel of all economic support, because they said it was no longer needed.

Along with that, at the same time we were giving Mr. Mubarak in Egypt a proportional sum of money. Two-thirds of whatever Israel got, Egypt got; not necessarily good foreign policy, but that was the policy that has been in effect since Camp David.

So I went to Cairo and I talked to President Mubarak, and he, too, agreed that Egypt would be reduced, just as Israel was. It is just that Israel would come in the back door and try to bump up their economic support without considering Egypt.

So I went before the Committee on Rules and asked for an opportunity to present this amendment to this body, on this bill, to give the proportional amount of money to Egypt, but I was for some reason denied.

But at the same time, some of the other areas Members of Congress wanted to be considered, such as the wage indexing problem in Pennsylvania with respect to Medicare reimbursement. It is also a problem in another 30 States. Yet, somehow or another, in this bill a self-executing rule says that Pennsylvania's problems will be resolved, but no other State will be resolved, so we will be left out in the cold on the indexing of Medicare payments to hospitals in the State of Alabama. Why they would give them that and not give me this simple opportunity to present an amendment for an up-or-down vote is beyond comprehension.

I also am upset about the deeming resolution, an unnecessary provision that is placed in this bill for the first time that I can ever recollect since the Republicans have been in charge, an unnecessary provision that is going to cause havoc and chaos as we go through the appropriation process in the next several months.

So with this, Mr. Speaker, for the first time, I think I am going to have to vote against this rule. I am not lobbying people to vote against it, but I am just expressing my own consternation, my own fears, my own principles.

I do not believe that we will find a majority of votes on either side of the aisle, and most especially knowledgeable Members on the Committee on Appropriations, understands that that is not deliverable.

I do not believe that we will find a majority of votes on either side of the aisle for the education bill, for instance, that would be produced as a result of those limitations because I do not believe either party is going to cut President Bush's education budget. But this is what it requires.

But the biggest outrage of all is this: We have in this rule a proposition which will allow seemingly innocuous language to be added, which is really the door-opener in order to raise the national debt, the limit on the national indebtedness, the limit on the Nation's credit card, by $750 billion.

The plan is to have the Senate insert increased debt, and then have it come back here wrapped in a package so that no Member ever has to actually vote on that freestanding item. Yet they will force an increase in the Nation's credit card debt.

And this proposition is being brought to us by a lot of the same people for the last year that have been parading all over this floor, talking about how they were going to support a constitutional amendment. This is a copy of the 2 parties on the Committee on Appropriations. When then the committee went into full committee, a number of amendments were adopted. Some of them I did not like, but with the exception of the DeLay amendment, which gave the President the authority to engage in a military attack on The Netherlands, I basically had no real problem with what the committee did.

But then it went to the Committee on Rules, and the instructions came down from on high that a number of extraneous items should be added to the bill. The first was that the House would deem that the budget resolution brought out by the Committee on the Budget months ago would be deemed now in effect.

That produces for discretionary funding in the next fiscal year a level $10 billion below the level being spent this fiscal year.

In this regard, any knowledgeable Member of this House on either side of the aisle, and most especially knowledgeable Members on the Committee on Appropriations, understands that that is not deliverable.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time, and I congratulate him on his management of this rule.

This is obviously a great challenge. It is important to note that this rule is for consideration of a wartime supplemental appropriations bill. The gentleman from Florida (Mr. YOUNG) described this before our Republican conference yesterday very appropriately as a wartime supplemental appropriations bill.

What has happened in the last 24 hours? We have seen an increased threat of terrorism. We have seen instability in a wide range of areas in the world; and this administration is, I believe, doing the right job possible to deal with this. The President months ago asked for a supplemental appropriations bill that would provide Israel with the resources necessary.

Now, a number of people who have been speaking against this have talked about some other issues. Let us remember, 99 percent, Mr. Speaker, of Mr. Speaker, of this legislation deals with supplemental appropriations for our war efforts. Now, we have heard talk about what some have said is an unprecedented use of the deeming process. Well, my Democratic colleagues had something known as the Gephardt amendment which regularly deemed an automatic increase in the debt ceiling. We, in the past several years, have had three occasions, had a deeming of the budget, of parts of the budget before. So I think it is very important to note that this is a very challenging time.

We are dealing with a situation which will begin here and then move to a joint House-Senate conference. My friend, the gentleman from Alabama (Mr. CALLAHAN), raised the issue of Egypt. We know that this administration is determined to do everything that it possibly can to bring about peace and stability in the Middle East. It is a challenge. Administrations in the past have tried and failed. But we know under the stellar leadership of President Bush, Vice President Cheney, the National Security Advisor, Dr. Rice and Colin Powell and Donald Rumsfeld, that we have a wonderful team working on this. That is why I believe it is important for us to provide the support the administration wants. And, yes, he is right that the administration did not make the additional request for aid to Israel; but there is no indication that the President would not be supportive of what is taking place here, because we clearly stand by our ally, the State of Israel, the one democratically elected government in the region.

What I am saying, Mr. Speaker, is that I believe we need to realize that our number one priority is to win the war on terrorism. And to do that, as the President and others have said, we have to have the courage to vote to win that war. And that is why every Member of this House should vote in favor of this rule and in favor of the supplemental appropriations bill.

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

I listened to the gentleman from California (Mr. DREIER). If we really wanted to help the war effort, strip all this extraneous nonsense out of the bill, strip all of these baubles that they are trying to use to buy votes on the other side on Medicare and trade and all this other stuff and just do a supplemental that provides the money to fight the war. That is all you need to do.

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

Mr. RANGEL. Mr. Speaker, what the gentleman from California (Mr. DREIER) said is that we are at war and the Committee on Rules has usurped all the responsibilities of the standing committee. It really makes no difference what the Committee on Appropriations wants to do, what the Committee on International Relations wants to do, the Committee on the Budget, the Committee on Ways and Means. The President of the United States and the chairman of the Committee on Rules, they will decide what is the best for this great country and for the Congress.

Imagine that in this appropriation we have issues that we hold sacred in the Committee on Ways and Means. That is the budget ceiling where we debate among each other as to what it is going to be. But instead of just coming out and saying that the Committee on Rules has decided that we have got to raise the debt ceiling, instead of doing that, what do you do put in here?

Again, you wave the flag and say that the Committee on Rules has dictated that the Government of the United States will take all steps necessary to guarantee the full faith and credit of the government.

Is this gobbledygook? Is this patriotism or is this stealing the jurisdiction of another committee? What you mean to say is we will find some sneaky way to get the debt ceiling increase by passing a nothing rule over here and allowing the Senate to take our jurisdiction and to bring it back, wrap it up in the flag and dare someone during wartime to vote against it.

What is the next thing he is going to do? Oh, the Committee on Rules now knows how to handle Medicare. Not the Committee on Energy and Commerce, not the Committee on Ways and Means, not the House. What you have decided is there are certain hospitals in
Republican districts that are in trouble, and you are going to give them assistance at the expense of other hospitals. Is it in here? Yes.

Lastly, you are going to violate trade agreements in the rule. Shame on you.

POINT OF ORDER
Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Evidently we have failed to communicate this openly to all Members. This is an open rule. This is an open rule for any Member of Congress, including the gentleman from Missouri (Mr. GEPHARDT), to offer any sort of amendment that he would like to. This is no gag rule. This is no sham. This is no trick. By presenting an open rule, it means that both sides are given equal opportunity to present their case.

There has been a lot said today about Social Security. The fact of the matter is that there is a part of this rule that says, ‘The United States Government shall take all steps necessary to guarantee the full faith and credit of the government.’ That is what we are trying to do.

We are trying to make sure that this supplemental bill has an opportunity to be debated under an open rule today to where we have an opportunity to pass this bill and to where we can engage the other body, the Senate, which is controlled by the other party, the other body who controls that, to where we can work together as Republicans, as Democrats, with the President of the United States.

The fact of the matter is the song is always the same. The bottom line is that for years a clear majority of Democrats have been opposed to funding the military, and that is exactly the same way it is today. This is about funding our military. This is about a wartime budget. This is about trying to make sure that we win the war.

I know where the opposition comes from. We hear it over and over and over again.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CUNNINGHAM).

PARLIAMENTARY INQUIRY
Mr. TAYLOR of Mississippi. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERY). Does the gentleman from Texas (Mr. SESSIONS) yield for a parliamentary inquiry?

Mr. SESSIONS. Mr. Speaker, I do not.

The SPEAKER pro tempore. The gentleman from California (Mr. CUNNINGHAM) is recognized for 2 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, I am under the impression that the Chair has to yield for a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from California (Mr. CUNNINGHAM) has been recognized for 2 minutes.

POINT OF ORDER
Mr. TAYLOR of Mississippi. Mr. Speaker, I make a point of order on the gentleman.

The SPEAKER pro tempore. The gentleman from Mississippi will state his point of order.
Mr. TAYLOR of Mississippi. Mr. Speaker, that I believe a parliamentary inquiry has precedence over that.

The SPEAKER pro tempore. The Chair would respond to the gentleman that the Astorian from Texas (Mr. SESSIONS) has 7 minutes remaining. That is fact. That is not a proper subject of debate when debating the resolution.

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

Under the rule pending, the gentleman from Texas (Mr. SESSIONS) makes reference to offer an amendment that would remove the language that allows this bill to raise the debt limit.

The SPEAKER pro tempore. The Chair is unable to construe this resolution which the House is debating at this time. That is a proper subject for debate and the gentleman from Texas (Mr. SESSIONS) has 7 minutes remaining.

Mr. FROST. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 12½ minutes remaining. The gentleman from Texas (Mr. SESSIONS) has 7 minutes remaining.

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Mr. FROST. Mr. Speaker, how much time is remaining on each side?
If this rule passes, one of our premier airlines is liable to go out of business because this rule specifically protects language that terminates the airline loan guarantee program. After the events of September 11, we passed legislation knowing that the airlines were hurtling towards insolvency. Some of them could go into insolvency.

One airline in particular, U.S. Air, is headquartered at Washington's National Airport. Washington National Airport was closed down for an entire month, for 3 months. It has only had partial service. So understandably U.S. Airways has not had the revenue to stay afloat. That is what this loan guarantee program was for, but this rule protects $1.3 billion in savings by terminating the program because it knows that that is the amount of money that U.S. Airways needs to stay afloat.

So we are forcing an airline into bankruptcy, 40,000 jobs, 204 cities served. Now, this is not what the gentleman from Florida (Mr. DAVIS) wanted. This is not what the gentleman from Kentucky (Mr. ROGERS) wanted. They have been trying to work it out along with the gentleman from Virginia (Mr. DAVIS). They have been trying to do the right thing, but this rule does the wrong thing. It is outrageous to try to save money through this kind of a budget gimmick and cause the loss of 40,000 jobs, and think of what it is going to do to the economy of 204 cities that are served by U.S. Air. Unbelievable.

This rule needs to get defeated. It is one of the worst rules to come before the House of Representatives.

Mr. SESSIONS. Mr. Speaker, I would like to, if I could, engage with the gentleman from Texas (Mr. FROST) and let him know that the time appears to be unbalanced at this point, and I would like to see if he would like to get us to more of an even stance.

Mr. FROST. Mr. Speaker, we are prepared to yield additional time at this point.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

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

Mr. SPRATT. Mr. Speaker, I rise in opposition to this rule for many reasons, and not because I am opposed to defense funding. If this were a clean increase for the war in Afghanistan, it would be passed unanimously.

First of all, this rule deems what the House could not do directly. It deems the budget resolution and sets the discretionary spending ceiling at $759 billion. That is $9 billion less than the other body. Mark my word, that $9 billion discrepancy will cause us problems before this fiscal year is out.

The second reason to get the votes necessary for passage, the rule claims $1.2 billion in savings to offset the amendments that the committee added in the supplemental over and above the President's request. The largest amount of these comes from obligatory delays. They are not saying they are obligatory delays.

The rule would prevent the Air Transportation Stabilization Board from guaranteeing an airline loan. This does not mean that there will be insolvency, but beginning the next fiscal year, they could make those loans. Someone may say that is harmless. Not for U.S. Air. It is a matter of life and death for U.S. Air because they told us they need funds by August 1. So it saves no money, but it does not do U.S. Air any good at all.

Most of all, I am really upset with this rule because it gets too clever by half, much too coy when it comes to something that is gravely serious, and that is the debt owed by the United States of America. We are creeping up on our statutory debt limits, and rather than face up to this issue squarely, this rule makes passing reference to the statutory debt ceiling just enough to have this matter originate in the House and leaves the heavy lifting to the other body.

What it seeks to avoid most of all is a direct vote on this very important issue, and our constituents need to know where we stand.

Now, we would have offered, if the committee had made it in order, an amendment that would have offered a suitable procedure for undertaking something this serious. It simply would have provided that if we take up the debt ceiling, we can increase it by $250 billion, but if we increase it by any more we must have in place a budget resolution that will put the budget in balance in 5 fiscal years.

That amendment was not made in order, which is another reason to vote against this rule.

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

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

Mr. STENHOLM. Mr. Speaker, why can we not just for once be honest with the American people?

Every single Member of this body is in favor of supporting our troops in Afghanistan. And any rhetoric notwithstanding is not being honest. I say to anyone that makes statements like my friend from Texas made a moment ago knows better than that. The war on terrorism is too serious to play political games with.

To call this rule an open rule is laughable. The answer to the question of my colleague from Mississippi, Mr. Speaker, is no, he will be held out of order when he offers an amendment to pay for this war and not charge it to our grandchildren.

I cannot imagine how anybody that purports to be a conservative would support this resolution and this rule if they look at the scoring that is being applied, and then saying to their colleagues it is being paid for, when my colleagues know better.

Back in 1994, I joined with 321 of my colleagues, including 166 Republicans that are still here, that said we ought to put a stop to emergency spending before we put more of it in say here being added to it. It passed 322 to 99. There were only four Republicans that opposed it in 1994. Then in 1995, when the Republicans took over the majority, they thought it was a darned good rule and they put it in anyway, and when we have emergency spending, we ought to confine the issues and the spending to emergencies. Yet this rule waives any amendment that strikes any of those spending bills that are not emergency, because suddenly my Republican colleagues have seen the light and they believe that spending for any purpose is okay; but yet they are going to call themselves conservatives.

A vote for this rule is a vote for using parliamentary trickery to sneak an increase in the debt limit into law without addressing the fiscal problems highlighted by the need to increase the debt limit. That is my opposition to this rule. That is my opposition to this bill.

My colleagues should be open and honest and come out and say they are in favor of increasing the debt of this country $750 billion. But they choose to hide it. That is wrong and it is not honest.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, if the Democrats had proposed this rule, I would be up here speaking against it. This rule is, I think I will put it this way, if I were doing business with someone who devised or ran their business like this rule, I would quit doing business with them immediately; and I think the American people ought to as well.

What my Republican colleagues have done with this rule is they have made passing reference to the statutory assurance that the United States take all necessary means to protect our credit, which is the debt ceiling, and then they have provided that the amendments printed in the Committee on Rules shall be considered as adopted. That is not an open rule and they know it.

No one can call that an open rule. We cannot get at striking section 1403 because it will be held out of order. So when my colleagues say it is an open rule, it is not and my colleagues know it. It is crystal clear that it is wrong. It is dead wrong.

We are engaged in a generational mugging of the next generation here because we will not face up to what we are trying to do to pay for this. It is wrong.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from Savannah, Georgia (Mr. KINGSTON), who is a member of the Committee on Appropriations.
Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I just want to say that I support this rule, and I will support the supplemental bill as well. I am supporting the rule and the bill because of three things, three important things that we are trying to accomplish:

Number one, it continues the war internationally against terrorism; number two, it protects our homeland; and, number three, it helps complete the job of rebuilding New York City.

Just to go through some of these things. This wartime supplemental provides $15.7 billion to aid the troops in the ongoing war. I have visited Afghanistan and Central Asia and the countries of Tajikistan, Pakistan, and Uzbekistan. They need our support. It is not time to turn our back on them.

This bill secures our homeland as well with $850 million for checking baggage for explosive devices. $830 million for baggage screening and $75 million for security enhancements at commercial ports.

Just to give one statistic, Savannah, Georgia, which I represent, last year brought in one million containers. Of those containers, only 1 percent were checked. This bill helps address that problem.

This bill also, in the name of homeland security, provides local law enforcement the tools that they need to track down terrorism. How often do my colleagues get those calls, which I know I have been getting since 9-11, from the local police officers and the sheriff departments: they have seen something suspicious, but they do not know who to call or what to do. This helps them hook in with the national tracking system.

It also helps our communities in terms of disaster preparation. One of the issues we have to deal with is the EMS folks, training them and getting them ready. If I have said it once, I have said it a thousand times 750.

This bill provides $15.7 billion to help pay down the national debt. In the past it does not pay down the national debt. In fact, the national debt has risen by $323,329,559,211.21. Now that is straight off the Treasury report. Do not tell the people that we are bailing the budget. My colleagues are suggesting that we vote to increase the debt limit by $750 billion. That is a thousand times a thousand times a thousand times 750.

If we have to pay for this war, and we should, then let us cut spending somewhere else, like the things that people do.

I would tell the gentleman from Texas (Mr. SESSIONS) that on the day my daughter was born our Nation was less than $1 trillion in debt. The gentleman is proposing that we go over $6 trillion in debt, and she is not yet 24 years old. Where does it stop? Where is the shame?

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

What the majority party, my Republican Party, is trying to do is to make sure that our President, that our law enforcement, that our military has the money that is necessary to fight this war. It is not a war we wanted to get into; it was a war that was thrust on America and I opposed it. It was a war that America was thrust in and now our President and our Vice President are leading our Nation.

We all saw the destruction and the damage that happened. We stood up and said, we will stand together against terrorism, and we will do the things that the President has asked for and that are in the best interest of this country to fund our military and law enforcement and the men and women of the New York City Fire Department and Police Department as they battled these terrorists and then looked after the people of New York.

We, as Members of this body, responded to the challenge within one week. We are now trying to respond again.

We believe it is honest and forthright that we follow procedures that people out in Dallas, Texas, and all across this country understand, not just in my congressional district but all the Members, when we say that we are trying to do the things that the President has asked for and that are in the best interest of this country to fund our military and law enforcement and the men and women of the New York City Fire Department and Police Department. Shame. Shame. Shame.

Mr. MOORE. Mr. Speaker, in the previous comments, the majority manager of the bill has referred to this as an open rule. Therefore, under this open rule, I would like to ask unanimous consent that the amendment offered by the gentleman from Texas (Mr. MOORE) be made in order in the ensuing debate.

The SPEAKER pro tempore (Mr. THORNBERRY). The Chair would respond that the gentleman’s request is out of order. The gentleman from Texas (Mr. MOORE) has yielded to the gentleman from Texas (Mr. FROST) for the purposes of debate only, not for the purposes of amending the rule, even under unanimous consent.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, we have heard over and over and over that this is a rule about the war. What the majority party has done is wrapped this rule in the flag and wrapped this rule in the war and is trying to hide the fact from the American people that they are trying to increase the credit card debt of this Nation by $750 billion, three-quarters of a trillion dollars.

We are all Americans, we all stand together against terrorism, and we will all provide whatever resources and money are necessary to win this war on terrorism. But at the very least that we should be, we should be, and we must be honest with the American people and tell them what it is we are doing. What the Republicans are attempting to do is to sneak through a $750 billion increase in the debt limit here without a stand-alone vote.

That is absolutely wrong, because what my colleagues are going to do is to pass that debt on to our children and grandchildren. Shame. Shame.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. BENTSEN).

(As requested, Mr. BENTSEN asked for permission to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, it is ironic that 1 year ago we were having a debate in this House about how much of the debt we could pay down. Today, the House is being asked to pass in this rule, having nothing to do with the underlying bill, a measure that will allow for the public debt of the Nation to increase by three-quarters of a trillion dollars without debating it in the light of day.

We have soldiers abroad who are fighting to defend the Constitution, yet we have the majority party which does not even want to allow the public to see the debate of whether or not we want to raise the national debt to pay for the war.

All of us support the war effort. There is not a Member on either side, that I am aware of, who is not in favor of the war effort.

But what is a shame is the fact that the Republicans want to slide a fast
one past the American people so they can cut taxes and we are not going to increase the debt when in fact that is what they are doing. They are raising the national debt with this vote.

We should defeat this rule and start over and bring a clean supplemental up that every Member will vote for.

PARLIAMENTARY INQUIRY

Mr. EDWARDS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman will state it.

Mr. EDWARDS. Mr. Speaker, having listened to the comments of the gentleman from Tennessee, my parliamentary inquiry is this: Would it take an amendment to change an open rule in order to make it open?

The SPEAKER pro tempore. The gentleman has not stated a parliamentary inquiry which is appropriate for the Chair to answer.

Does the gentleman from Tennessee have a further parliamentary inquiry?

Mr. EDWARDS. Yes, I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. EDWARDS. Mr. Speaker, it is my understanding that this has been described by the majority as an open rule. Yet a few minutes ago, the Speaker said in response to the comments of the gentleman from Tennessee that it would require a change in the rule in order to make it an open rule.

My parliamentary inquiry is whether this is an open rule, why would it require a change in the rule to make it an open rule?

The SPEAKER pro tempore. The Chair would simply respond to the gentleman, the House has a mechanism to amend a pending rule if the House sees fit. The Chair responded in such a fashion earlier on several occasions.

Mr. Speaker, I thank the Speaker.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) has 3 minutes remaining. The gentleman from Texas (Mr. FROST) has 2½ minutes remaining.

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

Mr. Speaker, the money that we are spending in this bill is for the national defense, and it is for men and women who protect us. Tonight when Americans go to sleep after hearing this great and vigorous debate, they can go to sleep knowing that this House is talking about the things that are important to make sure that our sons and brothers and fathers and aunts and uncles, the freedoms that we enjoy as a result of this House talking about the debate that will get our military and law enforcement the money that is necessary to make sure that we win this war.

That is what this debate is simply about. I am proud of what we are doing here.

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

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. LEVIN).

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

Mr. LEVIN. Mr. Speaker, in 2000, Congress passed the CBI bill. In the most sensitive area of apparel and textiles, the bill endeavored to build on the strengths and complementarities of Caribbean Basin countries to provide enhanced access to the U.S. market with some important requirements as to use of American fabric and within these requirements the ability to dye and finish this material in their nation. Included was enhanced implementation of core labor standards.

In order to obtain a few votes to pass their fast-track bill, the administration cut a deal that turns its back on CBI. The attempt in this bill to carry much of that very impractical and irrelevant to the administration's rhetoric about the importance of expanded trade and about the needs of evolving economies. It is another troubling result of the decision of the administration and House Republicans to pass fast track on a par- tisan basis, refusing to address concerns of Democrats who have worked hard to craft constructive trade legislation these last years. The administration has missed an historic opportunity to build a viable, strong, bipartisan foundation for trade policy and the consequence is the attempt to ratify in this bill an act of expediency. It has zero to do with the war against terrorism.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, my friend from Texas has now three times mischaracterized my speech regarding that this is for the troops, and I want to again say, every single person over here supports our troops. In addition to that, I will say I support our President 110 percent. In fact, I believe in your position to this rule that I am supporting the President more than you are.

Here is why. The President asked for $27.1 billion. This bill is $29.4 billion. You made reference to the Senate, in truth a package to go to the Senate. The Senate is proposing to spend $31 billion. That means we are going to compromise somewhere between 29.4 and 31. That is not what the President asked for.

This is more than just supporting our troops. We all support the troops.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey (Mr. ANDREWS).

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 1 minute.

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

Mr. ANDREWS. I thank my friend for yielding time.

Mr. Speaker, the House is in the business of taking votes to decide things. This week we took a vote on whether to congratulate the people of East Timor, as we should have. We took a vote on naming a Federal building, as we should have.

The majority has a plan to borrow $750 billion and pass along the bill to our children. But they do not want to put that up for a vote. The choice that is before the House on this rule is very simple. Should we or should we not have a recorded vote on $750 billion? Our only chance to cast a vote on that, if the majority has its way, is on this rule vote.

Defeat the rule, bring this question, like the question of congratulating the people of East Timor, before the American people so they can see where we as their elected representatives stand. Defeat this rule.

Mr. SESSIONS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois, the Speaker of the House, for 2 minutes.

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

Mr. HASTERT. Mr. Speaker, we have heard a lot of debate on this bill today. This bill has been in this room for about 6 weeks trying to bring it together. In this bill is $14 billion-plus for our men and women who fight the war in Afghanistan and around the world. In this bill is $5 billion for New York so that they can recoup and rebuild their city for the losses they got on September 11. In this bill is $7 billion for defense against terrorism in this country, air marshals, police, things to make this country safer so that we can travel, so that we can live our lives. This is a lot of money that demagoguery that goes on in a place like this. But there are times when you need to move forward, pass legislation, get it done and do the right thing. I have heard a lot of, again, conversation from the other side of the aisle. Do we need eventually to raise the debt ceiling in this country? You know we have to do that. There is not one person in the room who will deny that that has to be done. Do we do it in this bill? No. Do we give ourselves a possibility that we can do it at a later date? Yes. Do we have to make sure that there is some discipline in the budget as opposed to the other side of the Rotunda where there is no discipline? Yes. We need to do both. We need to do it for our own good. We also need to do it on a mandatory and discretionary spending if we want to do the things in health care and prescription drugs that is right for this country.

You can vote no against this. If you vote no, you ought to know that you are voting against our military, you are voting against the people in New York. You need to know that you are
also voting against the ability for us to solve the problems that we have in this country. If you want to vote against trying to solve the problems in health care and prescription drugs, vote no for this bill.

If you want to move forward and have the Congress do the things that the American people expect us to do, then you want to vote yes for this rule and vote yes for the bill.

Mr. DeLAY. Mr. Speaker, I rise in strong opposition to this rule because it robs the Department of Defense of $13.2 billion that was requested by the President. I must say that I am surprised and frankly feel let down by my colleagues and good friends on the other side of the aisle, many of whom have in the past stood shoulder to shoulder with me in calling for more defense spending.

This rule includes a so-called “deeming” provision which says that the House shall consider the Budget Resolution to have passed a conference committee just as it passed the House. Doing so weakens national security because the budget resolution is the only credible vehicle for reducing and controlling spending. It is the only mechanism that has been effective in reducing the national deficit.

First, the Budget Resolution reduced the Budget Authority available for defense by $10 billion and eliminated the contingency requested by the Department of Defense. I share some of the Budget Committee’s concerns that this request was vague, but Congress is more than capable of working with the Department to determine how that funding can best be used, and no serious defense observer believes that the Department of Defense will not need this $10 billion, and even more, for its operations in FY03. This rule today puts that funding off limits.

Second, the Budget Resolution reduced the Budget Authority available for defense by $3.2 billion which had been set aside by the Department of Defense for civilian health care accrual. The Budget Committee doesn’t support doing this accrual accounting change, but taking the money away from the Department of Defense is the wrong answer. We have seen a consistent pattern in recent years of underestimating the costs in the Defense Health Program and many Operations and Maintenance accounts. The $3.2 billion included for civilian accrual costs should be maintained as a hedge against cost escalations in these accounts.

In addition to being $13.2 billion below the President’s Request for defense, this resolution puts us as much as $6.9 billion under the Defense Authorization bill the House approved just a few weeks ago. That bill maintained the $3.2 billion originally requested for civilian accrual and it allocated $3.7 billion of the contingency fund to high priority operational needs. We should reject this rule Mr. Speaker, and allow the Appropriations Committee to bring to the floor a Defense Appropriations bill that is at least equal to the President’s request, a request which is already $40 billion below what is required in procurement alone. That’s not just according to me, that is the testimony given by the Chairman of the Joint Chiefs of Staff, Gen. Richard Myers, before the Defense Appropriations Subcommittee this year.

Mr. SESSIONS. Mr. Speaker, I move the previous question on the resolution.
Mr. SHOWS changed his vote from "no" to "aye." So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PERMISSION TO INCLUDE EXTRANEOUS MATERIAL DURING CONSIDERATION OF HOUSE RESOLUTION 428

Mr. OBEY. Mr. Speaker, I ask unanimous consent that I may be allowed to include extraneous material immediately following my remarks on the rule that has earlier passed.

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

2002 SUPPLEMENTAL APPROPRIATIONS ACT FOR FURTHER RECOVERY FROM AND RESPONSE TO TERRORIST ATTACKS ON THE UNITED STATES

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to House Resolution 428 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4775.

Mr. OBEY. Mr. Speaker, I ask unanimous consent that I may be allowed to include extraneous material immediately following my remarks on the rule that has earlier passed.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes, with Mr. THORNBERY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.
The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida, Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida, Mr. Chairman, I am pleased to bring to the House the 2002 Supplemental Appropriations Bill. This is the first appropriations bill that we will be considering this year, and it should prove to be an interesting experience.

The Committee on Appropriations ordered this legislation reported last week. The bill is extremely important, and I believe it will enjoy broad bipartisan support. It is extremely important, Mr. Chairman, because this is a wartime supplemental appropriations bill. This is to pay for our wartime activities in Afghanistan and other places that our military troops might be deployed. This is a wartime appropriations bill to repay our military services for the monies they have already expended from their fourth quarter accounts.

This is an extremely important bill in that it also, besides providing money for the Defense Department, provides for our homeland security. As we get further away from September 11, we may be tempted to forget what happened on that day in the United States of America. But, Mr. Chairman, we were attacked. Our people were attacked. We are going to fight back. We are going to finance our effort to fight back.

The President of the United States is doing an outstanding job in leading our Nation in the prosecution of the military campaign. He is doing an outstanding job in leading our Nation in seeking out terrorist organizations wherever we can locate them and proceeding to bring them to justice. So it is a very important bill, Mr. Chairman. However, over the last 5 weeks, some of the focus has gotten lost on this important bill. It has been sort of like a ship growing barnacles. Everyone knows this is a must-pass bill, and there are probably 435 ideas of what should be added to or subtracted from it. But I want to remind everyone again, the focus of this bill is and must continue to be that this is a wartime supplemental appropriations bill. It provides money for our troops. It provides money for our intelligence community. It provides money for the safety and security of our people and our community. It provides support for the victims of the attacks in New York at the World Trade Center. And it provides funds to promote the U.S. foreign policy to prevent future attacks.

The committee reported a bill that provided the entire $120.2 billion and half of that, or $15.8 billion, is for the Defense Department to continue to prosecute the war on terrorism. This bill supports the President. It fully funds his requirements for national security, foreign policy; and it provides an additional $5.6 billion in support for recovery in New York. There is $1.77 billion in additional funds for the Defense Department to pay for costs relating to the mobilization of the Guard and Reserve forces and to cover their operational expenses.

It provides for our country’s biggest concern, securing our homeland, by providing $5.8 billion. That is $522 million above the President’s request. It ensures that our nuclear assets can be secured and that law enforcement and our first responders, who are so important in providing for the safety of our people in our community, have adequate information to prevent, hopefully, or, if necessary, to respond to acts of terrorism.

It also gets the Transportation Security Administration up and running so that the traveling public will be safe. We have all heard the concerns raised over the past few days that the FBI had information that somehow was left out of security briefings for the President. The most important thing we can do to protect our country and our constituencies from future attacks is to ensure that law enforcement and our intelligence community and the Commander in Chief, the President of the United States, have timely access to accurate and complete information.

I have been to the FBI; and my friend and colleague, the gentleman from Wisconsin (Mr. Obey) has been to the FBI. We have seen firsthand their anti-quantified technology equipment that needs to be enhanced, that needs to be updated, that needs to be brought into today’s world. We looked at this closely and determined that the President’s request did not provide enough for that purpose. So in the terrorism supplemental last year we added $132 million above the President’s request for the FBI’s information technology, and this supplemental bill contains an additional $100 million above the President’s request for additional technology enhancement for the FBI.

At this point, there will be some who try to assess the blame. We are here to find solutions and to provide the funding necessary to put those solutions in place.

Now, in addition to defense and homeland security, we had a shortfall in the Pell grant program, an important program for the education of our young Americans. We added $1 billion to provide funding for the Pell grant program.

Our leadership, on a bipartisan basis, asked for funding to pay for the election reforms that we enacted earlier this year. So we added $450 million for that purpose. We increased the President’s budget request for defense by $1.8 billion. In the committee, added by amendment, was $250 million for Israel and for humanitarian relief for the Palestinians. We have added $275 million over the President’s request for veterans health care.

Mr. Chairman, we did not just spend the money. We had offsets. We had offsets of $1.8 billion more than the President’s budget request had asked for. And so, Mr. Chairman, this is a good supplemental bill. It is well within the budget limits placed on us by the 2002 budget resolution.

I hope that we can consider this bill as what it is, a wartime emergency supplemental. I hope that we are not distracted by the other issues that were debated heatedly during the consideration of the rule. Let us focus today on this wartime emergency supplemental for our troops, for our security agencies, for our intelligence agencies, for the FBI and for the President of the United States to be able to do the things that we are demanding that he do, and that is to make America secure and to seek out those who perpetrate or would perpetrate terrorist attacks against our Nation.

H.R. 4775—2002 SUPPLEMENTAL APPROPRIATIONS ACT

[In thousands]

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Budget request | Recommended in bill | Bill compared with request
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**CHAPTER 3**

**DEPARTMENT OF DEFENSE—MILITARY**

| Military Personnel: Salaries and expenses (emergency)                            | 206,000        | 206,000             |                           |
| Operation and Maintenance, Army (emergency)                                      | 107,000        | 107,000             | +119,000                  |
| Operation and Maintenance, Navy (emergency)                                      | 36,500         | 36,500              | +17,250                   |
| Operation and Maintenance, Air Force (emergency)                                 | 41,000         | 41,000              | +41,000                   |
| Operation and Maintenance, Defense-Wide (emergency)                              | 739,000        | 739,000             | +12,975                   |
| Contingent emergency                                                             | 11,300,000     | 11,300,000          | +1,939,972                |
| Procurement:                                                                     |                |                     |                           |
| Air Procurement, Navy (emergency)                                                 | 79,200         | 79,200              | -10,000                   |
| Aircraft Procurement, Navy (emergency)                                            | 282,000        | 282,000             | -282,000                  |
| Aircraft Procurement, Marine Corps (emergency)                                   | 7,500          | 7,500               | -7,500                    |
| Aircraft Procurement, Air Force (emergency)                                      | 95,000         | 95,000              | +95,000                   |
| Contingent emergency                                                             | 36,500         | 36,500              | +36,500                   |
| Procurement of Ammunition, Air Force (emergency)                                  | 735,340        | 735,340             | -16,960                   |
| Contingent emergency                                                             | 99,500         | 99,500              | +99,500                   |
| Contingent emergency                                                             | 4,925          | 4,925               | +4,925                    |
| Research, Development, Test and Evaluation:                                       |                |                     |                           |
| ROTA, Navy (emergency)                                                            | 8,200          | 8,200               | -8,200                    |
| ROTA, Air Force (emergency)                                                       | 39,000         | 39,000              | -39,000                   |
| Contingent emergency                                                             | 20,000         | 20,000              | +20,000                   |
| General Provisions:                                                              | (1,000,000)    | (1,000,000)         | +1,000,000                |
| 564-47 Helicopters (emergency)                                                   | 80,000         | 80,000              | +80,000                   |
| Chemical Demil (contingent emergency)                                            | 100,000        | 100,000             | +100,000                  |
| Procurement, Defense-Wide (emergency)                                            | 564-47 Helicopters (emergency) | 100,000 | 100,000 | +100,000 |
| Contingent emergency                                                             | 20,000         | 20,000              | +20,000                   |
| Total, chapter 3                                                                  | 14,072,000     | 15,769,462          | +1,747,462                |

**CHAPTER 4**

**DISTRICT OF COLUMBIA**

**DISTRICT OF COLUMBIA FUNDS**

| Operating Expenses                                                                |                |                     |                           |
| Division of Expenses:                                                            |                |                     |                           |
| Public education system (miscellaneous)                                          |                |                     |                           |
| Human Support Services                                                           |                |                     |                           |
| Child and Family Services Agency                                                 |                |                     |                           |
| Department of Mental Health                                                      |                |                     |                           |
| Repayment of loans and interest (miscellaneous)                                  |                |                     |                           |
| Certificates of participation                                                    |                |                     |                           |
| Total, chapter 4                                                                  |                |                     |                           |

**CHAPTER 5**

**DEPARTMENT OF DEFENSE—CIVIL**

**DEPARTMENT OF THE ARMY**

<p>| Corps of Engineers: Salaries and expenses (contingent emergency)                  | 128,400        | 128,400             |                           |</p>
<table>
<thead>
<tr>
<th>Department/Agency</th>
<th>Line Item Description</th>
<th>Request</th>
<th>Bill in Appropriations Act</th>
<th>Bill compared with request</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DEPARTMENT OF ENERGY</strong></td>
<td>Energy Programs: Science (contingent emergency)</td>
<td>11,000</td>
<td>29,000</td>
<td>+29,000</td>
</tr>
<tr>
<td></td>
<td>National Nuclear Security Administration: Weapons Activities (emergency)</td>
<td>19,400</td>
<td>19,400</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Contingent emergency</td>
<td>106,000</td>
<td>106,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Defense Nuclear Nonproliferation (contingent emergency)</td>
<td>5,000</td>
<td>5,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Environmental and Other Defense Activities:</td>
<td>67,000</td>
<td>67,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Defense Environmental Restoration and Waste Management (contingent emergency)</td>
<td>16,000</td>
<td>16,000</td>
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<tr>
<td></td>
<td></td>
<td>Other Defense Activities (emergency)</td>
<td>7,000</td>
<td>7,000</td>
</tr>
<tr>
<td></td>
<td>Total, chapter 5</td>
<td>26,400</td>
<td>378,400</td>
<td>+352,000</td>
</tr>
<tr>
<td><strong>CHAPTER 6</strong></td>
<td>Bilateral Economic Assistance</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Funds Appropriated to the President</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>United States Agency for International Development:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Child Survival and Health Programs Fund (contingent emergency)</td>
<td>40,000</td>
<td>200,000</td>
<td>+200,000</td>
</tr>
<tr>
<td></td>
<td>Contingent emergency</td>
<td>190,000</td>
<td>190,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Operating Expenses of the United States Agency for International Development (emergency)</td>
<td>7,000</td>
<td>7,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Other Bilateral Economic Assistance:</td>
<td>525,000</td>
<td>460,000</td>
<td>+65,000</td>
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<tr>
<td></td>
<td>Economic Support Fund (emergency)</td>
<td>250,000</td>
<td>250,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Assistance for the Independent States of the Former Soviet Union (emergency)</td>
<td>110,000</td>
<td>110,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Department of State:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>International Narcotics Control and Law Enforcement (emergency)</td>
<td>134,000</td>
<td>120,000</td>
<td>+14,000</td>
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<tr>
<td></td>
<td>Migration &amp; Refugee Assistance (contingent emergency)</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
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<tr>
<td></td>
<td>Nonproliferation, Anti-Terrorism, Demining and Related Programs (emergency)</td>
<td>83,000</td>
<td>83,000</td>
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<td></td>
<td>Total, chapter 6</td>
<td>372,500</td>
<td>366,500</td>
<td>+6,000</td>
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<tr>
<td><strong>CHAPTER 7</strong></td>
<td>Department of the Interior</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bureau of Land Management: Management of Lands &amp; Resources (contingent emergency)</td>
<td>658</td>
<td>658</td>
<td></td>
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<tr>
<td></td>
<td>United States Fish and Wildlife Service: Resource Management (contingent emergency)</td>
<td>1,443</td>
<td>1,443</td>
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<td></td>
<td>National Park Service:</td>
<td></td>
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<tr>
<td></td>
<td>Operation of the National Park System (contingent emergency)</td>
<td>1,173</td>
<td>1,173</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Construction (contingent emergency)</td>
<td>19,300</td>
<td>19,300</td>
<td></td>
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<tr>
<td></td>
<td>United States Geological Survey, Surveys, Investigations, and Research (contingent emergency)</td>
<td>25,700</td>
<td>25,700</td>
<td></td>
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<tr>
<td></td>
<td>Bureau of Indian Affairs:</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Operation of Indian Programs (contingent emergency)</td>
<td>134</td>
<td>134</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rescission</td>
<td>-10,000</td>
<td>-5,000</td>
<td>+5,000</td>
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<td></td>
<td>Indian Trust Fund Management Litigation</td>
<td>905</td>
<td>905</td>
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<td>Departmental Offices: Departmental Management: Salaries and expenses (contingent emergency)</td>
<td>10,000</td>
<td>57,313</td>
<td>+47,313</td>
</tr>
<tr>
<td></td>
<td>Total, chapter 7</td>
<td>-10,000</td>
<td>57,313</td>
<td>+47,313</td>
</tr>
<tr>
<td><strong>CHAPTER 8</strong></td>
<td>Department of Labor</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Employment and Training Administration: Training &amp; Employment Services (contingent emergency)</td>
<td>750,000</td>
<td>300,000</td>
<td>-450,000</td>
</tr>
<tr>
<td><strong>DEPARTMENT OF HEALTH AND HUMAN SERVICES</strong></td>
<td>Health Resources and Services Administration: Health Resources and Services (recession)</td>
<td>-20,000</td>
<td>+20,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Centers for Disease Control and Prevention: Disease Control, Research, and Training (contingent emergency)</td>
<td>-30,000</td>
<td>+30,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td>National Institutes of Health: Buildings and Facilities (recession)</td>
<td>500</td>
<td>500</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>Administration for Children and Families: Children and Families Services Programs (contingent emergency)</td>
<td>1,276,000</td>
<td>1,276,000</td>
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<tr>
<td></td>
<td></td>
<td>Total, chapter 8</td>
<td>1,976,000</td>
<td>1,976,000</td>
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<tr>
<td><strong>CHAPTER 9</strong></td>
<td>Legislative Branch</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Committee Employees: Standing Committees, Special and Select</td>
<td>1,600</td>
<td>1,600</td>
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<td></td>
<td>Library of Congress: Copyright Office: Salaries and expenses (emergency)</td>
<td>3,600</td>
<td>3,600</td>
<td></td>
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<tr>
<td></td>
<td>Joint Items</td>
<td>7,500</td>
<td>7,500</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Capitol Police Board</td>
<td>16,100</td>
<td>16,100</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total, chapter 9</td>
<td>7,500</td>
<td>25,200</td>
<td>+17,700</td>
</tr>
<tr>
<td><strong>CHAPTER 10</strong></td>
<td>Department of Defense</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Military Construction, Air Force (contingent emergency)</td>
<td>8,505</td>
<td>8,505</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Military Construction, Defense-wide (contingent emergency)</td>
<td>21,500</td>
<td>21,500</td>
<td></td>
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<tr>
<td></td>
<td>Total, chapter 10</td>
<td>30,005</td>
<td>30,005</td>
<td></td>
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<tr>
<td><strong>CHAPTER 11</strong></td>
<td>Department of Transportation</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Office of the Secretary: Transportation Assistance Administrative Service Center (obligation limitation)</td>
<td>128,123</td>
<td>128,123</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Transportation Security Administration: Salaries and expenses (emergency)</td>
<td>2,415,000</td>
<td>2,415,000</td>
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</tr>
<tr>
<td></td>
<td>Contingent emergency</td>
<td>1,245,000</td>
<td>1,245,000</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>U.S. Coast Guard: Operating Expenses (emergency)</td>
<td>4,400,000</td>
<td>4,400,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Contingent emergency</td>
<td>189,000</td>
<td>189,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total, chapter 11</td>
<td>4,589,000</td>
<td>4,589,000</td>
</tr>
</tbody>
</table>

Notes: The table above provides a detailed breakdown of the appropriations for various government agencies and departments, including budget requests, amounts in the bill, and comparisons with the recommended bills. Each entry indicates the specific line items, with full-year and emergency funding details, allowing for a comprehensive view of the appropriations process. The table reflects various levels of government activity, from the Department of Energy to the Department of Transportation, with each agency's budgetary needs meticulously listed.
Mr. Chairman, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I wanted to first of all congratulate the chairman of the committee, the gentleman from Florida (Mr. YOUNG), for doing his usual good job in trying to produce a bipartisan bill.

As members of the committee know, our committee worked for 6 weeks and produced a bipartisan bill. And I want to tell you some of the things that it did to correct some of the chaos that we see in some of the agencies that are dealing with counterterrorism.

We found out that the Department of Energy had asked for $380 million to upgrade security so that weapons of mass destruction and nuclear material would be less susceptible either to terrorist attack or theft. OMB only approved 7 percent of that money. The committee provided the amount that was needed.

We also discovered that the Immigration and Naturalization Service had asked for $52 million because they had the reasonable idea that we ought to be able to determine which immigrants, or which persons here on visas I should say, had overstayed their visas; visas had expired; they had been asked to leave the country and, yet, had refused to do so. The INS wanted $52 million to set up a system to stop that nonsense. The OMB denied it all. The committee put in enough money to deal with the problem.

The FBI, the gentleman from Florida (Mr. YOUNG) has indicated that we discovered after September 11, the FBI had a great need for computer modernization. We discovered, for instance, that less than half the computers at the FBI could be used to send a picture of a suspected terrorist from one FBI office to another around the country. So last year, over the threat of a veto by the President of the United States,
we inserted enough money to see it to that that problem was corrected. As a result, Operation Trilogy will be up and running by the end of this summer, and we will have that capacity at the FBI.

In January, the FBI asked for an additional $635 million to secure their records and to take other actions necessary to protect against terrorism. OMB denied 625 of the $635 million, and the committee corrected that. In the last bill last year, we provided enough funding that the Corps of Engineers could provide additional security for the hundred most vulnerable Federal sites in the country. The Corps of Engineers asked for an additional $128 million to deal with threats to additional sites. OMB denied it. The committee moved to take care of it.

We also saw the chaos at the Transportation Security Administration, very well described in the committee report. That planning has been so bad that, for instance, I suggested that we ought to be paying the guards who are looking over the shoulders of screeners at airports up to $84,000 a year, more than local mayors, more than airport directors would be paid in those same towns. It provided for additional headquarters staff people here in Washington. And yet the budget request provided no money to house the new screening equipment that airports are supposed to install. So there would have been no way that we could avoid the deadline of having that equipment up and running. And the administration requested insufficient dollars to make certain that cockpit doors are fully secure by the end of the calendar year.

So the committee took actions to correct that.

The OMB also turned down the request from the Department of Defense for $790 million to avoid the demolishing of 20 percent of the Guard and Reserve forces who presently are filling slots on the border, in ports, on a temporary basis until people can be trained to take their place, and the committee took action to fix that problem. So I think that we had a good bipartisan product.

Now, there were problems with the bill after it emerged from the full committee. We did have an amendment offered by the distinguished majority whip, the gentleman from Texas (Mr. DeLay), which gave the President the authority to use our military forces to invade The Netherlands, if necessary, in order to extract Americans who might be held by the World Court.

I have a chart here labeled Tom DeLay’s Proposed Invasion of The Netherlands. Gives you some idea of where The Hague is and what will be required by way of carrier capacity, tanker capacity, if we were to invade The Netherlands. If somebody wants to take that seriously, feel free. I think that it leaves us open to considerable ridicule. But in spite of that I was willing to support this bill. But then we had the leadership attach this ridiculous rule to this bill which provided a convenient device by which the Nation’s indebtedness could be raised by $750 billion without any Member ever having to vote on it, and they also imposed the House budget resolution, which will mean, I guarantee you, we will not have enough resources to produce appropriation bills that the House will pass.

So we disagreed again, and this has happened often in this House. We have seen an original bipartisan piece of legislation emerge from this committee, and we have seen it fundamentally screwed up by adding extraneous items that have no business on an appropriation bill.

So I think we are going to be here a long time because some of us feel that the ability of the House to proceed in an orderly and fair-minded fashion is worth arguing about, and we will be doing that through a series of actions that we will be taking and amendments that we will be offering.

I do ask one additional question. As I said, we have had 116 of our Republican friends offer a resolution that a three-fifths vote of this House be required in order to raise the indebtedness of the United States, and yet we have seen this flip-flop action here today, and I would ask the following Members, Representatives Abercrombie, Bachus, Barr, Barton, Bilirakis, Blunt, Bono, Brady, Bryant, Calvert, Cantor, Chabot, Crane, Cubin,erson, DeLay, Doolittle, Dunn, English, Forbes, Gerka, Goodlatte, Graves, Hayworth, Herzog, Baker, Bartlett, Bass, Boehner, I can’t read that signature, Cannon, Castle, Chambliss, Cunningham, Deal, DeMint, Duncan, and all the others whose names I put in the RECORD earlier, I would ask them how they can go home to their constituents and tell them that they are going to vote to require a new higher threshold of votes on this House before the Nation can be plunged into more indebtedness and then engage in the flip-flop that they engaged in today whereby they have guaranteed that we will see a huge increase in national indebtedness when this bill comes back from the Senate?

I find that to be quiant and interesting.

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

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. Kingston), a member of the committee.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman from Florida (Mr. Young) for allowing me to speak tonight and I stand in support of this bill.

This bill does 3 things, and it all goes back to that horrible day, 9/11. This bill continues the war on terrorism. This bill continues the battle for homeland security, and it helps rebuild our beloved national city of New York.

Just remember, the American people will never forget September 11 and what this Congress has done immediately after 9/11 to start the battle. We will never forget the brave who died. We committed ourselves almost immediately to make sure that Osama bin Laden and all the terrorists around the globe would not be victorious.

This bill tonight is part of that battle. This bill has $15.77 billion to support our troops, and I had the opportunity, with the gentleman from Arizona (Mr. Kolbe), the chairman of the Subcommittee on Foreign Operations, Export Financial, and Related Programs of the Committee on Appropriations, to go on a bipartisan basis to Afghanistan. We went to Uzbekistan, Tajikistan and Pakistan. We visited 4 of our bases, and we met with our troops, and we can say that they appreciate what the United States of America is doing. They are happy that we are there.

Their biggest concern is will we stay committed, and this bill tonight helps show the world that we are committed, not just behind our troops but behind the people over there so they can have a secure future. But the battle is not just in central Asia; it is all over the streets of America.

So the second thing this bill does is help secure our homeland. One of the things that it does is work with local law enforcement personnel to track down very potential terrorists or activities on a local level. This bill also helps secure everybody who is traveling; $850 million to help check for baggage, explosives and detection systems; $630 million for baggage screeners; $75 million for security enhancements at U.S. ports. And I just want to talk about this.

Not all of us are traveling. Prior to 9/11 there were 1.2 million Americans in the air at any given day. Nowadays it is 4 million, 6 million, and what does this do? It secures our airlines even further, but also our ports.

I am from Savannah. Last year in Savannah, we had 1 million containers come in. Of the 1 million, only 1 percent were actually screened and checked as to what their contents were. This bill helps expand that so that our ports can be secure.

It also strengthens our communities for any other disaster with EMS facilities and giving the local hospitals the support that they need and the expertise.

Our war against terrorism is not going to be over until every city in America is safe. And to me this war is about making sure we can go to Wal-Mart and not have to worry, and I think that that is something we all have to keep in mind.

Finally, in this bill is $5.5 billion to help rebuild the great New York City, and that is going to be a long job, and I think it is certainly in the national interest to do so.
There are some other things in this bill that are less high profile but very important, and one of the things is there is $1.6 million for additional staff and resources for the Permanent Select Committee on Intelligence, and one of the issues that has come up recently is do we have the ability to study what went wrong on 9/11 and how can we do a better job.

Well, this bill addresses that because we already have an existing intelligence committee. It is bipartisan. One chairman is I understand to be Mr. Graham, a Republican. Another chairman is the gentleman from Florida (Mr. Goss), a Republican. A bipartisan committee that has been working since January to look into 9/11. It is bicameral, Senate and House together, and it is comprised of experts. This bill addresses that, and I urge my colleagues to support this legislation.

Mr. OBEY. Mr. Chairman, I yield 5½ minutes to the distinguished gentleman from Arizona (Mr. Lowey), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, and I rise to address the foreign operations component of this bill.

The foreign operations portion of the supplemental contains $1.6 billion for various priorities and provides for the vast majority of the administration’s requests. I am particularly pleased that the committee did not grant the broad waivers sought by the administration along with these funds but, rather, included specific waivers where appropriate.

This bill will give the President the broad guidance and flexibility that he sought to carry out the war on terrorism. While many have expressed concern that unnecessary funds for foreign operations were added to the bill, in excess of the President’s request, I believe the funding added by this committee is extremely important.

In light of the fact that the committee received few details as to how the funding requested will actually be spent, we were well within our discretion to provide what we thought was necessary. I strongly support the additional funding in this bill for rebuilding Afghanistan, a long-term commitment we simply cannot shortchange, and I also support the additional funds provided for Israel.

The bill contains both military and economic assistance to a number of countries outside the immediate area of Afghanistan, such as the Philippines, Georgia and Yemen, where United States forces are or will be engaged in training indigenous forces to combat terrorism. The committee has approved funding in these instances with the clear expectation that the administration will keep Congress fully informed of any change or expansion in the role of the United States forces. I hope this will indeed be the case.

As I said before, I strongly support the additional assistance to Israel that is included in this bill. Maintaining Israel’s security and stability has long been a fundamental priority of the United States foreign policy. Israel has devoted precious resources to fighting the terror that continues to threaten its own citizens, 3 of whom were murdered by suicide bombers, and the country is a key democratic ally in our war against terror.

This funding originally requested by the State Department as part of its supplemental request to OMB is essential to ensure our key partner in the Middle East remains strong. I urge my colleagues to oppose amendments to cut this funding.

I would like to take a moment to discuss 2 specific items of concern. First, the bill provides $1.2 billion to the fiscal year 2002 funds for the United Nations Population Fund. The conference agreement on the fiscal year 2002 foreign operations bill provided $34 million for the organization, a deal that was painstakingly negotiated. The administration knew about our negotiations, and after the bill passed the House by an overwhelming margin, the President signed it on January 10, 2002.

Only after signing the bill did the administration express concern about as-yet unproven allegations that UNFPA supported coercive family planning practices in China in violation of U.S. law. In a direct challenge to clear congressional direction, the President waited 5 months to even investigate these claims, and UNFPA was forced to cut its staff and curtail its life-saving programs around the world.

During committee consideration of this bill, the gentleman from Arizona (Mr. Kolbe) offered an amendment which would have ensured that UNFPA received the funds intended for it by July 10, 7 months after the signing of the bill, unless the President determines that the organization is in violation of the U.S. law.

I am deeply disappointed that the Committee on Rules left this provision and another dealing with UNFPA unprotected. In my judgment, it was inappropriate to single out this particular issue while allowing the bill to come to the floor with highly controversial provisions regarding the International Criminal Court, the budget resolution and Medicare provider payments.

I anticipate the Senate bill will have something to say about UNFPA, and I look forward to discussing it in conference.

I also am disappointed that the rule did not allow me to offer an amendment increasing funding to address the global AIDS crisis. While this bill already contains $200 million for HIV/AIDS, a clear indication that Congress recognizes the emergency nature of the crisis, we can and should be doing more. Applications to the Global Fund to Combat Infectious Diseases have far exceeded the fund’s resources, and this situation will only get worse as time goes by. Our own bilateral programs, while highly effective, will reach 25 percent of affected countries.

Our response to this tragedy must be as expansive as the pandemic itself so that we stop the wholesale destruction that AIDS is causing in Africa and will cause in other areas around the world. As a global leader, we have the responsibility to take the initiative, jolting other donors into contributing more. Again, I anticipate that the Senate bill will far exceed ours, and I look forward to discussing this in conference as well.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky (Mr. Rogers), the distinguished chairman of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. ROGERS of Kentucky. Mr. Chairman, I thank the chairman for yielding me this time, and I rise in support of the bill.

This bill provides much-needed appropriations for the Department of Transportation, particularly the new Transportation Security Administration and the U.S. Coast Guard. The bill also provides $1.8 billion in additional expenses for the City of New York to address its transit needs in the wake of 9-11. And I am pleased that we were able to provide the vast majority of requested funds for all DOT agencies, except the TSA; and that is a special case.

The administration requested $4.4 billion in supplemental funds, but the request made a curious statement. It alleged that OMB offered us a clue whether or not $1.9 billion, almost half of the amount, was necessary. It asked Congress to write a blank check for that amount and let OMB figure it out later. Well, Mr. Chairman, that is not the way we do things on the Committee on Appropriations. We expect the administration to justify their request, all of it, in great detail. While some of that material is now being developed and being presented, it is clear much more work remains to be done.

I should point out that lack of justification, the committee was unable to support the full request for contingency emergency funding for TSA.

Members should know that unless a change in direction is made, the TSA will be monstrous in size. When this agency was established last year, we thought we were creating an agency of about 33,000 people. The current estimate now is almost 70,000. We are planning to create a vast army of new Federal workers, some of whom would do nothing but check a traveler’s license and airplane ticket or run your shoes over to an x-ray machine and bring them back to you. TSA plans to
hire over 3,000 people just to sit in a chair and make sure someone does not run the wrong way down an exit lane.

Mr. Chairman, there has to be a better way. I do not intend to recommend a fund of $70,000-man bureaucracy full of people standing at exit-lane walkways. Technology can obviate the need for thousands of these positions, and others are not the purview of TSA or simply not essential. So I believe strongly that TSA needs to look more carefully at its growth plans, and I will continue to press the committee to hold us in 2003 appropriations process unfurls.

This supplemental bill asks TSA to begin that review now. We provide full funding for the procurement and installation of bond detection systems at airports. In fact, we even raise those funds because the request, we thought, was inadequate. But we have not provided funds to build up to 70,000-man agency. The bill caps staffing at no more than 45,000 full-time positions. I believe that TSA, those who review TSA’s plans in detail, as I have, will conclude that this is sufficient for the first year of that agency. In fact, it is about twice the number of people who were performing screening activities just 1 year ago.

I am pleased that the bill provides even more funding than requested by the Coast Guard, an agency on the front line of the fight for homeland security. We provide the FAA flexibility to address operating budget shortfalls, which stem from extra security expenses at air traffic control facilities, and we provide additional funds for review of truck drivers who apply to drive hazardous materials within the country. These are all vitally needed transportation security improvements, and I am pleased we were able to fund them, especially given the tight budget constraints placed on us in this bill.

Mr. Chairman, I think this is a good bill given the constraints placed on the committee, and I ask members to support it.

Mr. OBEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise with some concern about the process here in the United States House of Representatives. I am a proud member of the Committee on Appropriations, and I am proud of the work we did last year, which also involves the Committee, the chair and make sure someone does not run the wrong way down an exit lane.

The committee worked very hard to try to pay for the needed costs of what has happened in this country since we were here last year, the unexpected costs; and that is why this bill is needed. This is an emergency bill. It provides additional funds to pay for essentially contingencies that were not anticipated, but we also have heard about the biggest of those. But also there is an old adage here that says this is the only train that is going to make it all the way to the White House, and if you want to be on that train, you better load up.

I think that the committee did a good job of making sure that this was not a big pork process and that it did not load up too much; and I am always trying to be bipartisan in my effort to put out a good bill. But after the bill was put out of the committee, it went to the Committee on Rules, and there the word came down that this bill was going to be bentTcp. It was going to be loaded up; and it was going to take care of the political problems that certain Members of this House were having.

I am from California, and we all know that California is facing a big financial problem. It is in debt. It is a big State, the biggest producer of taxes in the United States, and the biggest contributor of taxes to the Federal Government. It is a State that probably can take credit for the surge in the economic activity today; a State that was hardest hit in the recession, particularly to the dot-com industry that was such a success.

So that is why the State is in debt. Its revenues just did not meet expectations; and we had to pay for energy, costs that we are now seeing were not the State’s problem, but a manipulation of the market by the private sector. Yet we find in California that we have a lot of hard-liners who feel that is in constitutional amendments on requiring a balanced budget, as we do in California. The State is not allowed to go into debt; and, therefore, the legislature, at this moment, is cutting like mad and in fact doing some tough political things in an election year. They are even raising some new revenue.

But Members of the California delegation who are here in the other party have come out in signing a resolution, H.R. 3179, this year, to amend the United States Constitution to require a two-thirds vote if we are to raise the debt limit. But guess what, they are the ones, the first ones to criticize a Democratic Governor in the State, which is in debt. It is a State that was hardest hit in the recession, particularly to the dot-com industry that was such a success.

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But this bill, because of the way it was amended in the Committee on Rules, it allows them to essentially dupe a vote on the debt increase, a huge debt increase, of the Federal Government. We have a dozen Republicans from California that are coauthors of that bill who now run away from the responsibility of having to make a balanced budget bill. The United States Government to go into a big deficit. That is wrong. It is the wrong way to handle this emergency appropriations bill.

We will see in the debate tonight a sort of in-your-face; that if you do not vote for this bill, you are not voting for the soldiers; if you do not vote for the bill, you are not voting for the firemen; if you do not vote for this bill, you are not voting for a half dozen other particular interests out there. That is not the reason why a lot of people are going to vote against this bill. The reason is that this process has been corrupted by essentially hijacking a legitimate bill and making it a bill with other things in it. This is the kind of process that we are around here always complain about; that we ought to be fair and open and full of transparency. The process was hijacked. And it is not the fault of the appropriators; it is the fault of the process that the Committee on Appropriations. It is the fault of the Committee on Rules taking mandates from Republican leadership. That is wrong.

I just hope that tonight, as the debate goes on, that people realize this was a good bill, put out by a good committee, and it was hijacked along the way to do wrong for the United States and to do evil in the budgetary process. This essentially takes money that is in our Social Security account, takes money that is in that account and requires those monies to be spent on things that should not be spent on those accounts.

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Energy and Water.

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

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

First, let me say I have great admiration for the chairman, the gentleman from Florida (Mr. YOUNG), and for the efforts he has put into this bill, as well as those of the gentleman from Wisconsin (Mr. RYAN), representing the minority of this House.

Secondly, as I approach the last year of my tenure here in the Congress of the United States, I just want to tell my colleagues that today is a classic example of how great this institution is. In America and in every democracy, a majority rules. Just a few minutes ago I was in the well of this House arguing against something on a principle that I believe very deeply in, and I lost, because a majority rules. When this bill passes it will be because a majority of us will vote for it. And if a majority votes for it, it will go on to the Senate. But this is a great institution, filled with great people, with great minds, with great Americans, who have one thing in common, and that is we all want to do what is best for America.

As I listen to the debate on this floor each week, I hear the Democrats on the one hand saying this is not the right avenue to take. And I hear my majority Republican Party saying this is the avenue we should take. But very seldom do either parties have any different destination. We are all trying to get to the same corner of the room. Now, the Democrats, in many cases, choose to go to
the left to get there; and the Republicans choose to go to the right to get to, guess what, the same destination.

There is no doubt that we want to do everything we possibly can in this war on terrorism. There is no doubt that we all want to support the President of the United States to make certain that the administration has ample facilities and ample resources to provide the services they need to provide to the American people. It is only right that we disagree, but it is only right that a majority rules. And while I was defeated in my quest to change the rule to move in a different direction, a majority of the Members of this House voted to tell me that they disagreed with me, and I respect that.

I will have amendments tonight to change the direction of this bill, amendments that will reduce some sections of this bill I do not like. But guess what, I have $378 million for energy and water in this bill, which is vitally important by the areas of government that my committee has jurisdiction over. There are so many good things in this bill, and there are a few things that I wish were not in there. So a majority should prevail there too.

Mr. Chairman, let me address this issue tonight to decide whether we ought to vote “yes” or “no” on final passage, we weigh the good over the bad. And while these are some things that I disagree with in here, the good in this particular case outweighs the bad.

So as I leave, I respect this institution. I respect all of my colleagues. I respect the great tradition of this House. And I respect that we live in a democracy where we can differ, but, nevertheless, in a democracy where a majority rules. And that is what America is all about.

Mr. OBÉY. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LEWIS), the distinguished deputy whip.

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and my colleague, the gentleman from Wisconsin (Mr. OBÉY), for yielding me this time.

This evening, I rise in strong opposition to raising the debt limit.

Mr. WOLF. I would be pleased to engage in a colloquy with the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) concerning INS fee collections.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Virginia.

Mr. WOLF. I would be pleased to engage in a colloquy with the gentleman from Washington and the gentleman from New York.

Mr. DICKS. Mr. Chairman, I rise to engage in a colloquy with the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) concerning INS fee collections.

Mr. WOLF. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. DICKS. Mr. Chairman, I arise to engage in a colloquy with the gentleman from Virginia (Mr. WOLF) and the gentleman from New York (Mr. SERRANO) concerning INS fee collections.

Mr. WOLF. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. DICKS. Mr. Chairman, I arise to engage in a colloquy with the gentleman from Washington and the gentleman from New York.
ferries operating on the Great Lakes between Canada and the United States in the legislation. I would like to bring to the committee's attention another region of the United States that I believe should be provided an exemption from this fee. Several passenger ferries operate between Washington State and Canada carrying passengers, cars and freight daily between the two countries. The new fee would significantly increase ferry ticket prices charged to commuters and businesses.

I would also like to offer an amendment to this bill exempting certain ferry vessels from this fee. However, the committee has indicated that it would prefer to deal with this issue comprehensively in the fiscal year 2003 Commerce Justice State appropriations bill. I would like to ask the gentleman from Virginia and the gentleman from New York if my understanding accurately reflects their intention.

Mr. WOLFP. I would say, Mr. Chairman, the gentleman from Washington is absolutely correct. It was our intent to differentiate these commuter vessels from cruise ships. As part of the fiscal year 2003 appropriation process, we absolutely do not want the legislative exemptions to ensure that the fee does not have unintended consequences. I thank the gentleman for bringing this to our attention. We will take care of it.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Mr. SERRANO. I agree with the gentleman from Virginia and look forward to working with him and the gentleman from Washington to ensure that this fee is fairly and equitably imposed.

Mr. DICKS. Mr. Chairman, I thank the gentlemen very much for engaging in the colloquy.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Oklahoma (Mr. ISTOOK).

Mr. ISTOOK. I thank the gentleman for yielding me this time and for the opportunity to speak in favor of this legislation that is before us.

Mr. Chairman, as it has been mentioned, there are three purposes behind this bill: it is a wartime supplemental. First, to pay for the expenses, the huge expenses of combating terrorism. Secondly, to pay the major expenses of homeland security to protect the United States borders and the people in the country. And, third, to provide the emergency assistance for those that have suffered through these disasters relating to terrorism.

I rise to address some of the elements relating to homeland security. We did not begin just after September 11 to try to address homeland security. Our subcommittee among others things, funded the U.S. Customs Service. Even before September 11, we had allocated major funds to put 285 additional agents of the Customs Service at our borders, to add $33 million in inspection technology to examine the cargo that is coming into the country, looking for dangerous substances as well as drugs that could be sought to be brought in. Then we continued this process in the supplemental that we passed in July, paying for recovery and restoration of the offices that were destroyed in New York City but also beefing up the air and marine operations of the Customs Service, providing the funding with which we are already adding over 300 additional special agents, over 600 additional border inspectors and the support people to go along with it.

There is another $68 million in the technology to be able to examine, without having to open all the containers, the cargo that comes into the country; and the major expansion of the training that is necessary for the people that are coming in as new Federal law enforcement people. This supplemental continues those efforts. For example, the Federal law enforcement training center in Georgia has to train some 6,000 investigative personnel of the Transportation Security Administration. This bill has the funding for those personnel. It has additional funding to add more security at the Federal buildings under the supervision of the General Services Administration which is the landlord for our Federal Government. It has some $97 million to help pay for better filtration equipment and other items to protect workers in the postal system against the threats of anthrax or any other substance that someone might send as part of a terrorist act through the mail.

There are major other elements of this bill trying to protect our Nation, trying to secure our borders, to detect and deter and halt threats before they get into the United States of America. This is a major and significant effort. I want to thank the gentleman from New York and everyone who has been responsible for making these resources available to better secure our homeland.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. VISCHLOSKY).

Mr. VISCHLOSKY. I thank the gentleman for yielding me this time.

Mr. Chairman, I want to express my concern about the procedures used to pay for the peacetime legislation to the House floor and the lack of inclusion in doing so. I would point out in the rule that was adopted earlier today in this Chamber, section 1401 was added to the underlying legislation relative to the treatment of certain counties for the purpose of reimbursement under the Medicare program. I do not rise today to express my opposition to the inclusion of those counties if relief is necessary for them. I rise in opposition to a point that other counties were not included.

The fact is, under this legislation, counties in Lackawanna, Pennsylvania; Luzerne, Pennsylvania; Wyoming, Pennsylvania; Columbia, Pennsylvania; Lycoming, Pennsylvania; and Mercer, Pennsylvania, were included. Hospitals in Orange County, New York, were included. Hospitals in Dutchess County, New York, were included.

On November 7 of last year, I wrote to the chairman of the Committee on Ways and Means explaining that Porter Memorial Hospital in Porter County, Indiana, was experiencing similar difficulty as far as an inequitable reimbursement under their classification in expedition. On February 22 of this year, I received a response from the honorable chairman indicating that he had received my communication. That hearings would be held and I would be notified. On February 5 of this year, I wrote to the chairman of the Committee on Ways and Means and asked that we be allowed to testify on behalf of Porter Memorial Hospital in Porter County, Indiana.

Subsequent to February 5, no hearings were held that I am aware of. We were not asked to provide any materials for justification of the arguments for Porter Memorial Hospital. But tonight, on May 22, I find out that we have 8 hospital counties in the States of Pennsylvania and New York whose problems are being rectified tonight. That is not fair. That is not in line with the efforts in this legislative process. Porter Memorial Hospital in the State of Indiana, in the County of Porter, is as deserving.

I would hope as this session proceeds that the representatives of these counties and those counties that are being addressed in this legislation that are coming in as new Federal law enforcement people. This supplemental continues those efforts. For example, the Federal law enforcement training center in Georgia has to train some 6,000 investigative personnel of the Transportation Security Administration. This bill has the funding for those personnel. It has additional funding to add more security at the Federal buildings under the supervision of the General Services Administration which is the landlord for our Federal Government. It has some $97 million to help pay for better filtration equipment and other items to protect workers in the postal system against the threats of anthrax or any other substance that someone might send as part of a terrorist act through the mail.

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The President said, "about that in the last supplemental. There was a lot of discussion, a lot of contention $20 billion was discussed. There was a lot of discussion, a lot of contention, a lot of discussion, a lot of contention $20 billion was discussed. There was a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of contention, a lot of discussion, a lot of content..."
with hidden accounting tricks. What a disgrace.

Keeping up these tricks, the Republicans want to send $1.4 billion in aid to foreign countries four months ahead of time in order to dodge the budget bullet. There is simply no justification for this funding. Even worse, the bill further relaxes controls that prevent human rights violators from receiving military assistance.

And the bill doesn't stop there. Listen to this: we're going to give Israel $200 million to continue destroying Palestinian infrastructure while at the same time giving the Palestinians $50 million to rebuild! The bill relaxes restrictions on aid to Colombia despite its ongoing human rights violations in its war against revolutionaries within its own boarders. It even appropriates $1.8 billion in military funding above the President's request.

The Republicans naturally need a method to pay for all this new spending and they have proposed to do so in two ways: first, as I already described, they want to raise the debt limit. Second, they want to cut valuable programs here at home. For example, the Republicans have cut $300 million for low-income and senior housing in order to pay for this bill. In doing so, they turn their backs on 13 million Americans who spend more than half of their income on substandard housing.

This bill takes away some of our precious resources and then covers up for it with hidden, below-the-table gimmicks. I will vote against this awful bill and urge my colleagues to do the same.

Mr. HOEFFEL. Mr. Chairman, once again the GOP leadership in the House has taken a necessary bipartisan effort to fund our war on terror and bolster our homeland security, and riddled it with partisan budgetary maneuvers including a thinly veiled provision that would permit an increase in our nation's debt ceiling.

This supplemental appropriations bill includes seemingly innocuous language that would allow a huge increase in the debt ceiling to be inserted in the conference report without a separate vote. This is unconscionable.

Raising the debt ceiling, coupled with the current reckless fiscal policy of increasing spending while reducing tax revenue, will put us on the track for a fiscal train wreck.

This country backs into a level of debt, borrowing, and higher interest rates that we thought we had permanently left behind. In just a year, we have seen actual and projected surpluses erased. Today, the most recent analysis suggests that we will run a $300 billion non-Social Security deficit in this fiscal year. For example, if we spend Social Security dollars to fund the government—a policy that I adamantly oppose—we will still run a $150 billion deficit this year.

Our debt ceiling is like a limit on a credit card, and if we keep raising it without taking action to reduce our fiscal house back into order, we are heading for fiscal disaster. It is not prudent for a family in financial trouble to seek a higher limit on the family credit card nor should Congress impose a long-term debt ceiling increase without a sound fiscal plan.

I would support a time-limited increase in our debt limit to help fund our war efforts—possibly one to three months—but that must be accompanied by a budget summit between leaders of Congress and the Administration to cut our current budget and prevent us from further fueling our debt with money from the Social Security and Medicare Trust Funds.

While the supplemental bill is generally a good bill—absent the provisions contained in the rule that later in the conference proviso. In order to keep the cost of the bill under $30 billion, the bill drafter offsets $643 million of the costs by striking airline loan guarantees that Congress passed after 9/11. These guaranties are a matter of survival for the airlines, particularly US Airways. I will work with my colleagues in the Senate to see that this language is not included in the conference version.

Although I support this supplemental spending, I will quite possibly vote against it in a conference report if an unfettered debt ceiling increase is contained. Funding our war on terrorism, making America safe and putting our fiscal house back in order are not mutually exclusive pursuits. We need a budget summit to come to a bipartisan agreement on ways to fund our current spending needs, stabilize our tax policy, and protect Social Security and Medicare without throwing our budget into turmoil from which it will take years to recover.

I have been a hawk on our national debt since I came to Capitol Hill, and I will remain so in this crucial fiscal period.

Mr. Chairman, I rise in support of the Appropriations Committee's effort to bring forward a bill that provides funds to address the current shortfall in the Pell Grant Program for this nation's neediest students.

Specifically, this bill puts forward an additional $1 billion to ensure the largest maximum annual award since fiscal year 1995, the point when Republicans gained control of the Congress, through the current year. We will continue our pledge to support the Pell Grant Program as we move forward with the President's education agenda.

The Pell Grant Program is the foundation of the Federal need-based student financial assistance programs, and is often the only hope low-income students have to achieve their dream of obtaining a higher education. Currently, the Pell Grant Program serves more than 4.4 million students and in FY 2003, the President's budget request will serve an additional 55,000 students, allowing more students to move forward and obtain a quality education.

We can do nothing better than provide an opportunity for this nation's citizens to obtain a quality education.

In addition, I'd like to thank the Appropriators for including $190 million to help replenish the National Emergency Grant program, and for restoring $110 million to the dislocated worker program. These funds will go a long way in supporting American workers who have lost their jobs due to the economic slowdown and last year's terrorist attacks.

Mr. Chairman, I urge my colleagues to show their support for American workers and the very important Pell Grant Program by voting yes on this legislation.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and the amendments printed in House Report 107–84 are adopted.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read. The Clerk reads as follows:

H.R. 4775
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2002, and for other purposes, namely:

TITLE I—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

For an additional amount for “Food Safety and Inspection Service”, $2,090,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, has been transmitted by the President to the Congress: Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

FOOD AND NUTRITION SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For an additional amount for “Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)”, $75,000,000, to remain available until September 30, 2003, which shall be placed in reserve for use in only such amounts, and in such manner, as the Secretary determines necessary, notwithstanding section 17(1) of the Child Nutrition Act.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

For an additional amount for “Animal and Plant Health Inspection Service, Salaries and Expenses”, $10,000,000, to remain available until expended, to assist in State efforts to prevent and control transmissible spongiform encephalopathy, including bovine spongiform encephalopathy, chronic wasting disease, and scrapie, in farmed and feral ungulates; and for the entire amount shall be available only to the extent an official budget request, that includes
designated the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to the President to the Congress; Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for “Food and Drug Administration Salaries and Expenses”, $18,000,000, to remain available until expended: Provided, That the entire amount shall be available only to the extent an official bill that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress; Provided further, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. None of the funds appropriated in this Act or any other Act for the Department of Health and Human Services may be used to consolidate its Office of Public Affairs or Office of Legislation at the Office of the Secretary of Health and Human Services.

POINT OF ORDER

Mr. ADERHOLT. Mr. Chairman, I make a point of order that section 101 of the bill, beginning on line 18 through line 23, violates clause 2 of rule XXI of the Rules of the House of Representatives prohibiting legislation on appropriation bills.

The language in question prohibits the Food and Drug Administration from consolidating its Office of Public Affairs or Office of Legislation at the Office of the Secretary of Health and Human Services under this bill or "any other Act." As such, the language changes current law and constitutes a violation of clause 2 of rule XXI.

I insist on my point of order.

Mr. YOUNG of Florida. Mr. Chairman, reluctantly, I must concede the point of order.

The CHAIRMAN. The point of order is conceded.

The point of order is sustained. The provision is stricken from the bill.

The Clerk will read.

The Clerk reads as follows:

SEC. 102. Of the funds made available for the Export Enhancement Program, pursuant to section 501(e) of the Agricultural Trade Act of 1978, as amended by Public Law 104–127, not more than $20,000,000 shall be available in fiscal year 2002.

CHAPTER 2

DEPARTMENT OF JUSTICE

Mr. ROTHMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, people at home must be scratching their heads wondering what are these folks talking about? Let me tell you what we are not talking about. There is no disagreement between the majority of Republicans and the majority of Democrats as to whether we should fund our war against terrorism, because we all support that; or that we should increase funding for the Defense Department, because we support that; or increase funding for agencies that protect us and inspect things coming into the United States, like our friends and people, Customs, Secret Service, etc.; or provide money for the rebuilding of New York City. There is no disagreement.

So what have we been hearing about this debt ceiling that bothers the Democrats so much? Well, you see, the problem is that my friends on the Republican side of the aisle decided that they would force through a rather large tax cut, a $1.35 trillion tax cut, last year, that benefited, in my opinion, disproportionately, the richest 5 percent in the United States. At the time they said America could afford that, there would be no deficits; that surpluses that were present under President Clinton could continue now under President Bush, even with this $1.35 trillion tax cut.

Something happened. A war on terrorism; the recession was still going on. The result of what will now be a $300 billion deficit in the year 2003 is a direct result of this tax cut forced through by the Republican party.

The problem with this bill, and I am going to support this bill because I support all the aid to our men and women overseas defending us, standing in harm’s way, and all of the good things in the bill, the problem with the bill, that we hope will get fixed by the Senate, because the Democrats are in control of the Senate and they will hopefully hold the line on this, is my Republican colleagues have inserted into this supplemental appropriations bill a way for the new deficits created, 45 percent of the reason for which is their tax cut, that is created a way to fund these national deficits that are expected for the next 10 years, and they buried it in this bill. They did not have a debate on it. They would not let us debate whether we should postpone the tax cuts for the very richest of Americans in order to eliminate 45 percent of these new deficits, next year projected to be $300 billion, and we all know where this money is coming from. It is coming from our children and grandchildren and Social Security, as they stick their hands deeper and deeper into the pockets of future generations to pay for a tax cut that benefits primarily the rich.

Again, they did not plan on it this way. They thought there would be surpluses. Then the war on terrorism came, and the recession. So we said now there is a war on terrorism and a recession. Perhaps we ought to delay this tax cut that benefits primarily the very rich. They said no. So rather than admitting that the Republicans have now created this huge deficit, 45 percent of which is related directly to their tax cut that goes to primarily to the rich, admit they have a deficit this year and projected for the next 10 years, admit that 45 percent of the reason for this new deficit is their tax cut that goes primarily to the very rich, they have buried language in this bill preventing a debate for 10 years, that the American people will not realize that when they said they could do a tax cut that benefited primarily the rich and created surpluses, they were wrong. They guessed wrong.

I think that that is a terrible mistake that needs to be rectified.

What else could we do with this money? We could pay off our debts if we did not have this tax cut for the very rich. We could even just postpone it, delay it for a year, take a look around, see what the war on terrorism is like, whether we are out of the recession or not. Reasonable people of good will could debate whether a tax cut is important in the midst of a recession. We are out of the recession, according to all of our official estimates, and most of this tax cut is going to take effect for the next 10 years, except we have to pay for it now.

So if anyone is wondering why there appeared to be a disagreement between Democrats and Republicans about a bill where we all support an increase in defense spending for the war on terrorism, all of the agencies rebuilding New York, etc., etc., etc., we all support that. What we do not support on the Democratic side is the unwillingness of the Republican majority to hide the effect of their tax cut, which by conservative numbers, 45 percent of the reason for the upcoming deficits will be as a direct result of their tax cuts; and we say, if you want to cause these deficits, cause us to dig into Social Security, to pay for your tax cuts that disproportionately benefit the wealthiest of Americans, at least debate it out in the open. Do not hide it in this bill. We are hoping that the Democratic Senate, when this bill goes to conference with the Senate bill on this emergency supplemental, will be resolved at that point.

Mr. Chairman, I urge my colleagues to support this bill, but encourage the Senate and the conferees to remove this hidden, deficit-hiding device.

MOTION TO REFER OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the motion appeared to have it.

RECORD VOTE

Mr. OBEY. Mr. Chairman, I demand a record vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 134, noes 250, not voting 50, as follows:

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in a bipartisan way to bring the bill to the floor of the House. But what we have before us is not the bill that came out of the Committee on Appropriations. It is not the bill we were told was an emergency and had to be passed right away to address the war on terrorism.

What we have before us now is a bill with all kinds of amendments added onto it, and all kinds of things we cannot amend as Members of this House that do not address the emergency before us.

This bill will increase the debt limit without a vote of this House. We may have to increase the debt limit, primarily because of the $1.3 trillion tax cut that was given to the wealthiest of Americans just last year at the time when the economy was slowing.

The CBO has told us that we will be in deficit $2.7 trillion, so perhaps we will have to increase the debt limit, but let us vote on it. Let us debate it. Do not bury it in this emergency supplemental that we spent so much time and energy and hours on.

Mr. Chairman, I think it is unfair, and it emasculates the committee system in this House of Representatives. The Committee on Rules has gone ahead and done deeper into the Social Security trust fund, leaving everything to be taken care of in conference, and again, not allowing us, the elected Members of this House, to have the proper forum in which to debate it.

There is no new money for education, and again, if we adopt this supplemental that the Committee on Rules has rewritten, we automatically adopt the Republican budget resolution that passed this House earlier this year. That budget resolution, I think is unfair, did not fortify Medicare, did not take care of Social Security, did not take care of education. If we adopt this Committee on Rules supplemental tonight, we automatically adopt that poor budget resolution that was passed a few months ago.

Mr. Chairman, these are trying times for our country. We are at war. We do need to address the emergency needs of our troops, our borders. But we also need to address the national defense, homeland, problems of education.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Ms. KILPATRICK. I yield to the gentleman from Florida.

Mr. SUNUNU changed his vote from “aye” to “no.”

Mr. HILLIARD and Mr. RUSH changed their vote from “no” to “aye.”

So the motion to re-raise was rejected.

The result of the vote was announced as above recorded.

Ms. KILPATRICK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise as a Member of the Committee on Appropriations, having served with the gentleman from Florida (Chairman YOUNG), who was very dignified as this Committee on Appropriations spent over 3 days, 14 hours on the first day, trying to bring to this House of Representatives this supplemental bill to really react and respond to our war on terrorism.

Many of us, over 60 of us who sat on that committee, vowed that we would do the work necessarily. We put 20 hours-plus on the bill over 3 days, and brought a bill to this floor, an emergency supplemental. I am appalled with what the Committee on Rules has done with our work. It has emasculated the committee system in this House.

Mr. Chairman, the gentleman from Florida (Chairman YOUNG) has done a wonderful job, and our ranking member, the gentleman from Wisconsin (Mr. OBEY). We have worked together...
the gentleman from Wisconsin (Mr. ONEY), and now we have before us not an emergency supplemental that deals with terrorism, but a bill that will raise the debt limits for this country, making us owe more bills to pay and at the same time not having an up-front-down bill we will be able to debate that. I think that is unacceptable.

We live in a time in this country where leadership is paramount, where we must stand up and be counted. This is not the way this House should be run. This is not the way the majority should run it. I hope we will vote against the supplemental. Some people say they cannot vote against it because of what is in it. I think you can vote against it, come back and put together a supplemental for the American people that will address the emergency needs of our country.

Our health care industry is about to collapse. I have been visited by doctors in this country who are sure they will be out of business too. They are not taking Medicare senior citizen patients. The reimbursements are too low. Our children cannot stand up to the competition of people all around the world. We can fix that. This supplemental does not begin to address that.

At a time when we need leadership, we are finding more and more that we are doing the wrong things for the people of this country. They expect us to be leaders. They sent us here for that.

Mr. Chairman, I would urge my colleagues, watch what we do over the next few hours. Vote against this supplemental.

We are being asked to do something today that we have not done in almost 6 years—pass legislation that paves the way for increasing the debt limit that will allow the government to borrow money to pay its bills. The majority is attaching this on to a must-pass bill, an emergency supplemental appropriation for homeland security and the war on terrorism, in order to minimize its exposure as the party of fiscal irresponsibility.

For more than 60 years, the other side of the aisle has billed itself as the party of balanced budgets, budget firewalls and Social Security lockboxes. But their rhetoric does not comport with reality and they know it. In the last half of the 20th century through last year, the only budget surpluses this nation enjoyed came under Democratic administrations and Democratic financial management.

That the Republican majority does not want to acknowledge. Consequently, it wants to slip debt-increase legislation through on the sly without a full and fair debate of the fiscal position of the country, how we got there, and how we’re going to deal honestly about digging ourselves out of the hole in which we have found ourselves.

The problem is the other side is in a state of denial. It does not want to expose itself as the party of deficit spending after a Democratic administration produced the longest string of budget surpluses in the history of this country. And it doesn’t want to own up to the fact that it has to raise revenues before the country can get back on the right track to fiscal sanity. Yes, the economic slowdown and the war on terrorism caused us to spend more than general revenues allow. But the primary reason we are spending beyond our means is because of a $1.3 billion tax bill Congress passed last year.

Because the other side doesn’t want to deal with the deficit situation honestly and openly, the majority wants us to approve must-pass legislation, so it can have a license to raid the Social Security and Medicare trust funds. We need to ensure that all areas of our budget are adequately funded. While it is necessary to fund defense and national security priorities, it is not acceptable to ignore domestic priorities that are of crucial importance to our nation and the American people. By insufficiently funding key priorities such as education and prescription drugs, we are short-changing our families and children. Yes, they might be safer on the national security front, but if we cannot ensure our nation’s children a quality education, if we can’t ensure seniors a sound prescription drug coverage, and if we can’t ensure the solvency of our Social Security for so many people in the future, we are truly truly on the wrong path.

The budget resolution presented a distorted vision for our future by laying out a budget that does not sufficiently fund our education and health care needs. This is not a budget that the appropriations committee should approve. This is not a budget that we have verbally made to our people. It is time to match our words with real funding levels on paper.

EDUCATION

In January, the President signed into law legislation that he hailed in his State of the Union Address as the “Leave No Child Behind Act.” Yet, his proposed budget and the Republican budget that was passed in the House does not make the title of this bill a reality. If we continue along the Republican funding path, more and more children will be left behind.

Both budgets provide a $1.14 billion (2.8 percent) increase over FY 2002 funding levels to the Department of Education, which represents the smallest increase in funding in recent years.

Not only does the budget for education represent the fastest increase in recent times, it actually eliminates funding for 28 key education programs such as Drop-Out Prevention, Rural Education, Close-Up Fellowships, and numerous other programs that enrich students’ education.

At the same time, the budget resolution proposes cutting or freezing many other elementary and secondary education programs, including educational technology (cut $134 million—15.7 percent), improving teacher quality programs (cut from $105 million to $3 billion total), and safe and drug-free schools (cut $1 million). It also freezes funding for 21st century community learning centers after-school programs, comprehensive school reform. Even keeping funding for programs for FY 2003 at their current level represents a cut in funding when inflation and rising costs are taken into account.

If we expect schools to implement the provisions laid out in the “Leave No Child Behind Act,” then we must give them the funding resources needed to help them succeed. Mandates without adequate funding is leaving our schools and teachers with their hands tied. In my state of Michigan, funding for educational priorities such as school construction and class size reduction have been eliminated. Other programs have been cut, such as Even Start which provides grants for family literacy projects that include early childhood education for children through age 7.

HEALTH

The Republican budget proposed a mere $3 billion for Medicare and prescription drug coverage over ten years. This represents a gross underfunding just for a prescription drug coverage, which would cost $700–800 billion over 10 years alone if we want a comprehensive, meaningful drug coverage plan for seniors and disabled individuals. This funding level does not even account for what will be needed to strengthen Medicare for our future. If Republicans, in their maneuvering today, really expect us to stick with the funding levels proposed in the budget resolution, then Republicans have left us looking at significant contrast with the verbal promises that they offer seniors everyday on the floor and in their districts.

Overall, the health care outlook in the GOP budget is bleak. If we are asked to stick with their numbers, major programs will be cut, such as rural health programs (41.9 percent cut), Telehealth (84.6 percent cut), and other programs that assist in coordinating care for the uninsured.

SOCIAL SECURITY AND MEDICARE RAIDS

The huge tax breaks for the wealthy that Republicans passed have left us looking at deficit spending. And where will the funds for all our programs come from? Social Security and Medicare trust funds. This is what they have to resort to when just last year, Members pledged not to raid Social Security and we passed Social Security lockbox legislation on the floor. This promise has broken and the lockbox is locked no more.

The Congressional Budget Office (CBO) projected last January that the course of the Republican path would lead Congress to spend $845 billion of the Social Security trust fund over the next 10 years. And this in only taking into account the FY 2002 budget.

This return to deficit spending and raiding of the Social Security trust fund cannot be explained by the recent recession or the war against terrorism. When taking into account the Administration’s own numbers, the national debt will be $2.75 trillion higher than what was originally projected earlier this year before the President’s FY 2002 budget proposal. When adding recessionary costs and the war, these numbers combined total $800 billion of projected debt. This means that $1.9 trillion is left that cannot be explained either the economic downturn or the war against terrorism.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

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

Mr. ANDREWS. Mr. Chairman, we are gathered tonight in a place of great and high honor. This is a Chamber in which decisions that have profoundly affected the history of our Nation and what humbles each one of us with great dignity and honor. In this Chamber we have debated questions of civil rights, questions of war and peace, questions of education and health care. And what brings honor to this institution and what humbles each one of us privileged enough to serve in this institution is the process of debate, of exchanging ideas, of laying before the
people of the Nation, the people of the world, our divergent and heartfelt views.

What we are doing tonight in this Chamber does not measure up to the standards of honor of this Chamber. Because Congress is engaged in an- other vehicle to make a decision of monu- mental importance for the future of this country, but we are not debating that decision. We will not take a vote on that decision. We will not let the public hear our decisions on that decision.

There is a plan to move innocuous language in this bill that talks about protecting the full faith and credit of the United States to a conference with the other body. There is an anticipa- tion that the other body will add a law which authorizes the borrowing of $750 billion, the bill which will be handed off to the children of this country. The bill will then be brought back here, and it will be put to a vote where that $750 billion borrowing is wrapped in the holy, the bill, the good things that are in this bill, aid to the troops, aid to loyal allies of this country, re- construction of New York City, things for which there is broad, even, unani- mous appeal.

The majority has chosen to hide its plan rather than to debate its plan, and that is just plain wrong. I think I know why, Mr. Chairman, the majority has chosen to do that. In 1990 when I came here, for every $100 that we needed to run the government, we were bringing in $70 worth of revenue. And we made up the difference by piling money from the Social Security trust fund and borrowing the rest from the pri- vate markets in a way that drove up interest rates and drove down eco- nomic activities. President Clinton made good decisions to change that.

Members of Congress of both parties made good decisions to change that. The American people worked very hard, paid a lot of taxes and chased that. And by 2000, for every $100 we spent to run our country, we brought in $108. And we were told that $108 would be $115 and then $125 and then $135, and there would be all this money to spend.

In the summer of 2001, the majority voted to rid the Treasury of about $2 trillion worth of money in one of the largest tax cuts in American history. There were voices, mostly on this side, who warned against the risk of that proposal. Our warnings when unheeded. The stabilization board may continue and -sider the provisions which we are con-

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Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I thank my friend, the gentleman from Virginia (Mr. WOLF), and the gentleman from Virginia (Mr. WOLF) and I thank the gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. OBEY), all of those folks who have tried to protect USAirways’ ability to be financially solvent.

I have to say, though, that I am convinced that the language in this supplemental appropriations bill (H.R. 4775) regarding airline loan guarantees. This provision was not proposed by the Administration but was added by the House Committee on Appropriations during conference consideration of the supplemental appropriations bill.

Under Section 1103 of the bill, the Air Transportation Stabilization Board would be able to continue and complete processing of qualified loan guarantees during the balance of FY 2002 consistent with the authorities of P.L. 107-42, the Air Transportation Safety and System Stabilization Act.

While the Board could not obligate loan guarantee funds during the balance of FY 2002 consistent with the authorities, it can, after October 1, 2002, issue the loan guarantees to qualified applicants.

Mr. SPRATT. Mr. Chairman, it is my understanding that USAirways has indicated that it needs this loan guarantee so it can get loan proceeds by August 1. But under the bill as presented to us, nothing will be payable until October 1, the first day of the next fiscal year and this is sooner than it could possibly be paid. It would be soon after that, that is the soonest possible date, and that is too late according to their indication, is it not?

Mr. MORAN of Virginia. Mr. Chairman, I thank the ranking member on the House Committee on the Budget. What he says is absolutely the case. USAirways indicates that it will run out of money by August and it will need to use the loan money by then. What this language does is to not make any of that money available until October 1. And unless we can work out some language, it has no assurance that it can give to the creditors that money, in fact, will be authorized.

Mr. Tom Davis of Virginia. Mr. Chairman, will the gentleman yield?

Mr. TOM DAVIS of Virginia. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I think one of the purposes of colloquy is to assure we have full leadership working this out one way or the other, the right thing happens should they qualify for this loan. In fact, the money will be available on a timely basis. We have received assurances that this, it still has to go through conference. There is Senate leadership that is still needed to work through, and I just want to say I am comfortable with the fact that we are going to work this out, but I appreciate the gentleman’s being very aggressive on this issue because I think it is very important, not just for the airline, as the gentleman has mentioned before.

Mr. MORAN of Virginia. Mr. Chairman, I will reclaim my time to tell my good friend from Virginia, and I know he has been aggressive as well in supporting U.S. Air, but I think the gentleman also knows that on the Senate side they have capped this loan program in such a way that U.S. Air will not want to process anything for USAirways. So if the money is not available on the Senate side, we are not going to be able to get it in conference.

Mr. MITT ROMNEY of Utah. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Utah.

Mr. MITT ROMNEY of Utah. Mr. Chairman, they have only capped it in conference. It is a budget gimmick, $1.3 billion by terminating the ability to apply for a loan. But it is serious business when you are talking about one of our premier airlines. And I know that we have substantial support on the other side of the aisle, and certainly those who voted against the rule, this is one of the reasons that virtually all Democrats voted incorrectly. And I know there is substantial support on the majority side. But we have got to find a way to make USAir whole, at least to the extent we are capable of doing so, infusing loan guarantees.

And that is why we passed the airline guarantee program. We did it right after November. We know that USAirways is the most adversely affected. National Airport was closed down for an entire month and for 8 months it has been in partial operation. How can an airline survive under those conditions? I do not know.

So this is the airway that was most likely to benefit from the legislation we passed, and now we turn around and say we are going to terminate the loan program knowing that they are ready to apply so we can save $1.3 billion to get under their nonofficial ceiling?

Mr. Chairman, I yield to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, it is my understanding that USAirways has indicated that it needs this loan guarantee so it can get loan proceeds by August 1. But under the bill as presented to us, nothing will be payable until October 1, the first day of the next fiscal year and this is sooner than it could possibly be paid. It would be soon after that, that is the soonest possible date, and that is too late according to their indication, is it not?

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Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I think one of the purposes of colloquy is to assure we have full leadership working this out one way or the other, the right thing happens should they qualify for this loan. In fact, the money will be available on a timely basis. We have received assurances that this, it still has to go through conference. There is Senate leadership that is still needed to work through, and I just want to say I am comfortable with the fact that we are going to work this out, but I appreciate...
side of the aisle, and I would tell my colleague that we are very committed to doing everything we can to make sure this problem is taken care of.

Yes, there is a problem here on the House side, we understand that, but by the same token we have to go through its way through the whole process, and that is what we are looking at and working on, to get the assurances that we need that the money will be there, that they will be able to get these loans, and that they are not going to go bankrupt. We have no intentions of allowing that to happen.

It is very unfortunate these provisions were put in this bill the way they are, but we want to do everything we can through our leadership and through the Senate to make sure that this is taken care of, and I appreciate the gentleman yielding.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding.

There are 2 distinct issues on this point. First is what will happen to U.S. Airways. I represent Baltimore, which is the headquarters of U.S. Airways. I represent Baltimore, which is the headquarters of U.S. Airways. I represent Baltimore, which is the headquarters of U.S. Airways. I represent Baltimore, which is the headquarters of U.S. Airways. I represent Baltimore, which is the headquarters of U.S. Airways. I represent Baltimore, which is the headquarters of U.S. Airways. I represent Baltimore, which is the headquarters of U.S. Airways. I represent Baltimore, which is the headquarters of U.S. Airways.

The second problem is that the original committee provision was scored as saving $400 million. That was the proposition that the Transportation Department could not issue any loans, or contingent on the remainder of the fiscal year. That was estimated by CBO to save $400 million, but now we are being told that even though it is being suggested that this loan may go ahead, we are still being told by OMB, and I understand the House Committee on the Budget, that we are going to save $1.3 billion by this provision, even though the loan that is being foregone is allegedly going ahead.

I find that hard to follow.

Mr. SPRATT. Mr. Chairman, I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, CBO scored it, I have a letter and I put it in the RECORD at $343 million. That is the accurate scoring for this, and that is the question I am raising. For that sum of money, why put U.S. Airways flying into jeopardy?

Mr. SPRATT. My point is, I understand that is a legitimate concern, but my point is another concern. I am concerned about putting the integrity of the Federal budget process in jeopardy, and my problem is that when we are told that the loan that was not going to go through this point not going to go through and yet we are going to save more money than we were to spend originally, that is sleight of hand to me, and it looks a little bit like Arthur Andersen accounting to me.

So I want to strike the last word.

Mr. SPRATT. But that is for 4 months.

Mr. MORAN. Mr. Chairman, I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would like to suggest the answer to the gentleman is that the only reason at this point that is here with this outlandish estimate is to make the bill look like it is paid for when it is not. This $1.3 billion savings, in my view, is a fictional savings of OMB and the Committee on the Budget.

Mr. CARDIN. Mr. Chairman, I move to strike the last word.

Mr. SPRATT. Mr. Chairman, I was listening with interest to the discussion about U.S. Airways. I represent Baltimore, which has an interest in the direct health of U.S. Airways, and I think it is very clear that we are using accounting gimmicks again in order to satisfy budget rules because we do not have a straightforward budget, and I mention that, Mr. Chairman, because there is a lot of good things in this supplemental appropriations bill, and many of us are going to vote on the second set of the issues that are underlying the bill itself, but we are compelled to speak about the unfair procedure and the undemocratic principles that are being used in the legislation that we are considering on the floor this evening.

We are talking about provisions that were added after the bill came out of the Committee on Appropriations. I want to compliment the chairman and ranking member of the Committee on Appropriations. Many of these issues were worked out in committee that are good provisions, and we want to move them forward, but, unfortunately, what was added by the OMB rules and by our last vote, we are, for example, deeming the Republican budget as being enacted for the purposes of the Committee on Appropriations work.

Well, that gives approval to a budget that is just not realistic. It does not protect the priorities that many of us believe in, that the majority of this House believes in. We are not going to be able to deal with education or Medicare, prescription drugs, or transportation, or homeland security, or the airline industry in a straightforward way on the budget that was deemed by the rule that we approved a little bit earlier this evening.

So now what are we going to do? We are going to go back to gimmicks. We are going to go back to waiving all these rules. No budget discipline at all. That is the concern that many of us have about the procedure that is being used tonight.

We clearly are going to move to large deficits again. We are going to protect large tax cuts, but we are going to move to large deficits, and we are going to use Social Security. We are going to borrow those funds to cover the other obligations of the United States Government.

How often have I heard the Members of this body talk about a lockbox? We are going to make sure that money is not used, and, oh, yes, we have had some unexpected expenses, but that is not the reason we have the large deficits. The large deficits are a direct result of the budget and the tax bills that we passed. My colleagues know that; I know that.

We should be able to debate that issue here on this floor, but, instead, what are we doing, we are using a magic wand to do certain things rather than having a full and open debate on the budget issues and on the debt ceiling. So it will be extremely difficult for us to deal with Social Security.

Mr. Chairman, let me point out that the monies that were used in the surplus were used in just about every proposal that has been brought forward to deal with Social Security, including the bill that was filed in the last Congress by the gentleman from Texas (Mr. Archer) and the gentleman from Utah (Mr. Shad) and, now those funds are to be borrowed and used for the general obligations. That is wrong, and we all know that we are using a stealth process so we do not have to deal with the direct debate on this floor on the debt ceiling.

We should have a direct vote on that issue. We should talk about it. We
should talk about how we are going to deal with the future debt. As I understand it, Republicans are going to be asked to raise the debt by $750 billion. $750 billion. Look at how much of the tax bill is going to have to be paid for by additional borrowing. I am not sure that it is even remotely possible that the American public wants us to do.

We are going to go back to the red ink again. What we should be doing, we should take a little pause in the action, we should sit together and work out a bipartisan agreement on a budget, and if we had a bipartisan agreement on a budget, with the other body, with the administration, then we would have a supplemental appropriation bill here that could be considered in a relatively short period of time.

We could have a prescription drug bill for Medicare that we could all agree upon and really get something done for our seniors at last. We could have a budget that would speak to the priorities of education and homeland security, on the other issues, and we could really deliver for our constituents.

So, Mr. Chairman, many of us are going to express the frustration tonight that the process that the majority is using is unfair; not unfair to the Democratic Members, it is unfair to the American people. We deserve better. The American public deserve better, and I would urge my colleagues to use the time to get together so that we can produce a bipartisan budget so we can produce results for the people of this Nation.

Mr. YOUNG of Florida, Mr. Chairman, I move to strike the last word.

Mr. Chairman, I listened attentively to all of these speeches. What I have to say is this is an emergency, wartime supplemental. Political speeches about whatever my colleagues want to make political speeches about, that is all right. It is not fair. It is not fair.

And the reason we enacted that legislation was that it was an act of government that shut down the Nation's airlines in the national interest, out of necessity. It was an appropriate action. But we caused the airlines, we, the government, caused the airlines to lose billions of dollars in the national interest. We recognized that it was a necessity for the government then to come forward and guarantee the airlines whole, but at least put them in the position they were in at the moment of the order for all airline operations to cease on September 11.

Mr. Chairman, 2,460 commercial airliners were brought on the ground within 2½ hours and did not operate for 3 days. And then, for a month after other airports were opened, National Airport remained closed. This is the hub, the base of US Airways' operations. The order of government not to operate out of National Airport hit this carrier disproportionately greater than any other carrier in the United States. I find it short-sighted, bad faith, poor judgment, poor calculation to say, oh, we have made a decision that is unfair in the face of last fall. It is just simply not right. It is not fair.

And I do not want to get into all these other discussions about what else is in this supplemental appropriations bill. This particular provision is really harmful and hurtful and goes back on our word that we gave in this body to the airlines of the United States: we will make you whole to the point that you were at when you could not fly, we will assist you, we will pay back with all sorts of guarantees that I participated in drafting into the loan guarantee program in the Speaker's office, the night of the President's address to the Nation. And now the program is there; and all of a sudden you are pulling the rug out from under this carrier that has suffered a disproportionate burden compared to other carriers in the country because of the shutdown of National Airport for over a month.

Now, I heard the gentleman from Virginia (Mr. Tom Davis) say that we will fix this somehow over the course of the next few days. "Somehow" is no help to the financial institutions. It does not give them a whole lot of confidence at all. It gives them zero confidence, in fact. This needs to be fixed now, before this bill leaves the House, whether it is a statement by the chairman of the Committee on Appropriations or a statement of the Office of Management and Budget.

I think our ranking member on the Committee on the Budget has already spelled out how little, how ephemeral, how chimerical the savings will be. So let's do something in the course of this evening, which apparently is going to be a very long evening; and I appeal to the chairman. I do not fly US Airways. They do not serve Minnesota.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. Oberstar) has expired.

(By unanimous consent, Mr. Oberstar was allowed to proceed for 1 additional minute.)

Mr. OBERTSTAR. Mr. Chairman, I have an interest only because of my many, many years of action in the aviation sector as the former Chair of the Subcommittee on Aviation and a desire to do the right thing for the airlines. Mr. Chairman, will the gentleman yield?

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

Mr. YOUNG of Florida, Mr. Chairman, we want to do the right thing as well. But I want to remind the gentleman that this loan program was enacted into law on September 22 last year.

Mr. OBERTSTAR. I said that just a moment ago.

Mr. YOUNG of Florida. I just want to remind everybody. And as of tonight, as we stand in this Chamber, certain airlines have not even made their application, knowing full well that under the law that we passed last September that application process terminates on June 28. That is rapidly approaching. So the airlines are not totally free of guilt in not getting the job done.

All that aside, we are prepared to try to help keep our airline industry viable. And the only airline that I can fly direct to my district is US Airways. I do not want US Airways to go out of business or go bankrupt. I want to help them. But I have to tell my colleague that they could have applied for this loan guarantee a lot earlier and they did not.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. Oberstar) has again expired.

(By unanimous consent, Mr. Oberstar was allowed to proceed for 1 additional minute.)

Mr. OBERTSTAR. Mr. Chairman, I just want to point out to the chairman that the regulations for the loan guarantee program were not available until early this year, along about January-February. And the person administering the program was not put in place until just about that time. It has been very difficult for the carriers to understand how this program would be
administered. Further, they wanted to wait and see whether they could be whole on their own.

So I do not exonerate the airlines, but there were mitigating factors. And this carrier is particularly vulnerable. If we lose USAirways, then on the east coast I believe that will be that there will be a diminution of competition in the airline sector.

The CHAIRMAN. The time of the gentleman from Minnesota (Mr. OBERSTAR) has again expired.

(BY UNANIMOUS CONSENT, Mr. OBERSTAR was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Florida. Mr. Chairman, will the gentleman yield?

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

Mr. YOUNG of Florida. Mr. Chairman, our heart is in the same place, I would tell the gentleman. But the gentleman’s facts are not exactly correct, because the first application under this program was for America West and it was filed on November 28th of last year. So the regulations were in order much earlier than the gentleman suggested.

Mr. OBERSTAR. Reclaiming my time, Mr. Chairman, America West filed a full set of regulations process had been fully implemented. They were in much more desperate shape than USAirways, no question about it. The full set of regulations was not in place at that time.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, let me just share some information regarding USAirways. In the first place, USAirways attempted to sustain its operations as long as possible without having to draw on a Federal loan guarantee.

In the second place, as I think the gentleman knows, USAir has been working very diligently in working out labor agreements and showing a long-term plan so that this loan guarantee will be able to be paid off and they can show a viable financial plan into the future.

This is a very difficult process for such a large airline.

Mr. WALSH. Mr. Chairman, I move to strike the last word.

Mr. Chairman, before my colleagues jump to react to the airline industry, I would caution that we think about the way the airline industry responded to our last legislative action. Within hours, Mr. Chairman, within hours of the passage of that airline bailout, USAirways fired hundreds and hundreds of its employees. Not only did they do that, they fired and closed reservation centers of their most senior, most experienced reservationists because they could save more money that way. And then they did not give them the opportunity to be rehired at other locations. They went out and the reservation centers that needed additional employees, they hired people “off the street,” because they could hire them at a lower wage.

This is the airline that charges customers seven times what other airlines serving the same two cities charge. This is the same airline that has averaged 187 complaints per million passengers. This is the same airline that provides service in 37-seat prop jets when they could go out and purchase new regional jets that would provide dramatically better service, and they are asking people to fly in those 30- and 40-year-old planes because their pilots will not allow them to buy new regional jets. This is the same airline that came back to us and said we need your help on this bill, and they still have not got their loans filed.

It is no surprise that an airline this poorly managed would not have their paperwork done. So before we proceed to give them more help, let us remember what they did the last time we provided them with help. Lord knows what else they will do with their employees and their customers this time.

Ms. ESHOO. Mr. Chairman, I move to strike the last word.

Mr. Chairman, many of us wait not just minutes but hours to come to the floor to speak, and this evening after listening to this debate about only a slice of what is in this supplemental, I cannot help but observe that this distinguished body, this great House of Representatives, has somehow created a mess. And I think the mess, and I do not like using the word, it is not out of disrespect to any individual, but haste can make a mess.

I listened to my colleagues who serve on the committee who said we had something drawn up and then something happened at the Committee on Rules. There is a frustration on my side of the aisle that we cannot offer anything to amend this. That is wrong. For people that served in the minority for 40 years my Republican colleagues know that is wrong.

My colleagues know, and we all know, what a credit card is. If someone took any one of our credit cards and put $750 billion on that credit card without our knowing about it, we would be the first ones to dial up and say, something has gone wrong. I have taken votes when I was new here and my leadership said it is important for the country to raise the debt limit. But, no, no one is brave enough on the other side to take that straight vote up or down.

We are accountable to our people. And so now the Nation’s debt goes higher. I should not, and none of my colleagues on the majority side should be lectured to that I think what we say is political. We ran for this office because we love this country. We all do. But we are not doing right by her by hiding in a poorly drafted, jammed-through-a-committee supplemental.

This is not becoming of this House and this body. All joking aside, my colleagues know when they go home how their constituents respect them. How can anyone answer for raising this, incurring more debt, and not explaining it to the American people without even taking a vote.

I have heard over and over and again the lectures. I do not need to be lectured, and no one here does about what can we debate the issues and hold our ground and still respect one another. But to do this, this is wrong. This is wrong. America, tonight, $750 billion was placed on America’s credit card and we could not stand up and debate and offer a better idea.

If you have more votes, you can outvote us. But ideas are at the heart of this democracy. I believe my constituents would object to this, Republicans, independents, and Democrats, because it is not becoming of those we represent, it is not becoming of the process that we should follow in a democratic institution. You to know that I object. I object. I object.

Mr. HAYES. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I might for a moment revisit the issue of USAir. The Eighth District of North Carolina has a number of USAir employees. I want to reassure them in spite of some of the things that they may have heard, that I and others here are vitally interested, whether they are machinists, pilots, caterers or other people who work at USAir. We worked very, very closely with every aspect of USAir to make certain they had every possible chance to work with us.

My colleagues here on the floor heard earlier today a very specific colloquy between the gentleman from Virginia (Mr. MORAN), the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Virginia (Mr. WOLF), and the gentlewoman from North Carolina (Mrs. MYRICK), very specific, about our ability, desire and capability of working with USAir to make sure that there is a proper outcome for those very valuable employees.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

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

Mr. MENENDEZ. Mr. Chairman, with all due respect to the distinguished chairman of the Committee on Appropriations, when Republicans put the debt ceiling in this legislation, they politicized the process. When they put deeming the budget, the Republican budget, in this process, they politicized the process. So to be lectured to that we are responding to what you have created on the floor which you control as the majority.
For those who might not understand the sometimes arcane rules of this institution, let me put what is going on here in very plain language. Republicans have already spent all of the surpluses we had well into the future and now want to go on a spending spree. This credit line increase, without even giving us a chance, those of us who represent 49 percent of all of the American people on this side of the aisle, to approve it in an up-or-down vote.

There are those who will say that we have made the debt ceiling determination to raise the debt of all Americans even without so much as a single vote, then the shame is theirs, as are the consequences. This is exactly what we Democrats said would happen if you passed your irresponsible budget. So I would say to my Republican colleagues, you who are self-appointed experts on the recession, tell that to the laid-off workers whose unemployment benefits you held hostage for weeks. And do not try to blame it on the war on terrorism. You dare not use our fighting men and women for the deficits you have created. If you want to know who is to blame for our return to deficits, merely look in the mirror. This is an abomination on the greatest democratic institution in the world that in the marketplace of ideas that we promote throughout the world we cannot have a vote up or down on the debt ceiling so that the American people will know how you are hocking their future generations for generations to come.

It is a shame. It is an abomination. That is why you will hear the anger throughout this evening as I think you will hear it from the American people in the days ahead.

Ms. SCHAKowsky. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today with great admiration for my colleagues across the aisle. That is because I admire what my family calls chutzpah, or nerve, some might say, but not me. An ordinary person watching tonight might think that the Republican leadership would be just a little bit sheepish about coming here today and proposing a supplemental budget that we really do not have the money to pay for without dipping into the Social Security trust fund, a trust fund that just a few short months ago was safely ensconced in a lockbox, a lockbox that, if I remember correctly, one after another of those same Republican leaders who were screaming for caution would not even be unlocked. Oh, no, we would never dip into the Social Security lockbox. And why? Because we had such a huge surplus, a surplus, if I can be rude enough to mention, was inherited from the Clinton administration, a surplus of $5.6 trillion, a surplus so large that these leaders scoffed at those of us who warned that the future is too uncertain to throw trillions of dollars of tax giveaways to the richest. Their forcefulness, some might say gall, but not me. I admire my Republican colleagues from Illinois, including the gentleman from Illinois (Mr. CRANE) are proud cosponsors of this resolution. Perhaps they can explain the embarrassing truth that this supplemental appropriations bill is nothing more than the administration's attempt to make a backdoor increase in the debt limit, the same as raising the credit card limit on a credit card, but I do not expect that they are embarrassed by this fiscal sleight of hand. I congratulate them for it. As I said, I admire chutzpah. But maybe, just maybe, their constituents, who not only talk about fiscal responsibility but who practice it every day balancing their checkbook, paying their credit card bill, putting money away for college and saving for their future generations for generations to come, might be just the perfect moment to reconsider such things as tax cuts for the richest. Their forcefulness, some might call it sanctimony, but I do not, is laudable.

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Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, when I was presented to the Committee on Appropriations, a committee on which I sit, the distinguished chairman of the committee sent me a report to each member saying that one of the pluses of this legislation was that it was a clean bill designed to provide emergency funding to fund our war against terrorism and homeland defense. I applauded that approach. Unfortunately, because of the late-night, closed-door, secret plan for the Committee on Rules, this bill will have to come here this week, and the clean bill has been sullied by partisan amendments that have absolutely nothing to do with funding our war on terrorism. I find it
somewhat ironic that some of the same people who say we should support this process tonight out of patriotism for our war against terrorism just happen to be exactly the same people who orchestrated the process of the Committee on Rules so that the controversial extraneous amendments would be forced on this legislation, thus slowing down the funding for our war on terrorism.

What is wrong with all of this? Let me count the ways. First, adding $750 billion in deficit spending could certainly undermine the future of Social Security and Medicare. When you add that extra debt onto our already enormous $6 trillion national debt and consider the enormous interest payment that taxpayers have to pay each year on that, we could in effect be putting at risk benefits for Medicare and Social Security recipients.

Second, $750 billion in deficit spending will increase the cost for homeowners to buy a home, for businesses to build or expand their businesses, or for families to buy a car by increasing interest rates, a direct result of massive deficit spending. In fact, if we increase the mortgage rate, interest rate on a $100,000 home in America, that family will have in effect their taxes increased by $1,000 a year. That is what is wrong with this secret, late-night plan to raise our deficit spending by $750 billion.

Let me count the additional ways that this is wrong. Third. This kind of deficit spending will lead to higher taxes for hard-working Americans. In fact, interest on the national debt today is one of the 5 largest expenditures of the Federal Government out of the thousands and thousands of programs we fund. In fact, last year on average every man, woman, child and infant in America was responsible for $1,200 in taxes just to pay the interest on our national debt, not to speak about the extra $750 billion we are going to add to that debt.

In fact, if one assumes a 5 percent interest rate on this $750 billion increase in deficit spending, that amounts to about $37.5 billion a year in increased taxes on the American people, simply to pay the interest on that debt. That is what is wrong with this bill and this process.

Fourth, in increasing deficit spending by $750 billion through this measure, we are going to make it harder to fund priority national programs such as national defense, veterans' health care and education.

Fifth, I think it is wrong to burden our children and grandchildren with a $6.7 trillion national debt. We in this generation of Congress have no right to drown our grandchildren in a sea of national debt.

Sixth, by slowing down this bill with controversial, unrelated amendments, partisan amendments that have nothing to do with funding the war on terrorism or homeland defense, we basically end up harming national defense, because we will force military training at bases such as mine, Fort Hood in my district, to be delayed or canceled in order to fund our war on terrorism, because we will not pass this bill as quickly as we should. By the time we get it, we had not had these extraneous, late-night, secret amendments added to this bill.

Now, perhaps the handful of Republican district hospitals given special treatment at the cost of every other district is the result of this bill, maybe those hospitals have some unknown direct relation to fighting our war on terrorism and homeland defense. I certainly have not heard that explanation in this debate tonight.

Mr. Chairman, if increasing the national debt by $750 billion, if adding that burden on our children and grandchildren, cannot pass the test of open debate and an honest vote, it does not deserve to be hidden in a bill purposed to fund our war on terrorism. Shame on our House if we do that.

Mr. POMEROY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the chairman of the Committee on Appropriations, a man who has been on this committee a colleague I enjoy working with, has described this bill as the emergency wartime supplemental. Indeed, much of the content of this bill does exactly as the chairman describes. Unfortunately, and I believe it is extraordinarily unfortunate, the chairman was unable to keep his bill relative to the emergency wartime supplemental purposes he speaks so convincingly about.

Once again we see critical legislation hijacked somewhere in the legislative process, in the bowels of the majority leadership somewhere, and turned into something quite different than what it initially purported to be.

There is a feature of this bill that I feel is wrong and unfortunate, and that is what I rise to point out tonight. Language in this bill sets the stage for a significant increase in the national debt. One year ago, 1 year ago tonight, we were not talking at all about raising the national debt, we were not talking about deficits; we were looking at a 10-year surplus of $5.6 trillion. What we now know is the 10-year outlook has deteriorated $4 trillion.

Mr. Chairman, we have presided over the worst reversal of financial fortune of the United States Treasury in the history of the country. We all ought to be alarmed. Those who voted for legislation contributing to this reversal ought to be ashamed.

But we all ought to realize, one to another, that something has got to be done. We wanted to have, at the time you were going to seek to raise the debt, because we know now the budget is in the red this year, running in the red, that the tune potentially of $40 billion, that is a billion dollars more out the door in spending a day than we are bringing in, and you were going to ask us in participating in raising the debt limit, we had a request for you, a very simple, very straightforward request: Show us your plan. Show us your plan to get us out of this debt. Show us your plan to get us back to the black. Reverse this run of red ink, this shame you have brought upon this country.

We deserve that, and the American people deserve that, a discussion about what was required by way of raising the debt limit, a discussion about a plan and a process to get us back to the black, as simple as one, two, three: The majority passes their budget, we go into the red, debt limit increase required. But show us a plan to get out. It is important, it is very important, that we work together to get back to the black as soon as possible. There is nothing Republican, there is nothing Democrat, about the demographics facing this country. Those demographics have a very harsh fact that we ought to think about every single day. Seventy-eight million Americans in the year 2010 will be within 10 years of turning 65. Within that next decade they will be on Medicare. Within that next decade they will be on Social Security. Should I be alive, I will be one of them, Mr. Chairman. As we get into the boom bulge, about to place a strain on entitlement spending like never before.

Obviously we know this is coming. We can see it in the age trends. We have got to prepare. There is no great fiscal plan for the hit we are about to take. We have got to pay down the debt. We have got to make sure the Social Security dollars coming in are held for the benefit of Social Security. We have got to prepare.

Instead, we are doing the worst thing we can do. If paying down the debt and making our country fiscally stronger is the best thing, we are doing the worst thing. We are taking Social Security recipients' payroll taxes and we put on other programs; we are taking dollars coming in from payroll taxes from the guys working hard every day, counting on that Social Security, and we are spending it on other programs. Rather than strengthening our fiscal position, we are back into borrowing and adding debt onto our country.

We have to stop this practice. Chickens have a way of coming home to roost, and unchecked debt means reducing Social Security benefits.

Mr. HILL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I support providing whatever funds the President needs to fight the war on terrorism. I do not think there is a Republican or a Democrat in this body that does not support the President in fighting this war on terrorism; all the more reason Congress should not be playing politics with this bill, a bill that supplies important funds for our fighting men and our fighting women.

Hiding a huge increase in the national debt limit and an assortment of other budget gimmicks to this bill...
under the cover of darkness, literally in this case, is a political game. A $750 billion increase in the national debt requires, for heaven’s sake, an open and thoughtful debate. A $750 billion increase in the national debt requires, surely, an up or down vote, not in secret. But we are not going to get either one of those offers this evening. And to this I say shame on the majority.

I know all of my constituents expect certainty regardless of their party affiliation: Straight answers and a willingness to be held accountable for our actions. They know if they charged their credit cards to the limit, they have to pay down their balance or work out a deal with the credit card companies to get an increase in their credit limits. They most certainly cannot write a small note on the memo line of their checks to the credit card companies asking those same companies to “please raise our credit limits” and expect it to happen.

Why should Congress be any different? Why should Congress get to operate under a different set of rules? The short answer is that Congress is no different. We have to be able to operate under a different set of rules.

Congress should be held accountable for this $750 billion increase in the debt limit and the actions that have made this increase necessary. The days of surpluses are gone, and in a very short time the Social Security lockbox has been emptied and the days of deficits and borrowing money from the public to pay the government’s bills are back. Yet the majority has no stopping for taking a step back, looking at the whole budget picture, figuring out how we got into this mess and how we are going to work to try to get out of this mess.

My colleague, the gentleman from Kansas (Mr. MOORE), and I each offered amendments that would have helped restore fiscal discipline to the Federal budget process. In fact, the Moore-Spratt amendment would have provided surpluses in the debt limit and required Congress and the President to develop a plan to balance the budget without counting Social Security.

My amendment would have imposed discipline and accountability in the budget process by extending and strengthening the spending limits and pay-go rules in the Budget Enforcement Act, something that we have been doing for the last several years, something that you all think is necessary, that you voted for. And yet you will not allow that amendment to be put in this spending measure. My amendment would have imposed discipline.

But both amendments were ruled out of order. Instead of an open debate on these amendments and what should be done with the government’s maxed-out credit card, the majority hid a $750 billion increase in the national debt in this important bill. That, I am afraid, is an action my constituents would find to be a little less than honest.

I have been told by my colleagues on this side of the aisle that if the Democrats would be in the majority this evening and would have been offering this bill here this evening, that you on the other side of the aisle would beylling your teeth against it, that we should not be increasing this debt limit. And I have no doubt, I have only been here for 2 years, I have no doubt that we have been guilty of what you are doing tonight.

So it is time to put away the foolishness of the past. It is time to admit the Democrats in the past have done the wrong thing, and it is time for you all to admit, I would hope, in the sense of doing the right thing, that we have the amounts of money that a vote on this vote; that we are not doing it in the dead of night; that we do it in a way that is honest; that we not resort to the politics as usual; that we be bipartisan and straightforward with the American public. I think the American public would appreciate that.

Mr. PETRI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to point out that under the rules established by the majority leader, the Committee on Rules of this House, when it brought rules forward, was to allow committees that are authorizing committees if they notified the Committee on Rules of concerns they had that a representation of appropriation that was unauthorized on a bill of this sort, that they would be subject to a point of order. Unfortunately, that has not been done in a number of cases where things that are unauthorized on a bill of this sort, that are not authorized in fact be appropriating out of the Highway Trust Fund.

We have worked very hard in this body over the last several Congresses to reestablish the concept of a Highway Trust Fund; to reestablish trust, put trust back in the Highway Trust Fund. And yet the legislation, unfortunately, would provide for funding some $19.3 billion for border enforcement activities, in a time that is not authorized from the trust fund. That will mean less money available for important transportation needs in our country. It is something that should be done out of our general revenue, not out of the Highway Trust Fund without an authorization.

The second thing I would like to point out is that the legislation does provide for some $5 million for the Safety Permitting Program to come out of the Highway Trust Fund. Again, the Safety Permitting Program is under the Hazardous Material Program. The HAZMAT Program is funded from general funds and is funded out of registration fees.

This is something that again will result in less money available for transportation needs in this country and will free up funds for other programs. I understand the problems that we have, but this is not a proper use of the highway trust fund.

In addition, there are over $4 million being provided for background security checks, again out of the highway trust fund. This is not something that was contemplated, it has not been authorized, and it should not have been done; and I regret it. I want to call it to the attention of the House that this legislation moves forward through the process, which I am confident it will do, so that we can, as we refine this legislation in conference and it comes back to the floor, maintain the principle of integrity of the transportation fund that we have all worked so hard, really all of us have worked so hard to establish.

Ms. SOLIS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I am looking at the clock now and wondering what my constituents are doing on the west coast in Los Angeles, California; and I know that they are probably just finishing up their dinner, and maybe not dwelling on what we put up with in this Congress. But I can tell my colleagues that people in my district would be shocked. They would be alarmed to know that language has been inserted in this bill that is going to be voted on tonight. They would be alarmed in the national debt limit, and I think it is irresponsible; and I know that many of them would feel that same way. Worst yet, it forces us to play Russian roulette with the livelihood of our Nation’s seniors and America’s children. Social Security should provide just that: security. But by raising the debt limit today, we endanger our Nation’s safety net which allows our senior citizens to live out their golden years with dignity and respect.

We are playing with the lives of our senior citizens, men and women who have worked hard for our Nation and deserve the full benefits of Social Security to help pay for their rent, their food, and their prescription drugs. We are playing with the lives of baby boomers, who must not only help care for their senior citizen parents, but also have to plan for their impending retirements. What about those people?

We are playing with the lives of our young people who every day pay into Social Security, but which may not be there to provide for them when they need it.

Just last year, our Nation enjoyed one of the largest surpluses in American history, but then the Bush administration and the Republican leadership ran through what I call a reckless series of tax cuts designed to provide the most benefit to the richest 1 percent of Americans, many of whom are not seen on this floor tonight. By raising the debt limit, this administration continues to rob the working poor and middle class by stifling them with the additional debt. Raising the debt ceiling weakens Social Security for our country’s seniors and baby boomers like myself.

Look in the mirror. Look at the American future.

May 22, 2002
Treasury Secretary, Paul O’Neill, predicted that the United States would not reach into its debt ceiling until late 2003, but now that the Republican leadership has passed its huge tax breaks for the very wealthy, we are quickly losing the Robin Hood policy, stealing from the poor and our Nation’s seniors to give to the rich.

Mr. Chairman, every day Americans pay $1 billion in interest on our national debt. That is about 16 cents for every dollar we pay into taxes. Raising the debt ceiling will do nothing to alleviate the problem; it just gets worse. I am staunchly opposed to this plan.

I support a responsible budget that makes needed investments in our nation’s future and protects our Social Security, Medicare, and does not saddle our children and grandchildren with enormous national debt.

Mr. BERRY. Mr. Chairman. I move to strike the last sentence.

Mr. Chairman, there are a lot of good things in this bill. It will provide appropriations to help us fight the war on terrorism. It will provide some good things for our veterans. All of these are things that we all support. But I have to tell my colleagues, Mr. Chairman, the way that the attempt is being made to deceive the American people in the dark of night to make it possible to add to the debt of our children and grandchildren, to steal the Social Security trust fund, to endanger the well-being of our senior citizens makes me want a dip of snuff, and I do not even use tobacco.

I grew up in a community where there were a lot of bootleggers. They look like paragons of virtue compared to this crowd. The great country music singer Merle Haggard wrote a song called “Rainbow Stew.” I just want to paraphrase that. He said, “When a Member of Congress goes through the Capitol door and does what he says he will do, we will all be drinking that free Bubble-up and eating that rainbow stew.”

Well, I am here to tell my colleagues we are getting fed a big pot of rainbow stew tonight.

If this is an emergency wartime appropriations bill, why does it have a stealth cigarette that allows for Social Security theft? Why does it steal from the poor and our children and grandchildren? Why does it do that? If that is what this is about, why do we not just have an appropriations bill?

We do not need one of these chicken-hearted resurrection bills, this false sense of stealth effort to put more debt on our children and grandchildren, to threaten our senior citizens with losing their Social Security. Why would we want to do something like this? Why not have a vote up or down on whether or not to raise the debt ceiling?

Let us face reality. All the money is gone. It has all been spent. This time last year we had money in the bank. We were paying off debt. I remember so well the Director of the Office of Management and Budget coming to the Blue Dogs and saying, our greatest fear is that we are going to have so much money to pay on the debt and the government will have no U.S. Treasury bonds. Well, dear heart, you can rest easy tonight. There is going to be a U.S. Treasury bond available for as far as anybody can imagine, and our children and grandchildren are going to have to pay the interest on it.

I can tell my colleagues that they may do it just because they have more votes; but my colleagues are not going to do it without me coming to this well and raising the issue, and I am not going to go back home and face my children and grandchildren. I am not going to look at my three grandchildren, and they are to me just as dear as anything can possibly be, just like everybody’s grandchildren are, and let their looks from now on, if I am still around, and say, Granddaddy, why did you not do something about that? Why did you let that happen? Why did you put this debt on us? Why did you destroy this country over the only reason you had that was to stay in power and reduce taxes on the wealthiest people in this country? Why did you do that?

When I have to face that question, I at least will be able to stand before them and say, I did everything I could do; but I was not in the majority. We did not have any control over that. I ask my colleagues to think about what they are doing. Think about what they are doing. All we ask is for our Republican colleagues to sit down with us in this bipartisan spirit I have heard so much about, and if this is bipartisan, I am a space scientist, and everybody who knows me knows that is not true.

We hear about bipartisanship, but yet we have this single-handed attempt to cram this down our throats. Let us sit down in a bipartisan way. Let us do an honest budget. Let us recognize what we are doing and not steal from our children, our grandchildren, and our senior citizens.

Mr. Chairman, I urge my colleagues not to pass this bill.

Mr. BARTON of Texas. Mr. Chairman, I move to strike the last word.

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

Mr. BARTON of Texas. Mr. Chairman, I really had not intended to speak tonight on the supplemental appropriation, but I have been locked out of my office due to my own inability to remember my keys, so I have had no recourse but to sit on the floor and actually listen to the debate, which is a very enlightening experience.

Now, I got elected in 1984. From 1985 in January, I got sworn in, to 1995 in January, when the first Republican majority took this House in over 40 years, there was one balanced budget presented to the House of Representatives to vote on. One, in the first 10 years that I was a Member of this body serving in the minority, and that was the budget that President Reagan supported. I think it got 13 votes, and I voted for it.

I was down at the White House and President Reagan asked all of the folks that were willing to vote for a balanced budget to come down, and I believe there were 13 of us. I think all 13 were Republicans, and it is possible that there were one or two Democrats, the gentleman from Texas (Mr. HALL) and perhaps the gentleman from Texas (Mr. STENHOLM), I would have to go back and look at that.

The first point I want to make about that is that when my good friends who are in the minority tonight were in the majority, they did not present any balanced budgets for the American people; they did not present any balanced budgets on the House floor. Now, when the Republicans got into the majority, we did. In fact, I remember when President Clinton was in office, we had a partial government shutdown because the Republicans insisted that there be a balanced budget; and at least in that first year, President Clinton said, balanced budgets do not count. We do not need a balanced budget. He later changed his position, and we got balanced budgets; and I will say for the record that both Republicans and Democrats voted for those balanced budgets.

Now we are at a point in our Nation’s history where we have had a recession, we have to fight the war on terrorism, we have had to present some budgets that are unbalanced. But let us think about that. There are actually two parts to a Federal budget. There is the discretionary spending budget, and this year that budget is $759 billion, somewhere in that range; and then there is an entitlement portion of the budget, and that entitlement portion of the budget is over $1 trillion. Then there is interest on the national debt, and that portion of the budget is over $200 billion.

Now, I have brought to the floor, in the time that I have been a Member of this House, budget process reform bills to change the way we do budgeting, and I had good support from the Democrats in those efforts, trying to change the budget process itself. But under the system that we are operating under today, we cannot do anything about the entitlement part of the budget; we can only do something about the discretionary part of the budget.

The chairman of the Committee on Appropriations has moved heaven and Earth to hold the line on discretionary spending. I am told it is possible that there would be a decrease from last year to this year in the budget resolution, in the budget the appropriators are working on, is 1 percent, 1 percent.

The chairman of the Committee on the Budget that is sitting at the back
of the room, the gentleman from Iowa (Mr. NUSSELL), presented a budget on the floor that has held the line on discretionary spending. So we are going through the budget process under rules that I think need to be fixed. I want to fix them. I talked to the Speaker of the House yesterday about fixing them.

But under this budget resolution, the budget resolution that we are operating under, we cannot do anything about entitlements. We can only do something about discretionary spending. Supplemental spending bill that is before us this evening is somewhere between $27.1 billion and a little over $23 billion in supplemental discretionary spending. That is a good number, and we should vote for that and then work together on a bipartisan basis to reform the budget process later on so that we can do something about the larger issue.

Mr. Chairman, let us keep in mind that there is politics and there is policy. We embedded in this supplemental appropriation bill is a good policy. We should vote for it.

Mr. ARMNEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have taken this time in order to discuss the schedule for the rest of the evening and, indeed, the rest of the week with the Members of this body.

Mr. Chairman, let me begin by apologizing to all Members of this body. It had been my hope and my expectation that we would be able to complete our work for the week and our work on this bill this evening.

Given that expectation, which seemed reasonable at the time, it was me who advised so many of you to go ahead and make your travel plans so that you could return to your district work periods in your respective districts across the country as early as possible tomorrow. We are all anxious to get home to be with our families, to be with our constituents, and to take up that important work we have scheduled in our districts.

However, it seems that there are a large number of Members of the body that do not have that desire to get home, and have decided they would like to prolong this debate and discuss any number of matters. We could go on through the evening. We could work all night. But, Mr. Chairman, there would be nothing productive, worthwhile, or contributing to the well-being of this Nation if we spent our time in that way.

Far better, I would think, for us to go ahead and complete our work for the evening, rise from the committee, and then resume our work tomorrow. It being a Thursday, we will not be able to resume our work before 10 a.m. I can only make my commitment to the Members of the body that I and the other members of the leadership here, on both sides of the aisle will do everything we can to work out whatever agreements might be possible so that we might be able to complete our work at a reasonable time tomorrow, so that people might be able to reschedule their planes and their travel arrangements, and perhaps make it home by even possibly Friday for their district work period.

The distinguished chairman of the committee, the gentleman from Florida (Mr. YOUNG), is a man of an extraordinary high ability and good heart, as is the distinguished ranking member, the gentleman from Wisconsin (Mr. OBEY). I have every confidence that given the encouragement we might give these two gentlemen, we might find them capable of coming in tomorrow and working out an agreement between themselves and others on my assurances that they will have so that we can accommodate to the desire of the Members to complete this work.

I must say, however, that failure to arrive at these kinds of agreements could result in our staying through Friday, through Saturday, if necessary. I would hope that is not necessary. I know we all have family and constituents that we long to see. But this is about funding the war on terrorism and the security our country faces. I am sure there is nobody in this body that wants to go home without completing this bill. Mr. Chairman, while I will ask the Chairman of the Committee to rise from our work this evening and resume it in the morning, it is, again, as I said before, with my most sincere apology to all of the Members on both sides of the aisle who made travel plans based on my assurances that they might have to reschedule them, and it is my sincere hope and belief that we will be able to tell Members a timetable in the morning that will make it possible for them to reschedule in a manner that will be, let’s say, accommodating to Members and their families and their travel plans.

I hope Members have a special evening. Let me just say as a final note, the Colorado Avalanche is winning tonight, so all is not lost.

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

Mr. YOUNG. The motion was agreed to. Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ISAKSON) having assumed the chair, Mr. THORNBERY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4775) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal years ending September 30, 2002, and for other purposes, had come to no resolution thereon.

Mr. Chairman, that is why we need an independent commission. We need an independent commission to determine the facts.
The Bush administration is in a quandary. More than 250 days have passed since Sept. 11. Last July Kenneth Williams, an FBI field agent in Phoenix, suspected that terrorists might have training terrorists to fly. A month later, FBI agents in Minnesota arrested flight school student Zacarias Moussaoui, who reportedly told land an aircraft had aroused the suspicions of his instructors, who dutifully alerted the FBI. It is uncertain how far up the chain of command suspicious about Moussaouil's intentions traveled. A week before Sept. 11, the FBI did notify the FAA of Moussaoui's arrest, his terrorist connections, and his interest in flying a large commercial aircraft. The FAA did not share this information with the airlines. Throughout last summer, CIA analysts were warning that Americans as Gerri Nunn has a long-standing interest in the inevitably rising tide of questions about potential terrorist attacks against the United States and possibly planning to hijack planes in the near future. The administration was increasingly anxious about the concerns expressed with the president in August. Apparently no one from either the CIA or the FBI shared with the president the information that terrorists were training to destroy civilian and government targets.

Nor did the FBI and CIA make much of a habit of sharing information with each other. Had they, the administration would have been prepared for the President's Daily Briefing on Aug. 6 would have included a suspicion that the hijackers might have something much more atrocious than ransom demands. In November, the administration was unprepared for the violent reaction of international terrorism more effectively. As is responsible for questioning Congress's inability or unwillingness to exercise more diligently its oversight responsibilities for these agencies. As is the responsibility of officials who serve at his pleasure.

Asking for, urging and demanding answers from various agencies that the government failed to understand the enormity of the danger facing the United States is an obligation shared by all elected federal officials. It is the responsibility of officials in the executive branch and members of Congress to investigate why and how the previous administration failed to combat the growing menace of international terrorism more effectively. As is the responsibility of officials who serve at his pleasure.

Ask Congress how the administration has failed to understand the enormity of the danger facing the United States is an obligation shared by all elected federal officials. It is the responsibility of officials in the executive branch and members of Congress to investigate why and how the previous administration failed to combat the growing menace of international terrorism more effectively. As is the responsibility of officials who serve at his pleasure.

Make your own independent recommendations momentum that will overwhelm the institutional rivalries that can make national security a hostage to jurisdictional jealousies. So the co-chairman of the commission should be former secretary of state George Shultz and former senator Sam Nunn, the Georgia Democrat. Shultz, who also was secretary of labor and of Treasury and was the first head of the Office of Management and Budget, has had more experience than perhaps any American in history. And his memoir of his 6½ years running President Reagan's State Department, "Turmoil and Triumph," contains this laconic sentence: "Our knowledge of the Kremlin was thin, and the CIA, I found, was usually wrong about it." Nunn has a long-standing interest in the matter of dangerous urgency: Russia's surplus nuclear weapons.

President Bush is a patriot. He responded forcefully to the terrorist attacks of Sept. 11. And had he known that enemies of the United States were planning to seize four passenger aircraft and crash them into American buildings, I'm sure he would have done everything in his power to stop them. We can only hope that President Cheney is a patriot, and a watchful administrator of international terrorism more effectively. As is the responsibility of officials who serve at his pleasure.

In his book, "Secrecy: The American Experience," Moyyahan says it is an iron law of institutions that the ration of unnecessary to necessary secrecy increases—including secrecy maintained by one part of the government against other parts. President Truman could have used the proof contained in intercepted messages between the Soviet Union and its agents in America, of espionage by Alger Hiss and the Rosenbergs—but the chairman of the Joint Chiefs of Staff kept it from him. Secrecy renders societies susceptible to epidemics of suspicion. A blue-ribbon commission would be immunization against such an epidemic and preventive medicine against future failures of intelligence and the nation need to go through it.

[From the Washington Post]

(Secretary of Labor Robert Reich"

[From the Washington Post]

By George P. Will"

"The best way out is always through."—Robert Frost.

The commission also would find that Congress has already begun correcting some problems—for example, belated funding modernization of FBI computers, more than $33,000 of which was too old to be compatible with crucial software last year. Given the rapid multiplication of new means of communication, from cell phones to the Internet, to name but a few, it would be unrealistic to expect the administration to go through an investigation, and not one conducted by itself.

Eleven days. That is how long it took President Roosevelt after Pearl Harbor to authorize the commission. We owe it to this Nation.

GRAHAM, DICK LUGAR, Senator Danforth and others who can make up that commission. We owe it to this Nation. We owe it to the families of the victims of September 11.

[From the Washington Post]

(Pro, George F. Will"

"The best way out is always through."—Robert Frost.

The Bush administration is in a quandary which is, as Washington quandaries so often are, perplexing. There is only one way out of the growing—tardily growing; by no means grown too large—controversy about investigating intelligence inadequacies prior to Sept. 11. The way out for the administration is to go through an investigation, and not one conducted by itself.

More than 250 days have passed since Sept. 11. Last week, one of the most disjointing in recent Washington history, the administration seemed surly and defensive regarding the inevitably rising tide of questions about governmental intelligence operations before the terrorist attack on the United States.

Understandably, the administration was provoked by some Democrats' crassness in casting their questions in Watergate-era cautionary terms: if the president knew and when did he know it? Actually, a blue-ribbon commission, concerning itself with all three branches of government, almost certainly would have bent Bush, since after all, initiated the Aug. 6, 2001, briefing on the threat of al Qaeda operations in the United States.

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GRAHAM, DICK LUGAR, Senator Danforth and others who can make up that commission. We owe it to this Nation. We owe it to the families of the victims of September 11.
Give them complete access to all intelligence reports and internal documents with arguable relevance to their inquiry, and charge them with rendering a judgment about the efficiency in this administration and its predecessors, as well as in Congress, and with recommending appropriate remedies to guard against a recurrence.

An inquiry will not impose a serious burden on the administration as it prosecutes our just war against terrorism, any more than a similar inquiry after Pearl Harbor failed to forthrightly in Franklin D. Roosevelt’s prosecution of World War II. Nor should it prevent members of Congress, the press or any American citizen from questioning or criticizing the administration’s apparent failures before and after President Bush’s inauguration. All wars and national security failures have occasioned contemporaneous criticism, and the Republic has managed to thrive.

It is irresponsible in a time of war, or any time for that matter, to attack or defend unthinkingly or because partisan identification is one’s supreme interest. But it is not responsible or right to shrink from offering thoughtful and measured analysis of the administration’s apparent failures before and after President Bush’s inauguration. All wars and national security failures have occasioned contemporaneous criticism, and the Republic has managed to thrive.

The agent, a sharp, 41-year-old counterterrorism agent, was convinced he was onto something, the FBI has gotten specific threats of all-glass—of September 11—and that the supposedly straight-talking Bushies hadn’t told anyone about it—opened up a serious credibility gap for the first time in the war on terror.

The agent, who showed up in this administration and its predecessors, was convinced he was onto something, the FBI has gotten specific threats of all-glass—of September 11—and that the supposedly straight-talking Bushies hadn’t told anyone about it—opened up a serious credibility gap for the first time in the war on terror.

The administration harassing the FBI, the CIA, and the House Intelligence Committee—Washington, where the Kurtz team suffered a fate even worse than Cassandras’—not only did they not believe, they were looked down on even as Ashcroft began, quietly, to take a privately chartered jet for his own security reasons.

The attorney general was hardly alone in seeming to de-emphasize terrorism in the young Bush administration. Over at the Pentagon, new Defense Secretary Donald Rumsfeld emphasized that the war on terrorism was bigger than any other war. He told his troops that they could expect to make it to senior levels. One worker said it was almost laughably antiquated. It was patently a fraud.

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“basically violent crime and drugs,” recalls one participant. Freeh replied bluntly that those were not his priorities, and began to talk about terror and counterterrorism. “Ashcroft said he didn’t want to hear about the FBI’s former senior law-enforcement official. (A Justice Department spokeswoman hotly disputed this, saying that in May Ashcroft told a Senate committee terrorism was his “highest priority.”)

That was unfortunate, because Freeh, despite his late-tenure interest in global terrorism, had left behind an FBI that badly needed fixing, especially its antiquated evidence-gathering methods. So fouled up is the FBI’s communications system that it is almost impossible for agents to send classified e-mails to another agency like the CIA: the effect is that little is shared.

It wasn’t that Ashcroft and others were unconcerned about these problems, or about terrorism. But the Bushies had an ideological agenda of their own. At the Treasury Department, Secretary Paul O’Neill’s team wanted to roll back almost all forms of government intervention, including laws against money laundering and tax havens of the kind used by terror groups. At the Pentagon, Donald Rumsfeld wanted to revamp the military and push his pet project, NMD. Rumsfeld veered a deep deficit in $500 million of funding from a defense budget counterterrorism. The Pentagon chief also seemed uninterested in a tactic for observing bin Laden left over from the Clinton administration: the CIA’s Predator surveillance plane. Upon leaving office, the Clintonites left open the possibility of sending the Predator back up armed with Hellfire missiles, which were tested in February 2001. But through the spring and summer of 2001, when valuable intelligence could have been gathered, the Bush administration never launched an unarmed Predator. Hill sources say DOD didn’t want the CIA treading on its turf.

And while most of the current controversy is about what America didn’t do defensively, Rumsfeld and Bush didn’t take the offensive, either. Upon entering office, both suggested publicly that the Clinton administration left America with a weak image abroad. The day after the Oct. 12, 2001, attack on America with a weak image abroad. The day after the Oct. 12, 2001, attack on America with a weak image abroad. The day after the Oct. 12, 2001, attack on America with a weak image abroad.

(Mr. NORWOOD 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 South Carolina (Mr. WILSON) is recognized for 5 minutes.

(Mr. WILSON of South Carolina 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 Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

(Mr. GEKAS 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 Iowa (Mr. NUSSLE) is recognized for 5 minutes.

(Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002. My authority to make these adjustments is derived from Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83.

As reported to the House, H.R. 4775, a bill making supplemental appropriations for fiscal year 2002, includes emergency-designated appropriations. The total amount of emergency-designated appropriations included in the reported bill is $29,432,000,000. Outlays flowing from those appropriations total $8,466,000,000 in fiscal year 2002. Under the provisions of both the Budget Act and the concurrent resolution, I must adjust the 302(a) allocations and budgetary aggregates upon the reporting of a bill containing emergency appropriations.

Accordingly, I hereby increase the 302(a) allocation for fiscal year 2002 to the House Committees on Appropriations to $735,432,000,000 in new budget authority and $736,420,000,000 in outlays. I also increase the budgetary aggregates for fiscal year 2002 to $1,708,604,000,000 in new budget authority and $1,653,073,000,000 in outlays.

Section 2 of House Resolution 428 provided that House Concurrent Resolution 353, as adopted by the House, shall have force and effect in the House as though Congress has adopted a concurrent resolution on the budget. That section also directed me to submit for printing in the CONGRESSIONAL RECORD a statement that includes the 302(a) allocations contemplated by section 301(b) of the Congressional Budget Act of 1974 under a concurrent resolution on the budget; (2) accounts identified for advance appropriations, referred to in section 301(b) of House Concurrent Resolution 353; and (3) an estimated unified surplus, referred to in section 211 of such concurrent resolution.

The attached tables, which I submit for printing in the CONGRESSIONAL RECORD as directed, provide the required information.

Allocations of Spending Authority to House Committees: Appropriations Committee, 2003

[In millions of dollars]

<table>
<thead>
<tr>
<th>General Purpose:</th>
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<td>353,319</td>
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1 Shown for display purposes only.

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 each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

(Mr. NUSSLE. Mr. Speaker, I submit for printing in the CONGRESSIONAL RECORD revisions to the 302(a) allocations and budgetary aggregates established by H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002. My authority to make these adjustments is derived from Sec. 314 of the Congressional Budget Act and Sec. 221(c) of H. Con. Res. 83.

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STATEMENT OF FY2004 ADVANCE APPROPRIATIONS UNDER SECTION 301 OF H. CON. RES. 353

Interior Subcommittee: Elk Hills (89 5428 02 271).
Labor, Health and Human Services, Education Subcommittee: Employment and Training Administration (16 0900 01 501); Education for the Disadvantaged (91 0900 01 501); School Improvement (91 1000 01 501); Children and Family Services (head start) (75 1586 01 506); Special Education (91 0900 01 501); and Vocational and Adult Education (91 0400 01 501).

Transportation Subcommittee: Transportation (highways; transit; Farley Bldg.). Treasury, General Government Subcommittee: Payment to Postal Service (18 1001 01 372).
Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals (86 0510 01 604).

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

(Mr. SCHIFF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

82ND AIRBORNE BIRTHDAY AND MEMORIAL DAY

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from North Carolina (Mr. HAYES) is recognized for 5 minutes.
Mr. HAYES. Mr. Speaker, this week, an incredibly brave fighting force will mark its 86th birthday. This fighting unit is the 82nd Airborne Division, which is based at Fort Bragg, North Carolina. As the U.S. Congressman for the Eighth District of North Carolina, I am honored to represent these troops and the many others that serve in the Eighth District in North Carolina.

In 1917, the 82nd was designated as an infantry division, but became airborne in World War II. As the United States first airborne unit, they have been serving with this distinction ever since.

One of the most impressive aspects of the 82nd is their rapid response ability. They can be packed and en route and ready for battle within 18 hours of being called up to duty. I have met with members of the 82nd and seen them in action during their training exercises. If you have any doubt, let me assure you, you want these guys on your side.

We live in an uncertain world, a world made even more uncertain by the tragic events of September 11. But in this uncertainty, there are a couple of things we can count on. One is when the Commander in Chief calls, the men and women of the 82nd Airborne Division are ready to answer that call.

Throughout the storied history of the 82nd Airborne Division, brave young patriots have stood in the breach and sacrificed anything necessary to defend freedom throughout the world. They have served in major wars to defend our country, but became airborne in Qatar. The 145th Air Wing of the North Carolina National Guard, based out of Charlotte, has been flying over the skies of Afghanistan. The 211th Military Police Unit has been helping to guard prisoners in Afghanistan awaiting transfer to Guantanamo. The 233rd Combat Communications Squadron has recently returned to Stanley County after serving in Qatar.

While we are on the subject of the Eighth District military personnel who are serving with distinction, I should also note that Andrea Quillen was recently named as Airman of the Year. While Airman Quillen is currently serving in South Carolina, she is a native of Fayetteville, and another reason we recognize our North Carolina military pride.

Since 1988, when Memorial Day was first established, more than half a million soldiers have died in the course of serving in major wars to defend our freedom. This Memorial Day, May 27, at 3 p.m., the President is encouraging all Americans to take a moment to remember the men and women of our armed forces who have made the ultimate sacrifice for the liberty that we cherish. I encourage you all to remember these troops and their families in your daily prayers. I think we can all agree that this is more important than ever before as Memorial Day 2002 approaches. Next time you see a soldier, sailor, airman, or Marine, tell him or her thank you for their service. If the individual is a member of the 82nd, you might want to add “G.I. gravy, G.I. corn, sure am glad that I’m airborne.”

WORLD BANK PLANS MORE LOANS TO IRAN

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, yesterday evening I came to the floor to bring up a subject that has gotten far less attention than it deserves. And that is the plan of the World Bank, an organization funded substantially with your tax dollars in mind, to lend up to $755 million to the Islamic Republic of Iran.

Last night I put into the RECORD of this House an article that was published by the Dow Jones International News that reviewed the facts, and I would like to review that article with you tonight, along with some additional commentary.

The article begins: “The World Bank underdetered by President George W. Bush’s condemnation of Iran as part of the axis of evil, undeterred by the fact that it is arming itself to threaten a peaceful world, the World Bank is pressing ahead with a plan that would provide as much as $755 million in loans to that government over the next 2 years.”

Mr. Speaker, there are a few apologists for the government in Iran who note that there are reformers who play front roles, a president of Iran who exerts no power, it is almost an honorary position, who claims to have different views than those actually carried out by the government. But the reports of the American State Department say that reformers have been silenced, that there are public executions, public floggings which increased last year. And just on Monday the State Department announced that Iran is the number one governmental sponsor of terrorism.

Now, in January President Bush identified Iran as a key threat to American security. But as he was doing that, a team of bank directors from the World Bank returned from a visit to Tehran, and they made a clear recommendation to the bank, “Deeper and faster involvement is justified.” That is the quotation attributed to Jean-Louis Sarbib, the bank’s vice president for Middle Eastern and North African affairs.

Now, the bank staff is reported by the Dow Jones International News to be planning first a loan of $150 million by the end of this year, and then as an element of a tentative plan, endorsed already by the bank’s board of directors, the bank would proceed with up to $755 million to Iran in fiscal years 2002 and 2003.

Now, keep in mind the United States contributes 29 percent of the World Bank’s capital. We are given only 16 percent of the World’s votes. But do not believe that our 16 percent of votes will be sufficient to block this loan, because 2 years ago the World Bank over America’s strenuous objections loaned $232 million to Iran. And let us not believe that this is just for humanitarian purposes. Because as the article continues, and I am quoted in the article as saying, and I think I said it right, “The government of Iran will engage in the minimum domestic expenditures necessary to cling to power. Whatever it is, either they pour it on for terrorism and nuclear weapons.” When the World Bank finances those minimum amounts of expenditure that the Iranian Government needs to hold on to power, it is freeing up oil revenues for terrorism and for a nuclear weapons program. It will certainly not be sufficient for us to do business as usual and to simply vote against these loans.

That is why, Mr. Speaker, I hope that others will join me in crafting legislation that I am working on now and will present to this House just as soon as we return from Memorial Day. And under that legislation we would draw a line in the sand and tell the World Bank...
that if they approve any additional loans to Iraq that no additional American money would be given to that bank.

We are planning to give them $877 million. We should not give them a penny after any day when they approve a loan to Iran.

TRANSFER OF CHINESE MISSILE TECHNOLOGY TO PAKISTAN

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 would like to take the opportunity on the House floor this evening to express my concerns regarding the continued transfer of missile technology from China to Pakistan. The Bush administration has reported that the transfer of this highly sensitive information persists even today.

Mr. Speaker, in May 1996, China pledged to not provide technological assistance to nuclear facilities in countries such as Pakistan, where such facilities are not safeguarded. However, Chinese authorities did not effectively ban technology transfers which continued to take place after May of 1996.

In November 2000, China entered into an agreement with the Clinton administration that prohibited China from transferring missiles or missile technology to specifically Pakistan. Apparently, missile technology transfers continued even after this specific prohibition.

Mr. Speaker, what concerns me is that John R. Bolton, Undersecretary of State for Arms Control and Security, has said that the Bush administration’s policy on the illegal export of missile technology from China to Pakistan has not changed since the Clinton administration, which on November 21, 2000, imposed sanctions on Pakistan for engaging in missile technology proliferation activities with China. But from my understanding, the Bush administration has already waived substantially all of the missile technology control regime sanctions previously imposed against Pakistan citing the authority of S. 1465, which provided the President with increased flexibility in the exercise of his waiver authority with respect to Pakistan.

I am extremely disappointed that the Bush administration would publicize that its policy has not changed since the Clinton administration, even though the opposite is true and that the Clinton prohibition was recently waived under President Bush’s authority.

In addition, I cannot emphasize strongly enough how important it is that missile technology transfers from China to Pakistan be terminated. The current political situation in Pakistan is extremely unstable and it is now given their military dictator Musharraf’s standing as president and the escalating conflict in Kashmir. Further, there are reports that Osama bin Laden, members of Al-Qaeda and the Taliban may have shifted into Pakistan. Bin Laden has been known to confer with nuclear scientists in the past and it is imperative that no further missile or nuclear technology information be filtered into Pakistan for fear of the information getting into deadly hands.

Mr. Speaker, the administration has the authority to reauthorize the prohibition of November 2000 that mandates China not to transfer missile technology to Pakistan. This is a matter of not only security in the South Asia region, but is a national security concern as well. Reinstating this prohibition is the only means to ensure that the continued transfer of information will be terminated and that China will in fact put in place punitive measures towards companies that continue to attempt to provide information to China. Therefore, I respectfully request that you use your authority to reauthorize the prohibition on missile technology transfers from China to Pakistan.

Thank you for your consideration.

Sincerely,
FRANK PALLONE, Jr.

Mr. Speaker, this is a matter of not only security in the South Asia region but is a national security concern as well.

Reinstating this prohibition is the only means to ensure that the transfer of information will be terminated and that China will, in fact, put in place punitive measures towards companies that continue to attempt to provide information illegally to Pakistan.

SUPPLEMENTAL APPROPRIATIONS 2002 IS NOT FISCALLY RESPONSIBLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. BLUMENAUER) is recognized for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, even though the hour is late, I appreciate your courtesy.

Mr. Speaker, we have heard on the floor this evening why the supplemental appropriations bill before us is not fiscally responsible. We have heard how we are not having an honest vote or even vigorous debate on key issues like raising the debt ceiling and what we are going to do with Social Security.

People who have listened to the debate so far this evening have heard how this bill is setting the stage to surreptitiously increase the debt limit. Remember a year ago, the administration predicted we would not need a debt limit increase until the year 2008. Now after $4 trillion has disappeared from the expected surpluses, now we are going to continue to increase the Nation’s debt instead of honestly assessing proposals dealing with the ongoing tax cuts and domestic spending program.

We have heard how all the funds that are available for the debt limit increase must come directly from Social Security and Medicare trust funds. And we have heard that the interest payments on this mounting debt are estimated to increase over $1 trillion over the next decade above what was projected just a year ago.

But, Mr. Speaker, I am most concerned and it is something that is going to be buried in terms of legislative consideration, about the signal that Congress is sending by its efforts to legislate in the supplemental appropriations found in areas dealing with the environmental policies of this
country. There will be a proposal that we will have buried in this provision that would exempt the Department of Defense from environmental regulations having to do with water consumption on the immediate adjacency of the properties under control of the Secretary of Defense, but nonetheless directly affected by it.

I find it sad, because I have long argued on this floor and in communities around the country, that the most effective way to enhance the environment is not passing new rules and regulations, but rather the most successful tooling to protect the environment is for the Federal Government to simply lead by example, to model the behavior that we expect from the rest of America.

Here we have a provision that would exempt the largest manager of infrastructure in the world, and one, sadly, with a decidedly mixed environmental record, from compliance with its environmental responsibilities. The latest count shows that there are about 150 Department of Defense facilities in the United States. The last thing we want to do is to grant this important Federal agency vast environmental impact, sweeping exemption from environmental laws, at least without going through the appropriate legislative process involving the stakeholders having an honest debate with the American public. Yet that is exactly what we are given under this supplemental.

The exemption provision in this bill would not only do irreparable damage to an important eco-system in Arizona, and but also the purpose of this amendment, to deal with the San Pedro River which is slowly being dewatered because of the impacts of the Department of Defense, but this sets a terrible precedent for the effects of the Department of Defense actions on the environment around the country.

Now, I would be the first to admit on occasion there must be accelerated decisions, shortcuts that are necessary for the sake of military necessity. We do not do an environmental impact statement for every bomb we drop, nor should we. However, it is embarrassing that what we are doing today with this provision is to relieve a Department of responsibility for its foreseeable environmental impacts which are under the control of the Department.

The amendment is unwarranted and at the very least premature. Even the Government Accounting Office says the Department of Defense has not done the research and investigation necessary to determine whether such an exemption is justified.

Mr. Speaker, it is yet another example why this House should reject the supplemental appropriation that is coming before us.

RAISING THE DEBT CEILING

The SPEAKER pro tempore (Mr. Issa). Under a previous order of the House, the gentleman from Texas (Mr. Turner) is recognized for 5 minutes.

Mr. TURNER. Mr. Speaker, tonight the House began the debate on the supplemental appropriations bill, a bill that funds the war on terrorism and makes sure that our troops in the field have the necessary equipment and tools they need to win this war. Every Member of this House supports funding the war on terrorism. That is not what the debate was about tonight nor will it be what the debate is about tomorrow, as we continue to debate this supplemental.

The debate tonight was about a provision of the bill that the Republican leadership put in there that would allow an unlimited increase in the statutory debt ceiling. The statutory debt ceiling is a law that provides the maximum amount that our Federal Government can go into debt. It is one of the few tools that we have to promote fiscal responsibility and require fiscal discipline in the Government.

The Democrats tonight stood up to tell the American people that we deserve to have an honest and open debate regarding this very critical issue. If we increase the national debt limit by $750 billion, the Secretary O'Neill has requested, we will be giving this Congress a blank check for uncontrolled spending for ever-increasing debt and for deficits.

It is wrong for us to ask the young men and women in uniform who are sacrificing tonight to fight this war against terrorism to be the very generation that comes home and pays the bills for this war.

The fundamental question before the House tonight was who is going to pay the bill for this war on terrorism. Are we going to say to the young men and women in uniform, we will let them fight the war and then when they come home and when they are in their good income-earning years they can pay the debt for the war that they fought?

Democrats believe that is wrong. We believe it is wrong to hide an increase in the debt ceiling in this very important supplemental appropriation bill. We must not use the Social Security trust fund, the American people's retirement fund, to pay for this war. We must not ask that we borrow money from the public to pay for this war. We believe that it is our responsibility today to pay for this war.

The patriotic thing to do as Americans is to be willing to sacrifice along with the men and women in uniform, and the sacrifice that we must pay is we must be willing to pay the bill.

At your home, in your business and mine, we understand what it means to balance the budget. We understand that when changed economic circumstances lower our income, that we have to make adjustments in our budget. We have to cut our spending, and if we need to borrow money, we establish a plan to pay it back. It should be no different in Washington. In Washington we also should pay the American people's bill.

Every Member of this Congress recognizes that the debt ceiling must be raised. In fact, as we speak tonight, Secretary O'Neill is using unusual emergency measures to keep the Federal Government from defaulting on its obligations, by using the retirement funds of Federal employees to prevent a default in Federal obligations.

Even after using every trick in the bag, the tricks will run out by the end of June and the debt ceiling must be raised, but Democrats believe that when we raise the debt ceiling we need to do that in a bipartisan way and those have been rejected.

In the first 7 months of this fiscal year, the Federal deficit is $65.5 billion. To give my colleagues a picture of how things have changed in Washington, if we go back just 1 year and look at what the budget looked like in the first 7 months of the last fiscal year, we had a surplus of $165 billion. After having 4 years of deficits in the Federal budget, we are back into deficit spending, and we need a plan to get us back on the road to fiscal responsibility.

Our failure to balance the budget means that we are going to be using the Social Security trust fund to finance this war. That is wrong, and Democrats want a plan to get us back on the right track.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. Brown) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I rise to support the Motion to Reconsider. I rise to support the Motion to Reconsider the vote that we had in here today. The Motion to Reconsider was in order for those Members who were not present in this room when the vote took place and who wish to return to the floor to vote on matters that were pending.

Mr. Speaker, it is yet another example why this House should reject the supplemental appropriation that is coming before us.

CELEBRATING TWO GREAT EVENTS OF HUMAN ACHIEVEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. Inslee) is recognized for 5 minutes.

Mr. INSLEE. Mr. Speaker, I come to this House today to celebrate 2 great events of human achievement that are both adjoined that we recently experienced, and those achievements are surrounding a fellow named Eric Lindberg.
Charles Lindbergh's grandfather was Charles Lindbergh, and on May 1 this year, Eric took off from New York in his plane called the New Spirit of St. Louis, a Lancair Columbia 300, and flying alone, in about 19 hours landed, as his grandfather did, at Le Bourget Airport in Paris. A significant event of human achievement, as was his grandfather, Charles Lindberg's, when he took off in his Ryan X-N-211 and landed in Le Bourget for the first time.

This is something our Nation appropriately honors Eric for, his achievement in honoring his grandfather, in making a solo crossing of the North Atlantic in a single engine plane, and for that we honor Eric. We honor his spirit. We honor his achievement, but that is really only part of his story of human achievement, and it is only part of the reason that he flew across the North Atlantic.

Before age 21, and Eric is now 37, Eric started to develop rheumatoid arthritis that pretty well stave him in. It got so bad that a few years ago he really could not work or fly consistently. He had two artificial knee replacements that were having real significant problems, but he had some neighbors in the Puget Sound area working for a company called Immunex and those neighbors at the Immunex Corporation, who are now working with the Amgen Group, were working on a product they wanted to develop to help people with rheumatoid arthritis.

About after $350 million of investment and thousands and thousands of man-hours of a lot of my constituents, some who live on Bainbridge Island where I live, they developed a product called Enbrel. It is a self-injected product. It is what is called a TNF inhibitor. It is a man-made protein, and it works with the immune system to reduce the symptoms associated with rheumatoid arthritis.

About 2 years ago, Eric started to take Embro, and within 2 weeks he noticed a very significant change in his take Embro, and within 2 weeks he no-tated with rheumatoid arthritis. It is a man-made protein, and it works with the immune system to reduce the symptoms associated with rheumatoid arthritis. It is what is called a TNF inhibitor.

Eric started to develop rheumatoid arthritis that pretty well stave him in. It got so bad that a few years ago he really could not work or fly consistently. He had two artificial knee replacements that were having real significant problems, but he had some neighbors in the Puget Sound area working for a company called Immunex and those neighbors at the Immunex Corporation, who are now working with the Amgen Group, were working on a product they wanted to develop to help people with rheumatoid arthritis.

After about $350 million of investment and thousands and thousands of man-hours of a lot of my constituents, some who live on Bainbridge Island where I live, they developed a product called Enbrel. It is a self-injected product. It is what is called a TNF inhibitor. It is a man-made protein, and it works with the immune system to reduce the symptoms associated with rheumatoid arthritis.

Abou...
It, in effect, increases our likelihood as a Federal Government of leaving no child behind, a theme that is emblematic of the President’s vision for education and is further amplified by this proposal of education tax credits.

So at the end of that conversation, we renewed our vows together to promote education choice, and this is what the President said. He said, “We have to do this.” That was August 14, 2001. And so these words have really inspired me to push hard in this Congress for education tax credits, and I am proud to say that as a result of the President’s commitment that day, August 14, 2001, to support our efforts here in the House to move an education tax credit bill, our leadership here, our Speaker, our majority leader, our majority whip, and others, the chairman of our Committee on Education and the Workforce, and the chairman of our Committee on Ways and Means which deals with tax policy, have rallied around these words: “We have to do this.”

That is not a statement of intentions with respect to just manipulating the Tax Code or doing something that we believe is important for improving schools. We do this here because we really have changed the debate here in Washington and have led this country to a dramatic departure over where the education debate has led us over the previous 8 years, those years prior to President Bush taking office. And what I mean by that is that for 8 years, and really many, many years before that, the debates in this House with respect to education centered on the relationship between schools or school buildings, which ultimately came down to a debate and an argument over who owns these schools. So anything that was proposed in Washington or even in the 50 States that would help children who do not attend the government-owned monopoly system was summarily dismissed by the education establishment here in Washington. And it is a large establishment, let me assure you.

But we are moving beyond all that by beginning to focus on children. And when we do that, if we focus on children first, one can only really come to this conclusion that when it comes to school choice and education tax credits, just as our President said, we have to do this. It is important to understand that the funding in America works today because it is a mammoth bureaucracy that funnels cash to children, and it does so in a very inefficient way.

This chart is really a description of the American education system managed by our government. This little guy at the top here is a carpenter and is representative of hardworking taxpayers around the country. They work hard to earn a living, and the government confiscates a certain portion of their paycheck as this tax. And these wages, or a portion of the wages, if you live in Colorado, are sent to Utah, from Utah they are sent to Washington, D.C., and they are collected by our Treasury Department. The Treasury Department, we find here, are the first to get their hands on the taxpayers’ cash. They distribute these funds based on rules that are established by those of here in Congress, and these funds are distributed through a variety of programs in the U.S. Department of Education.

There are some 760 different Federal education programs, and that number has grown over time regardless of whether Republicans or Democrats are in charge of our government. This little Department of Education grows at exponential proportions. So we just keep enacting program after program after program with the expectation and the lofty hope that these programs will help children.

Well, these funds then are distributed through these 760 Federal programs down to the States, typically. Sometimes directly to school districts, but in most cases, to the State level. It is a Federalism that is really built on a designed basis. I mean, we make these decisions here in Washington, D.C., and more politicians, State legislators, redistribute those dollars and mingle them with State funds, and those are distributed through 50 State Departments of Education. Once those funds are distributed through the 50 State Departments of Education, through their several programs, those dollars are given to school districts. Once those dollars go to school districts, there are more politicians who are in charge of redistributing those funds, elected school board members. Those elected school board members redistribute those dollars way down here to schools in the district. Those schools are managed, of course, by principals and other administrators, finance people, and business managers. Those dollars get to classrooms and teachers distribute those funds on supplies and books and computers, depending on the perceived needs and priorities set by teachers. And eventually, way down here at the bottom, is the child, who we all say we care about.

The tragedy is, in order for this taxpayer to get his money to that child through the government-owned education system, it is necessary to funnel the dollars all the way through this process. It is a long, cumbersome process, and it is established on a centrally designed basis. I mean, we make these decisions here in Washington, D.C., and we attach strings and red tape to these education funds, and more strings and red tape are attached at the State level, and more restrictions are placed on these dollars at the local level.

So by the time the taxpayer’s money gets to the child, what little is left of those dollars is really bound up in all these rules and regulations. And often, the further away we get from Washington, D.C., the less likely these dollars are spent in a way that helps the child. So what we are trying to accomplish here is to find a mechanism to bypass all of this.

Now, we cannot replace it. We have tried that. We have tried to shrink the size of this bureaucracy, to reduce the red tape, to reduce the rules, to reduce the regulations, to reduce the number of programs. But I concede that it is such a big task. The politics of education are some of the most vicious in America. The special interest groups involved with education are very different agencies are so dramatic and so powerful, they hire lobbyists and so on, and their goal really is to protect the system. The child down at the bottom and the taxpayer here up at the top set the playing field.

So we are going to concede that this system, regardless of who is in charge of the government, is going to grow; and so we are not going to touch this. In fact, we are just resigned to the reality that this is going to continue to get more funding because people are comfortable with this in Washington, and we want to find a way to get around that.

Mr. Speaker, I would like to now yield to my colleague from Michigan, because he has the description of our answer to this.

Mr. HOEKSTRA. Well, Mr. Speaker, I think the other thing I want to reinforce with the chart my colleague was developing is that that system not only exists for education, but we had a remarkable display of how powerful the system is last week when we tried to put more flexibility into the welfare system.

We were going to just move some control within that pyramid, moving control from Health and Human Services in Washington and actually moving some of the decision-making for how the money would be spent down to the State level, to help those people who need help by having decisions made as close to them as possible. And some folks just about shut down the House on the welfare reform debate because they said no way are we going to make those decisions from Washington to nowhere else in this pyramid. Heaven forbid we move it closer to the people that actually would understand the kinds of concerns and the issues that people on welfare would have in their local State.

But we do have a proposal, a solution. The first thing that it does is it allows for more money to go into education. So we are not talking about taking some of the money that goes through that system and taking it out of it and redistributing it. As my colleague indicated, that is a sacred cow.

Mr. SCHAFFER. It is sure. Mr. HOEKSTRA. That money is going to stay there. Matter of fact, it has been growing rapidly. It will probably continue to grow at a pace that is higher than the rate of inflation. And as my colleague well knows, as we have worked together on the subcommittee dealing with oversight on the Committee on Education and the Workforce, the folks at the Department of Education here in Washington, who get $40 billion per year, could not even get a clean...
Today, it was kind of exciting. You know we talk about some of the kids that we have the opportunity to meet in our jobs. Today, we had a young man from Jenison, Michigan, Calvin McCarter, 4-foot-6, 10-year-old Calvin McCarter, who won the geographic bee today. We were able to look at that globe and identify places that some of us did not even know existed.

He is 10 years old. He is in the fifth grade. He was competing against eighth graders, up to eighth graders. He won the national geographic bee. His parents have chosen to home school him. So here is a home schooler. It is not costing the government any money to educate him. And his parents cannot receive any kind of a financial break to provide the resources and the materials that they would like to use to educate their child who are doing a great job. Congratulations to Calvin, to his parents, to his older brother who I guess was his first geography teacher, but just an absolute testimony to the diversity of education models, all over America today. We have got great public schools. We have great private and parochial schools. We also have a growing number of parents and adults who are choosing home schooling. What this system does is provide some kind of an accountability to the education dollars that we have. We return from our Memorial Day, and then once they spend the money at the local level, they have got to go back up the reporting chain to tell everybody that the thing we got the money for, that is what we actually spent it for. Of course then again the Federal Government will not believe them, so then we will send an auditor back to make sure the reports they sent back to us are exactly right. That is an inefficient model; but as we have said, that model is going to stay. This poster here that is represented in this poster, the accountability becomes the accountability directly between a local school, a scholarship fund and the taxpayer.

So for this individual who is very pleased or has been convinced that his local public school needs some help, writes them the check and finds out 6 months later or 9 months later that they have taken his money and that this fund they have put it in, they have spent. And then once they spend the money, they have got to go back up the chain to tell everybody that the thing we got the money for, that is what we actually spent it for. Of course then again the Federal Government will not believe them, so then we will send an auditor back to make sure the reports they sent back to us are exactly right. That is an inefficient model; but as we have said, that model is going to stay.

The beauty of this from the government's perspective is how we stretch the dollars. When we spend a dollar through the bureaucratic model of education funding, again this is a $40-billion-a-year exercise in Washington. When we spend those $40 billion, only about two-thirds of those dollars ever make it to a child. The rest are lost in here somewhere. So we lose money investing through this system. The children are important, so we invest a lot because we know we are going to lose money, we want to make sure that of the $40 billion that we invest, that some fraction of that makes it down to the child.

The education tax credit does just the opposite, because it is only a 10 percent tax credit. Let us be frank, it would be nice if it were a bigger tax credit, but 50 percent is what we built our budget this year, which means for every dollar the government invests in education, every dollar we spend through this tax credit, two dollars end up going to a child somewhere in America.

Mr. HOEKSTRA. Really, we get three times the bang for our buck. Because when it goes through the system, it ends up with 60 cents. When you go with the tax credit model, you end up with $2 in your local classroom. Three times the 60, 65 cents, gets you to the two bucks. This is more effective way to invest in education.

The other thing is the model of the pyramid that you are outlining; there is a tremendous amount of accountability in there. Because when we give parents their money back, we do not trust them to do exactly what they are supposed to do so we put together a whole set of rules and regulations telling these folks exactly how the money should be spent. And then once they spend the money at the local level, they have got to go back up the chain to tell everybody that the thing we got the money for, that is what we actually spent it for. Of course then again the Federal Government will not believe them, so then we will send an auditor back to make sure the reports they sent back to us are exactly right. That is an inefficient model; but as we have said, that model is going to stay.

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every single State. They choose a sample of them, and they sample a certain handful of programs. The States sample programs through the State departments and the schools.

So what happens is only a portion of the money really goes to accounts that we really make sure those dollars reach a student. And even though it is a sample, it is still a nightmare for people involved in a system, especially the lower down this food chain you go. The principals at these schools, my goodness, they have got auditors and people coming in all the time from all these different levels of government to try to make sure the money is spent right, but even that is just a sample.

But with tax credits, the auditing is not a sample, it is not a fraction, it is not just a portion of the dollar spent. It is 100 percent when it comes to the dollars spent. The reason is because rather than one agency spending cash, one body of politicians, the Congress, spending the money, 50 State Governors and legislators, we magnify the accountability by tens of thousands.

Mr. HOEKSTRA. The beauty of this system is that I believe it is probably wrong because I said if a local public school squandered that money and does not use it wisely, they will not get the check the next time. I think what would happen, I think what we want to happen, is because of the close connection that our public schools have to their communities, that when they get these dollars for a specific cause, such as in my hometown they want to rebuild or renovate the performing arts center, I think they could raise the money for it through this process, both through corporate and private gifts. I think they would do a whale of a job working with our local contractors to have that thing come in on budget, we would end up with a beautiful building, it would be great for the kids and maybe the next year if they do not have something or maybe in 2 years they have got another need, they will go back to our community and when the community sees the investment that they are making in our kids, that they are spending the money wisely, these people will ante up again and they will give them a check the second time.

Mr. SCHAFFER. What you see here in these 6 States now through the bureaucratic model is the schools that are the worst failures, they get more cash. In fact the worse they do the more money they get, it seems like. This is a terrible model. The reinforcement ought to be just the opposite in my mind. We ought to be rewarding success. Because teachers and principals, administrators, even in the most challenged inner city schools, they can do a good job and they do from time to time. But what happens is when you collect those collection of leaders in a community that are helping the most needy children, they are treated just as all of the others that are not doing a good job. This tax credit model really serves to reinforce those schools that are doing a good job. In fact, the way we have written it, it targets the children who need the help the most, the poorest in America.

Mr. HOEKSTRA. It is exactly what we are finding at the State level. The important thing here at the State level, it shows the tremendous commitment that the American people have to education. Because there is significant money flowing, new money flowing through this model, only the ones who are doing a tremendous amount of public good are going to help some child out somewhere else in the State, and they may or may not ever know the name of that child. But they know it is an investment to make sure that we do not leave a single child behind in education. Because I think that is kind of a common goal that we have in America. When you take a look at the tax credit model, this money is flowing to all of our kids. It is not just going into certain pockets within the State. There is a tremendous amount of choice. The way we have written it is a tremendous amount of interest in making sure that every child has the opportunity to get a good education. And for those kids that are locked into schools where there is a high level of violence or where there is drugs or where there is crime, these kids are the ones that may be applying for a scholarship.

One of the things we like to say is the only thing that a child should be afraid of when they go to school is the thing they are learning. The other side of the debate is that people are afraid of what they are going to have. No child should be forced to go to any school where they feel threatened or where there are drugs in the school or where they believe that they are in an unsafe environment. Because we know that kids cannot learn in an unsafe or insecure environment.

Again, what is happening in the States that have these plans in place, dollars are flowing into scholarships that are intended to help those kinds of kids.

Mr. SCHAFFER. The proof is right here in Arizona. There are 6 States that have enacted tax credit plans that are similar to what we have proposed for the whole country, and they are tax credits on State taxes that taxpayers pay in those States. This is one study that was done by two researchers, Carrie Lips and Jennifer Jacoby, of the Arizona plan. It is the first plan and it is the one that has the greatest track record.

Between 1998, its first year, and the year 2000, this tax credit in Arizona generated $32 million, Mr. Speaker, in new money for Arizona school children. Not only did it generate new money, these are dollars that did not come from the Arizona public schools.

Mr. HOEKSTRA. This is people voluntarily writing a check to their local school district and saying; here, I will take the tax credit, Arizona is 100 percent tax credit. But, again, it is new money, and people are willing to let the schools decide where that money is going to be spent, rather than them spending it on their own discretionary items.

Mr. SCHAFFER. Thirty-two million new dollars in the State of Arizona as this program got up and running between 1998 and 2000. There are more than 30 scholarship organizations that sprung up as a result of this tax credit bill, and those scholarship organizations made it possible for 19,000 students to receive scholarships and go to the schools that they chose, not the
schools that the government told them they have to go to or schools not meeting their needs. Instead, these 19,000 students went to schools that they picked, that their parents selected, based on what was most suitable for their children, for a change, rather than to the country, and they generate bipartisan support. That is certainly true in Arizona. It has been studied over and again. It is also true in Pennsylvania, Florida, Illinois, in a handful of other States that have enacted similar legislation. Minnesota, Iowa. Those are the 6.

These tax credit proposals have been attempted in over 30 States throughout the country, they generate bipartisan support. When we start talking about children, for a change, rather than who wins or loses in the battle over the support for the mighty teachers union, or the administrators’ association, when we ignore all that nonsense and the political benefits of appeasing those groups, and instead focus on trying to help children, as Arizona has done, this is something both parties and both sides of the aisle can rally around. We have seen that in all the States.

Mr. HOEKSTRA. My colleague brings out a critical point. When we are dealing with the funnel, starting with the Federal bureaucracy and running through the Department of Education, running through the States, running through the State Department of Education, what happens is we end up focusing more on the process, the bureaucratic process, than we do on the child. At the end of the process, and making sure that that child gets the results.

My colleague knows the debates that we go through here. We come up and say, what is the funding formula? What State is going to get what? If you identify a higher number of kids as having disabilities with learning, you get more money. So you actually create sometimes an incentive to label kids in certain ways. And if you label them in certain ways, you get more money, and if you label them in different ways, you get less money. You have got to keep score of what kids fall in what box.

You go through that whole process, and at the end of the day you spend so much time and energy on the process, the formula, the rules and the regulations, you lose sight of the child at the end of the process, and the tax credit model is very, very simple.

Mr. SCHAFER. The scenario you just described, my colleague, is one that is done in the United States of America every day. It is literally disgusting sometimes when we start talking about school funding through the bureaucratic model.

What happens is somebody will offer an amendment in the committee to change some aspect of the finance mechanism, and the staff hands out computer printouts and graph and how this change will affect the different States and the different programs in each of these States, and every Member of Congress that serves on these committees, as the person who offers the amendment is speaking, we are all shuffling through the graph trying to follow the line. In the State of Colorado does this amendment give my State more money or take money away? That is the basis for the vote. But the kid does not matter. There are no names of children associated with that. There are no faces associated with that. It is just accounting.

Mr. HOEKSTRA. We try to figure out why the student in Colorado gets maybe $650, or the State gets $650 per child, and Michigan gets $635, and some other State maybe gets $675. It is how did this all happen and why does one State get more? We go through this debate.

Then you get the large States coming together to pass an amendment to make sure that the large States with large urban areas, well, we deserve more. Then the rural States try to come together, but they do not have as many votes, because all of Montana has one Representative, so it is pretty hard for them to come out and say even though the cost of education may be more there, it is kind of like, you know, you collect this money and this bureaucratic process tries to reallocate it in somewhat of a fair model. But it is based on political clout, seniority within the system, and the whole debate takes place, focused on the process, forgetting about where the money came from, from the taxpayer, and forgetting about who we are trying to help, the child. The SPEAKER pro tempore (Mr. ISSA). The Chair would advise the gentleman from Colorado (Mr. SCHAFER) that he may have up to 20 minutes longer because of the absence of a minority representative at this time. Does the gentleman mean to yield?

Mr. SCHAFER. Mr. Speaker, if there is no objection, we would claim the remainder of my time.

Mr. HOEKSTRA. Mr. Speaker, if my colleague yields I will yield. I just want to go to a different subject for a couple of minutes, and I thank the gentleman for yielding.

I just want to focus on something that I think the gentleman from Colorado and I are both very concerned about as being members of the Committee on Education and the Workforce, but it is also the Committee on Education and the Workforce, so we do a lot of work on oversight and business practices and those types of things.

A few months ago we were all exposed to the flasco at Enron, and then I could not help but to take a look, just with amazement, taking a look at the front page of the Washington Post on Tuesday. Here is what is happening in our business community today. We have a large energy company in Michigan that was doing round-tripping. What is round-tripping? You sell energy to somebody and you buy it back immediately for the same price that you sold it to them for, and all it basically does is it allows you to escalate your trading activity. The comment was, no harm, no foul. It is as if of like, no harm no foul, but no benefit, so if there is no benefit and it did not hurt anyone, why would you even do it? But they did it, and for one of their trading units, it was almost 80 percent of their business. I think that is very questionable.

But then we get to the front page of this business section on Tuesday. Headline: “Ernst & Young ties decline improper.” And I think this has to do with the accounting firms doing both accounting and consulting. The comment was, no harm, no foul. It is as if of like, no harm no foul, but no benefit, so if there is no benefit and it did not hurt anyone, why would you even do it? But they did it, and for one of their trading units, it was almost 80 percent of their business. I think that is very questionable.

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But then we get to the front page of this business section on Tuesday. Headline: “Ernst & Young ties decline improper.” And I think this has to do with the accounting firms doing both accounting and consulting. Then we go down to the follow-on story, the Enron saga, “Anderson tape shows order to clean files.” And then here is another one, “Former software executives charged.”

Mr. Speaker, so much of our business system and the free market system is based on trust, that the numbers that we get that represent, that have been based on trust, that the numbers that we get that represent, that have been based on trust, we that we trust that the auditors in the company have given us accurate information by which we can make decisions. The buying and selling of bonds and companies going public, they have to be to a certain integrity in the process. The reason I bring this up is that I think that these are very disturbing trends.

Mr. SCHAFER. They sure are.

Mr. HOEKSTRA. The other reason that I bring it up is I was with a group of business people on Monday, and we both know how business people complain about rules and regulations. They
Mr. HOEKSTRA. I think what will happen in the business world is that individuals drive the business community, and when the entrepreneurs that have made America great, they are the minority, they are grabbing headlines, but they threaten and imperil the very future of the capitalist system by these kinds of abuses.

Mr. SCHAFFER. Mr. Speaker, it ultimately comes down to the American citizens themselves and the importance of having an American electorate that is economically literate is absolutely essential and it has been for all of the years of our Nation’s history. Because the reality is we here in Congress can hold all the hearings, we can make all the tough speeches like I am doing right now, and it will not make one bit of difference if Americans continue to invest in companies that are, in fact, scams. It will make not one bit of difference unless there is a moral outrage among the American electorate based on their understanding of the need to preserve a capitalist society.

That maybe gets us back to this education issue again, because this country cannot afford to see more children graduating from schools who are indifferent to the functioning of the American economy and do not see any cause for moral outrage when they see, when they see a real estate firm that is composed of generally honest, hard-working, conscientious business leaders against the absolute scoundrels of American commerce who are really spoiling it for everyone else.

We need to start making consumer choices, investment choices, so companies like the ones you just cited are in the business of deception in order to pad the profits of CEOs are out of business and are shut down, and cease to exist in America.

We cannot do it alone in Congress. We will certainly try if it comes to that, but it is not empowering parents or local communities in the way that the President articulated in his “leave no child behind” vision, saying that we are going to improve that system, but at the same time, we are going to empower parents and we are going to put more money into the system.

What the tax credits really do is they fill out the President’s total agenda on education that he outlined in the year 2000.

Mr. SCHAFFER. The national testing and the accountability measures in and of themselves, and standing alone, cannot reform schools. They were never proposed or it was never promised that that would be the case. These are diagnostic tools that are important, and can only be useful if there is some consequence associated with it.

As that bill passed, it was simply a national testing mechanism. If it has some mandates in it that are going to force States to get into conformity with this new national mandate, then there is some expansion of some Federal programs, but government, government cannot ever be trusted to fix America’s schools. Government can be a use money into the system.

We are going to leave the bureaucratic model in place, allowing a significant portion of money to flow through the bureaucratic process, but what we want to do is open up some level of entrepreneurship in a strengthening of the relationship between educators at the local level and the communities that they serve so they can raise money at the local level for the special needs that communities, those schools, and those kids have.

I am very excited about that. I am also excited about the pland that the gentleman holds up where the President says that we need to do this, because it is very much the complement to H.R. 1 that we passed last year.

The gentleman and I were not all that pleased with H.R. 1. We embraced the concept of the first part, but as the bill went through the process, we found out how powerful the bureaucratic process was. That is where much of the emphasis of H.R. 1 ended up being.

H.R. 1 ends up cleaning up that process, putting more accountability into it, but not empowering parents or local communities in the way that the President articulated in his “leave no child behind” vision, saying that we are going to improve that system, but at the same time, we are going to empower parents and we are going to put more money into the system.

What the tax credits really do is they fill out the President’s total agenda on education that he outlined in the year 2000.

Mr. SCHAFFER. The national testing and the accountability measures in and of themselves, and standing alone, cannot reform schools. They were never proposed or it was never promised that that would be the case. These are diagnostic tools that are important, and can only be useful if there is some consequence associated with it.

As that bill passed, it was simply a national testing mechanism. If it has some mandates in it that are going to force States to get into conformity with this new national mandate, then there is some expansion of some Federal programs, but government, government cannot ever be trusted to fix America’s schools. Government can be a use money into the system.

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solutions where education is concerned.

This testing provision is helpful, it is a useful tool to begin to compare government-owned schools versus a different government-owned school, or maybe non-public-owned schools versus a private system and so on, but none of that matters until we get choice. This tax credit provision that we proposed, it provides choice in two areas: One, it gives greater liberty to the student as a consumer; and it gives greater liberty to the taxpayer as an investor.

It runs, in principle, with the government system. It is just an alternative model, a different model, and something that I believe can have revolutionary, positive consequences for America’s schoolchildren.

Mr. HOEKSTRA. It also gives a great liberty to our public school system, because what it does in our State of Michigan, basically, our public school superintendents are going to care passionately about the kids in their districts have become beggars to Lansing, our State capital, to get the money to flow into their districts. They are always going to Lansing to get the money.

What it really does is it empowers them, because so many of the schools in my district have such a loyalty from their constituents and their parents and the kids, but there is no effective way for these people in these communities to put more money into their public schools.

Tax credits will enable them to do that so that, again, there will be some more balance in the system so that these public school superintendents will be able to get some of their money from Lansing, but when they are doing a great job and their test scores come in and say, man, look at how we are doing, in our district some of the public school students have gone to the military academies, and they go there and they are in the top 10 percent of their class at the military academies.

When people see that kind of performance, they are going to say, I am willing to give more money to that superintendent because he or she is doing a great job for our kids, and I think they are going to spend that money wisely.

So it gives a tremendous degree of flexibility, like the gentleman said, to the parents, to the taxpayers, but also to the traditional public school system. This should not threaten them because it really will enable them to enhance their relationship with their community and enhance their education programs to take those schools to the next level, as well.

Mr. SCHAFFER. Money follows freedom. That is true almost no matter what we are talking about, whether we are talking about the leadership of countries. If we look around the world, those countries that have a heavy, autocratic, bureaucratic system of rules and no property rights, they have a very difficult time keeping their economies afloat. Those countries that have made the reforms toward property ownership, toward real liberty and freedom for their citizens begin to see capital being created within those countries.

Here in the United States, our capitalist system of competition and freedom has resulted in wealth creation beyond anyone’s wildest dreams, and in the history of human civilization. The same is true in education. If we could begin open the strings and the red tape and the restrictions that are associated with school money, we will see more of it generated, and that is our goal.

The current system, for all the things that people see in that as beneficial, the fact remains that at the end of the day, for every dollar spent, approximately 60 cents makes it to a child. What we are talking about is a freedom-based model of education tax credits that enables our proposal, for every dollar that it costs the government, $2 makes it to a child.

We do not have to be rocket scientists to figure out this is a great bargain for the government, a great bargain for the parents and the kids, but there is no effective way for these people in these communities to put more money into their public schools.

For the teacher in the middle of all of this, today they are not treated like professionals; I hate to say it. We expect a lot of them, we call them professionals, but the reality is, the worst teacher in a district in a public school model gets paid the same and on the same terms as the best teacher in a district.

What kind of incentive is that for good teachers, when they see the weak teacher that is not that committed or maybe burned out? And they are the exception, not the rule, but they exist. But when you see these kinds of teachers that I am describing leaving the school when the bell rings, and yet getting the same pay raise on the same pay scale, it does not take more than 4 or 5 years for a good, hard-working teacher to get burned out on that. It is not a motivating factor.

Education freedom through education tax credits begins to allow teachers to be teaching like the professionals they are, too. If they are attracting students, if they are attracting customers, cash will begin to follow that teacher, that these teachers will begin to be paid according to the professional scale I think they deserve.

Mr. HOEKSTRA. I think it holds great opportunity. It is not a perfect system, and it is not going to fix it by itself. Tax credits are not going to reform the system. But when you can combine the tax credits with H.R. 1, more parental choice, cutting some of the rules and regulations out of the bureaucratic model so that, again, more than a dollar or more than 60 cents can be made, when we start combining all of those things and we can really get some dynamic or exciting form in all of our schools for all of our kids to make sure our kids are the best-educated kids in the world, that is the goal that we should have.

Until we reach that goal and that objective, we should not stop working.

Mr. SCHAFFER. I spoke to a group of darüber-organisatoren this morning about this issue of education tax credits. There were taxpayer organizations there, family organizations, church groups, synagogues represented. It was just a number of organizations that care about education, and they are here in Washington. There must have been about 100 people in the room. They were all very enthusiastic about the proposal. They want to help. They are writing letters to congressmen and making phone calls to the people that they know here.

I think it is important for our colleagues and anyone else who may be monitoring tonight’s proceedings to know that this is a very real proposal. It is in play. We do need the voices of Americans to raise up and rally around this education tax credit bill. It is not introduced yet; it will be introduced in a couple of weeks.

I think it is really important for all of us to contact our congressmen here in the Congress, particularly those who serve on the Committee on Ways and Means and in our leadership, and voice in the strongest terms possible support for this freedom-based tax credit proposal to help children and to get it passed.

We need that kind of support and that kind of a campaign around this proposal now, and this special order is just one part of trying to accomplish that. For that, Mr. Speaker, I am grateful for your indulgence in recognizing us tonight. We will be back in 2 weeks to talk about the same topic again.

**LEAVE OF ABSENCE**

By unanimous consent, leave of absence was granted to:

- Mr. LIPINSKI (at the request of Mr. GEPHARDT) for today after 6:00 p.m. on account of a family matter.
- Mr. BURTON of Indiana (at the request of Mr. ARMLEY) for the week of May 20 on account of personal reasons.
- Mrs. EMERSON (at the request of Mr. ARMLEY) for today on account of a death in the family.

**SPECIAL ORDERS GRANTED**

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TURNER) to revise and extend their remarks and include extraneous material):

- Ms. KAPTUR, for 5 minutes, today.
- Mr. PAULING, for 5 minutes, today.
- Ms. NORTON, for 5 minutes, today.
- Mr. PARKER, for 5 minutes, today.
- Ms. SHERMAN, for 5 minutes, today.
- Ms. BROWN of Florida, for 5 minutes, today.

**CONGRESSIONAL RECORD—HOUSE May 22, 2002**
Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Mr. TURNER, for 5 minutes, today. (The following Members (at the request of Mr. GUESS) to revise and extend their remarks and include extraneous material):

Mr. WILSON of South Carolina, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. NUSSELE, for 5 minutes, today.

Mr. HAYES, for 5 minutes, today.

( The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. INSLEE, for 5 minutes, today.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 115. Concurrent resolution expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her service to the movement for working conditions for children and farm worker families; to the Committee on Education and the Workforce.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 11 o'clock and 40 minutes p.m.), the House adjourned until Thursday, May 23, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

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

6981. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appended Persons to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2002 Tariff-Rate Quota Year—received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.


6983. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Portugal Because of African Swine Fever (Docket No. 01–029–2) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6984. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Restrictions on the Use of Grain Originating in a Regulated Area (Docket No. 01–118–1) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6985. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2002 Tariff-Rate Quota Year—received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6986. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Cotton Research and Promotion Program: Procedures for Conduct of Sign-up Periods—received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6987. A letter from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule—Adjustment of Appendices to the Dairy Tariff-Rate Import Quota Licensing Regulation for the 2002 Tariff-Rate Quota Year—received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6988. A letter from the President of the United States, requesting authorities for an FY 2002 supplemental appropriation for the Department of Veterans Affairs; (H. Doc. No. 107–218) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Appropriations.

6989. A letter from the Under Secretary, Acquisition and Technology, Department of Defense, transmitting the Department's annual report on Department of Defense Environmental Quality Program National Report for Fiscal Year 2000, pursuant to 10 U.S.C. 2706(b)(1); to the Committee on Appropriations.

6990. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Overseas Use of the Purchase Card in Continency, Humanitarian, or Peacekeeping Operations (DFARS Case 2000–D019) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6991. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Technical Corrections to Certain HUD Regulations (Docket No. FR–4747–C–01) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6992. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Loan Guarantees for Indian Housing; Direct Guarantee Processing (Docket No. FR–4241–F–02) received April 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6993. A letter from the Director, FDIC Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Risk-Based Capital Standards; Claims on Securities Firms (RIN: 3064–AC17) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.


6997. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone of the United States of Alaska; Parallel Regulations for the Western Groundfish Fishery in the Gulf of Alaska (Docket No. 011213004–1304–01; I.D. 012122D) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6998. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption for the Acquisition of Securities During the Existence of an Underwriting or Selling Syndicate (Release No. IC–25569; File No. 81–20–00) (RIN: 3233–AH57) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6999. A letter from the Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department of Defense Appropriations Bill, 2003 (RIN: 2577–AC02) received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Defense Appropriations.

7000. A letter from the Acting Assistant General Counsel for Executive Office of the General Counsel, Department of Education, transmitting the Department's final rule—Federal Loan Authority Building for Traditionally Underrepresented Populations (Docket No. 107011218304–01; I.D. 012122D) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7001. A letter from the Secretary, Department of Health and Human Services, transmitting the Annual Report on the National Institutes of Health (NIH) AIDS Research Loan Repayment Program (LRP) for FY 2001; to the Committee on Energy and Commerce.

7002. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Public Information; Cross Reference to Other Regulations; Technical Amendment (Docket No. 02–018–0086) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7003. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Secondary Direct Food Additives Permitted in Food for Children of School Age (Docket No. 01F–0233) received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7004. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on international terrorism entitled, “Patterns of Global Terrorism; 2001,” pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

7006. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department’s final rule—International Services Surveys: BE-20, Benelux Survey of Selected Services Transactions with Unaffiliated Foreign Persons [Docket No. 01072189-1276-02] (RIN: 0681-AA41) received May 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

7007. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the removal of an unauthorized transfer of U.S.-origin defense articles pursuant to Section 3 of the Arms Export Control Act (AECA); to the Committee on International Relations.

7008. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department’s final rule—Schedules of Fees for Consular Services, Department of State and Overseas Embassies and Consulates—received May 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.


7010. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting the Bank’s Annual Performance Report for FY 2001; to the Committee on Government Reform.

7011. A letter from the Board Members, Merit Systems Protection Board, transmitting the Board’s Report for the FY 2002; to the Committee on Government Reform.

7012. A letter from the Director, Office of White House Liaison, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catch-Share Program [Docket No. 010407-01]; I.D. 110901A received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.


7014. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Delay of the Implementation Date of the Year-4 Default Management Measures for Small-Mesh Multispecies [Docket No. 010623216-2020-02; I.D. 071601A] (RIN: 0648-AP32) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7015. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Takings of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Conservation and Management Act; Western Pacific; Atlantic Highly Migratory Species Fisheries (ARM Final Rule) [Docket No. 99121033-0089-02; I.D. 111099C] (RIN: 0648-AN37) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7016. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Takings of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Conservation and Management Act; Western Pacific; Atlantic Highly Migratory Species Fisheries (ARM Final Rule) [Docket No. 99121033-0089-02; I.D. 111099C] (RIN: 0648-AN37) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7017. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Takings of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Conservation and Management Act; Western Pacific; Atlantic Highly Migratory Species Fisheries (ARM Final Rule) [Docket No. 99121033-0089-02; I.D. 111099C] (RIN: 0648-AN37) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7018. A letter from the Acting Division Chief, Marine Mammal Division, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Takings of Marine Mammals Incidental to Commercial Fishing Operations; Tuna Conservation and Management Act; Western Pacific; Atlantic Highly Migratory Species Fisheries (ARM Final Rule) [Docket No. 99121033-0089-02; I.D. 111099C] (RIN: 0648-AN37) received May 2, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7019. A letter from the Assistant Administrator for Commercial and Financial Operations, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 01022004343-1132-1123; I.D. 010101A] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7020. A letter from the Administrator, Office of Transportation, transmitting the Department’s final rule—Reporting Provisions—Office of Transportation, Department of Transportation (OST) [Docket No. 0006616802-2002-04] (RIN: 0648-ZA91) received May 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

7021. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans’ Affairs, transmitting the Department’s final rule—Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax for Use of the United States; Recodification of Regulations [T.D. ATF-489] (RIN: 1512-AD61) received May 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7022. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department’s final rule—Tobacco and Tobacco Products, the Department’s proposed legislation relating to the management and operations of the Department; jointly to the Committees on the Budget and Appropriations.

7023. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Oceanic and Atmospheric Administration, transmitting the Administration’s final rule—Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1A [Docket No. 01022004343-1132-1123; I.D. 010101A] received April 30, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7024. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department’s final rule—Reporting Provisions—Office of Transportation, Department of Transportation (OST) [Docket No. 01022004343-1132-1123; I.D. 010101A] received May 9, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. PAUL:
H.R. 4799. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxable Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL:
H.R. 4790. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. EATHERIDGE:
H.R. 4791. A bill to authorize appropriations for the United States Weather Research Program for other purposes; to the Committee on Science.

By Mr. HORN (for himself, Mr. CALVERT, Mr. REYES, Ms. ROYBAL-ALLARD, Mrs. DAVIS of California, Mr. UNDERWOOD, Mr. HUNTER, Mr. MCGOVERN, Mr. FILNER, Mr. ROHRABACHER, Mrs. NAPOLITANO, Mrs. TURRENTINE, Ms. SOLIS, and Ms. MILLER-MCDONALD):
H.R. 4792. A bill to reauthorize funding for the Water Desalination Act of 1996, and for other purposes; to the Committee on Resources, and in addition to the Committee on Science, for a period to be subsequently determined by each such committee; in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHN (for himself and Mr. TAUZIN):
H.R. 4793. A bill to authorize grants through the Centers for Disease Control and Prevention for mosquito control programs to prevent mosquito-borne diseases; to the Committee on Energy and Commerce.

By Mr. ISSA (for himself, Mr. BACA, Mr. BERMAN, Mrs. BONO, Mr. CALVERT, Mrs. CAPPS, Mr. CONDT, Mr. COX, Mr. CUNNINGHAM, Mrs. DAVIS of California, Mr. DOOLEY of California, Mr. DOULTON, Mr. DRIEGER, Ms. ESHOO, Mr. FARR of California, Mr. FILNER, Mr. GALLAGHY, Ms. HARMAN, Mr. HERGER, Mr. HONDA, Mr. HORN, Mr. HUNTER, Mr. LANTOS, Mr. LEWIS of California, Mr. LEWIS of New Jersey, Mr. LUKE of Florida, Mr. CONYERS, Mr. CONDT, Mrs. BONO, Mr. ROHRABACHER, Mr. THOMPSON of California, Ms. ESHOO, Mr. DOOLEY, Mr. DRIEGER, Mr. McKEON, Mr. LANTOS, Mr. CALVERT, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Mr. THOMAS, Mr. COX, Mr. ISSA, Mr. HUNTER, Mr. DOOLEY of California, Mrs. MINK of Hawaii, Mr. INSLER, Mr. RADANOVICH, and Mr. PENNER):
H.R. 4797. A bill to redesignate the facility of the United States Postal Service located at 265 South Western Avenue, Los Angeles, California, as the "Ronald C. Packard Post Office Building"; to the Committee on Government Reform.

By Mr. McINNIS (for himself, Mr. GREEN of Wisconsin, and Mr. RYAN of Wisconsin):
H.R. 4795. A bill to provide for a multi-agency cooperative effort to encourage further research regarding the causes of chronic wasting disease and methods to control the further spread of the disease in deer and elk herds, to monitor the incidence of the disease, to support State efforts to control the disease to the extent possible; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. BONIOR of Texas (for himself, Mr. BENTSEN, Ms. JACKSON-LEE of Texas, Mr. PAUL, Mr. BECERRA, Mr. SANDERS, Mr. FROST, Mr. SHIMKUS, Mr. SMITH of Nevada, Mr. BHARADVAJ of Texas, Mr. BONIOR, Mr. DOOGIETT, Mr. EDWARDS, Mr. GONZALEZ, Mr. TURNER, Mr. BACA, Mr. HALL of Texas, Mr. SAMPSON of Texas, Mr. WILKINSON of Texas, and Mr. ORTIZ):
H.R. 4796. A bill to amend the Internal Revenue Code of 1986 to provide an additional deduction for the health insurance costs of individuals; to the Committee on Ways and Means.

By Mrs. CUBIN:
H.R. 4802. A bill to amend the Surface Mining Control and Reclamation Act of 1977 to increase the incentives for States and Indian tribes to achieve reclamation priorities under that Act with respect to coal mining, and for other purposes; to the Committee on Resources.

By Ms. DeLAURO (for herself, Mr. ALLEN, Ms. BASS of Georgia, Mr. BONNIE of North Carolina, and Mr. SAWYER):
H.R. 4803. A bill to amend the National and Community Service Act of 1990 to create the Right of Passage Community Service Program; to the Committee on Education and the Workforce.

By Mr. DMINT (for himself and Mr. PHELPS):
H.R. 4804. A bill to amend the Internal Revenue Code of 1986 to provide additional exemptions regarding cafeteria plans and flexible spending arrangements; to the Committee on Ways and Means.

By Mr. DOOLEY of California (for himself and Mr. RADANOVICH):
H.R. 4805. A bill to allow certain interagency task forces established by the President to designate certain areas as HURZones for purposes of the Small Business Act; to the Committee on Small Business.

By Mr. FILNEH (for himself, Mr. CUNNINGHAM, Mr. DAVIS of California, and Mr. ISSA):
H.R. 4806. A bill to direct the Secretary of Veterans Affairs to establish two satellite cemeteries for veterans in the San Diego, California, metropolitan area; to the Committee on Veterans Affairs.

By Mr. GILCHREST:
H.R. 4807. A bill to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Susquehanna National Wildlife Refuge; to the Committee on Resources.

By Mr. HERGER (for himself and Mr. DOOLEY):
H.R. 4808. A bill to designate the Wild and Scenic Rivers of California as wild and scenic; to the Committee on Resources.

By Mr. HOYER (for himself and Mr. WAXMAN):
H.R. 4809. A bill to designate the Snake River of Idaho as a wild and scenic river; to the Committee on Resources.

By Mr. JOHNSON of Texas (for himself, Mr. GREEN of New Mexico, and Mr. GILCHREST):
H.R. 4810. A bill to designate the Colorado River of Nevada as wild and scenic; to the Committee on Resources.

By Mr. KELLER (for himself, Mr. DAVIS of Florida, Mr. JONES of North
CAROLINA, MR. SAXTON, MR. DUNCAN, MR. DAN MILLER OF FLORIDA, MR. WELDON OF FLORIDA, MR. PETERS, MR. SHAW, MR. FROST, MR. FOLEY, AND MR. ANGEL.

H.R. 4811. A bill to amend the Longshore and Harbor Workers' Compensation Act to clarify the exemption for recreational vessel supplemental programs; to the Committee on Education and the Workforce.

By Mr. KUCINICH (for himself, Mr. SANDERS, MS. MCKINNEY, MR. PALLEONE, Mrs. MINK OF HAWAII, MS. CARSON OF IOWA, MR. DEFAZIO, MR. COTCHEN, MR. NADLER, MR. OLVER, MR. UDALL OF NEW MEXICO, MS. VELAZQUEZ, MS. WATERS, MS. WOOLSEY, MR. JACKSON OF ILLINOIS, MS. WATSON, MR. RODRIGUEZ, MR. BERKLEY, MR. OWENS, MS. SOLIS, MR. HINCHY, AND MS. LEE):

H.R. 4812. A bill to provide additional protections for farmers and ranchers that may be harmed economically by genetically engineered seeds, plants, or animals, to ensure fairness for farmers and ranchers in their dealings with biotech companies that sell genetically engineered seeds, plants, or animals, and for other purposes; to the Committee on Agriculture.

By Mr. KUCINICH (for himself, Mr. SANDERS, MS. MCKINNEY, MS. RIVERS, MR. PALLEONE, MRS. MINK OF HAWAII, MS. CARSON OF IOWA, MR. DEFAZIO, MR. COTCHEN, MR. NADLER, MR. OLVER, MR. UDALL OF NEW MEXICO, MS. VELAZQUEZ, MS. WATERS, MS. WOOLSEY, MR. JACKSON OF ILLINOIS, MS. WATSON, MR. RODRIGUEZ, MR. BERKLEY, MR. OWENS, MS. SOLIS, MR. HINCHY, AND MS. LEE):

H.R. 4813. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. SANDERS, MS. MCKINNEY, MS. RIVERS, MR. PALLEONE, MRS. MINK OF HAWAII, MS. CARSON OF IOWA, MR. DEFAZIO, MR. COTCHEN, MR. NADLER, MR. OLVER, MR. UDALL OF NEW MEXICO, MS. VELAZQUEZ, MS. WATERS, MS. WOOLSEY, MR. JACKSON OF ILLINOIS, MS. WATSON, MR. RODRIGUEZ, MR. BERKLEY, MR. OWENS, MS. SOLIS, MR. GEORGE MILLER OF CALIFORNIA, MR. SANDS OF OHIO, AND MS. LEE):

H.R. 4815. A bill to amend the Federal Food, Drug, and Cosmetic Act, with respect to the safety of genetically engineered foods, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself, Mr. SANDERS, MS. MCKINNEY, MS. RIVERS, MR. PALLEONE, MRS. MINK OF HAWAII, MS. CARSON OF IOWA, MR. DEFAZIO, MR. COTCHEN, MR. NADLER, MR. OLVER, MR. UDALL OF NEW MEXICO, MS. VELAZQUEZ, MS. WATERS, MS. WOOLSEY, MR. JACKSON OF ILLINOIS, MS. WATSON, MR. RODRIGUEZ, MR. BERKLEY, MR. OWENS, MS. SOLIS, MR. HINCHY, AND MS. LEE):

H.R. 4816. A bill to amend the Federal Food, Drug, and Cosmetic Act, the Federal Meat Inspection Act, and the Poultry Products Inspection Act to require that food that contains a genetically engineered material, or that is produced with a genetically engineered material, be labeled accordingly; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for the purpose of determining the facts and circumstances of the case by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. SANDERS, MS. MCKINNEY, MS. RIVERS, MR. PALLEONE, MRS. MINK OF HAWAII, MS. CARSON OF IOWA, MR. DEFAZIO, MR. COTCHEN, MR. NADLER, MR. OLVER, MR. UDALL OF NEW MEXICO, MS. VELAZQUEZ, MS. WATERS, MS. WOOLSEY, MR. JACKSON OF ILLINOIS, MS. WATSON, MR. RODRIGUEZ, MR. BERKLEY, MR. OWENS, MS. SOLIS, MR. HINCHY, AND MS. LEE):

H.R. 4819. A bill to amend the Internal Revenue Code of 1986 to increase the taxes on certain alcoholic beverages and to provide additional funding for disaster assistance programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. LAFAULCE (for himself and MR. FRANK):

H.R. 4817. A bill to improve the quality of, and provide, housing for elderly families; to the Committee on Financial Services.

By Mr. LAFAULCE:

H.R. 4818. A bill to amend the Truth in Lending Act to make the residential mortgage process more understandable, fair, and competitive; to the Committee on Financial Services.

By Mr. MCINNIS:

H.R. 4819. A bill to revise the boundary of the Black Canyon of the Gunnison National Park and Gunnison Gorge National Conservation Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By MS. NORTON:

H.R. 4820. A bill to amend the Internal Revenue Code of 1986 to increase the taxes on certain alcoholic beverages and to provide additional funding for disaster assistance programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, 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. MEEHAN (for himself, MR. GEPHART, MR. STARK, MR. WYNN, MR. SANDERS, MR. LANGHEIN, MR. BERRY, MR. STRICKLAND, MR. WEXLER, MR. DELAUFER, MR. RODRIGUEZ, MR. ALLEN, AND MR. BROWN OF OHIO):

H.R. 4821. A bill to amend the Internal Revenue Code of 1986 to limit the deduction for prescription drugs by the manufacturer of such drugs to the level of such manufacturer's research and development expenditures, and for other purposes; to the Committee on Ways and Means.

By Mr. REEHBER:

H.R. 4822. A bill to clarify that the Upper Missouri Breaks National Monument does not include within its boundaries any privately owned property, and for other purposes; to the Committee on Resources.

By Mr. SCHWARTZ:

H.R. 4823. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the exclusion of foreign currency for restitution received by victims of the Nazi Regime; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 4824. A bill to provide for various programs and activities to respond to the problem of asthma in urban areas; to the Committee on Energy and Commerce.

By MR. UNDERWOOD (for himself, MR. HONDA, MR. LEY, MRS. MINK OF HAWAII, MR. FALAMOWASKA, MR. ABERCHROMEY, MS. PELOSI, MR. HINCHY, MR. LARSON OF CONNECTICUT, MS. ESHOO, MR. SERRANO, MR. WC, MR. SOLIS, MR. MCGRUPPER, MR. SCHIFF, MS. LOPHREN, AND MS. MILLER-DINONDO):

H.R. 4825. A bill to amend the Higher Education Act of 1965 to authorize grants for institutions of higher education serving Asian Americans and Pacific Islanders; to the Committee on Education and the Workforce.

By Mr. WALDEN OF Oregon (for himself, MR. JOHN, MR. DEFAZIO, AND MS. BONO):

H.R. 4826. A bill to amend the Federal Power Act to prohibit round trip sales of electric power, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WATERBURY (for himself, MR. JOHN, MR. DEFAZIO, AND MS. BONO):

H.R. 4827. A bill to amend the Internal Revenue Code of 1986 to provide for proration of the heavy vehicle use tax between purchasers of the same vehicle; to the Committee on Ways and Means.

By Mr. CALI (for himself, MR. DELAHUNT, MR. MARKKAY, MR. OLVER, MR. MEHAN, MR. LYNCH, MR. NHL OF MASSACESETTS, MR. MCGOVNIR, MR. FRANK, AND MR. GURFINKEL):

H.J. Res. 91. A joint resolution honoring the members of the Massachusetts Air National Guard's 162nd Fighter Wing for their extraordinary performance, leadership, and dedication to duty in support of Operation Noble Eagle and in providing combat air patrols during and immediately following the September 11th attacks on September 11, 2001; to the Committee on Armed Services.

By Mr. GILCHREST:

H. Con. Res. 404. Concurrent resolution honoring the American Zoo and Aquarium Association and its accredited member institutions for their continued service to animal welfare, conservation education, conservation research, and wildlife conservation programs; to the Committee on Resources, and in addition to the Committee on Agriculture, 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. STENHOLM (for himself, MR. JOHN, MR. DEFAZIO, AND MS. BONO):

H.J. Res. 92. A resolution expressing the appreciation of the House of Representatives for the service and sacrifices of the men and women of the United States Armed Forces who have served in Iraq and Afghanistan.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows: 263. The SPEAKER presented a memorial of the House of Representatives of the State of
of New Hampshire, relative to House Resolution 21 memorializing the President of the United States and the United States Congress to take all actions necessary, within the limits of the considerable technologies and the prowess of this great union, to protect our nation, our allies, and our armed forces abroad from the threat of missile attack; to the Committee on Armed Services.

261. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 112 memorializing the United States Congress to authorize an additional United States District Court Judge and compensatory staff for the District of Idaho to assist in handling current and anticipated caseloads in the District of Idaho; to the Committee on International Relations.

262. Also, a memorial of the Legislature of the State of Idaho, relative to Senate Joint Memorial 111 memorializing the United States Congress that the state of Idaho calls for United States congressional action in establishing a backstop to insure stability in the insurance marketplace and affordable insurance covering terrorist activities; to the Committee on Financial Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, Mr. COYNE introduced A bill (H.R. 4829) for the relief of Olivera Goronia; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. FORD, Mr. LAHSEN of Washington, and Mr. McIntyre.
H.R. 21: Mr. GREEN of Texas.
H.R. 122: Mr. JOHNSON of Illinois, Mr. THURMAN of Illinois.
H.R. 123: Ms. WATERSON.
H.R. 270: Mr. OWENS.
H.R. 317: Ms. BERKLEY.
H.R. 488: Mr. UDALL of New Mexico.
H.R. 559: Mr. DAVIDSON.
H.R. 600: Mr. STENHOLM and Mr. WEKKER.
H.R. 658: Mr. PASTOR.
H.R. 945: Mr. HASTINGS of Florida.
H.R. 964: Mr. HOEKSTRA and Mr. ROHRABACHER.
H.R. 965: Mr. HOEKSTRA.
H.R. 966: Mr. LAHSEN.
H.R. 1090: Mr. DEUTSCH, Mr. FORD, Mr. LEWIS of Kentucky, Mr. RODRIGUEZ, Mr. HALL of Texas, and Mr. BENSON.
H.R. 1116: Mr. SHEPPMAN.
H.R. 1168: Mr. PASCARELL.
H.R. 1193: Mr. CONYERS, Mr. HILLARD, Ms. MILLER-McDONALD, Mr. RUSH, Mr. TOWNSEND, and Mr. BARTLETT.
H.R. 1200: Mr. DAVIS of Illinois.
H.R. 1212: Mr. SHOWS.
H.R. 1232: Mrs. MALONEY of New York.
H.R. 1290: Mr. BARCIA.
H.R. 1357: Mr. DEAL of Georgia.
H.R. 1433: Mr. KENNEDY of Rhode Island.
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. 877: Mr. Wynn.
H. R. 1577: Mr. Sandlin.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H. R. 4775
Offered By: Mr. Callahan
Amendment No. 11: At the end of chapter 8 of title I, insert the following:

RELATED AGENCIES
SOCIAL SECURITY ADMINISTRATION
SOCIAL SECURITY NOTCH ADJUSTMENT PAYMENTS

For making lump-sum payments to individuals born between 1917 and 1921 (or their dependents and survivors) who are currently receiving Social Security retirement benefits, $256,000,000, to remain available until September 30, 2003: Provided. That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such amount shall be available only to the extent that an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to the Congress.

H. R. 4775
Offered By: Mr. LaTourette
Amendment No. 12: Page 106, line 8, after the dollar amount, insert the following: “(reduced by $175,000,000)”: Page 109, line 7, after the dollar amount, insert the following: “(increased by $175,000,000)”.

H. R. 4775
Offered By: Mr. LaTourette
Amendment No. 13: Page 106, line 8, after the dollar amount, insert the following: “(reduced by $175,000,000)”.
Page 109, line 7, after the dollar amount, insert the following: “(increased by $175,000,000)”.

H. R. 4775
Offered By: Mr. LaTourette
Amendment No. 14: Page 8, strike lines 4 through 19.
Page 109, after line 11, insert the following: “In addition, for additional amounts for grants and other assistance authorized by title II of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.) and section 615 of such Act (42 U.S.C. 5196d) for first responder preparedness programs, $175,000,000 to remain available until expended.

H. R. 4775
Offered By: Mr. LaTourette
Amendment No. 15: Page 8, strike lines 4 through 19.

H. R. 4775
Offered By: Mr. LaTourette
Amendment No. 16: Page 8, line 14, after the dollar amount, insert the following: “(reduced by $175,000,000)”.
Page 109, line 7, after the dollar amount, insert the following: “(increased by $175,000,000)”.

H. R. 4775
Offered By: Mr. LaTourette
Amendment No. 17: Page 8, line 7, after “for”, insert “the Office of Domestic Preparedness for”.

H. R. 4775
Offered By: Ms. Jackson-Lee of Texas
Amendment No. 18: Page 8, line 3, insert before the period the following:

Provided further, That the funds provided in this paragraph shall be available only after all the remaining names of the September 11 detainees have been released to Congress.

H. R. 4775
Offered By: Ms. Jackson-Lee of Texas
Amendment No. 19: Page 6, line 23, insert before the period the following:

Provided further, That the funds provided in this paragraph shall be available only after the Department of Justice conducts an internal investigation and review of the Federal Bureau of Investigation field memoranda that dealt with the September 11 investigation.

H. R. 4775
Offered By: Ms. Jackson-Lee of Texas
Amendment No. 20: Page 8, line 3, insert before the period the following:

Provided further, That the funds provided in this paragraph shall be available only after Border Patrol agents have been given training in racial profiling stops along the border.

H. R. 4775
Offered By: Mrs. Meek of Florida
Amendment No. 21: Page 109, line 8, before the colon, insert the following:

of which $1,500,000 shall be for the minority emergency preparedness demonstration program authorized by section 629 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by section 431 of Public Law 107-73.
The Senate met at 9:30 a.m. and was called to order by the Honorable John Edwards, a Senator from the State of North Carolina.

PRAYER

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

Gracious God, You open Your heart to us. You assure us of Your unqualified and unlimited love. In spite of all the changes in our lives, You never change. We hear Your assurance, “I love you. I will never let you go. You are mine. I have chosen and called you to know, to love, and to serve Me.”

In response, we open our hearts to You. We choose to be chosen. We accept Your love and forgiveness and turn our lives over to Your control. We confess anything we have said or done that deserves Your judgment. Cleanse our memory of any failures that would haunt us today and give us the courage to act on specific guidance You have given but we have been reluctant to put into action. We commit to You our families, our friends, and those with whom we work. Help us to communicate Your creative delight in each person’s uniqueness and potential. We dedicate this day’s work of this Senate. Bless the Senators with a renewed sense of Your presence, a reaffirmation of their calling to serve You and our Nation, and a reaffirmation of their dependence on You. Through our Lord and Saviour, Amen.

PLEDGE OF ALLEGIANCE

The Honorable John Edwards 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 22, 2002.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable John Edwards, a Senator from the State of North Carolina, to perform the duties of the Chair.

Robert C. Byrd, President pro tempore.

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader, the Senator from Nevada, is recognized.

ORDER OF PROCEDURE—H.R. 3009

Mr. REID. I ask unanimous consent that the mandatory quorum under rule XXII be waived with respect to the cloture motion filed on H.R. 3009.

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

SCHEDULE

Mr. REID. Mr. President, the Senate is going to be in a period of morning business until 10:30. Senator Kennedy has the first half hour. At 10:30 the Senate will resume consideration of the trade bill, with 60 minutes of debate equally divided between the two leaders or their designees. At 11:30 we will vote on cloture on the Baucus substitute amendment. Senators have until 10:30 today to file.

If cloture is invoked today, we will go under the postcloture procedure. There are a number of germane amendments. We hope we can work our way quickly through those.

The Appropriations Committee, at 2 o’clock today, is going to meet to mark up, we hope, the supplemental appropriations bill which Senator Byrd and the leader have indicated they would like to try to finish before the week’s end.

We have a lot of work to do and not a lot of time to do it, so everyone is going to have to be cooperative if we are going to depart at a decent hour on Friday.

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 10:30 a.m. with Senators permitted to speak therein for up to 10 minutes each.

Under the previous order, the first half of the time shall be under the control of the majority leader or his designee.

The Senator from Massachusetts.

Mr. Kennedy. Mr. President, we have 15 minutes, is that correct, or do we have the whole half hour?

The ACTING PRESIDENT pro tempore. The Senator has 27 minutes.

Mr. Kennedy. It is 27 minutes. I ask unanimous consent I be in control of that time.

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

EDUCATION

Mr. Kennedy. Mr. President, as I have done on other occasions, I want to bring attention of the Senate to where
Mr. DURBIN. Will the Senator yield for a question?

Mr. KENNEDY. Please.

Mr. DURBIN. I think the Senator has hit an important point when we talk about the future of education and teachers. That chart tells an interesting story.

In Illinois, when I went to one of the universities that graduates more teachers than other schools, I said: What are we going to do about the shortage of teachers in which we are facing in America? How are we going to find more teachers?

They said: Certainly we need more teachers, and good teachers, but our biggest problem is retaining teachers. Teachers who are educated, who graduate with student loans and the burdens that they face, start teaching in a classroom and after 2 or 3 years get discouraged, leave the classroom and go into the private sector. They said that we have to find a way to retain good teachers.

That is also an important element.

What the Senator pointed out here is that if the Bush administration will not continue its funding level for teachers, there is going to be an unpredictability for the teacher in the future.

My State is facing budget problems. Most are. They are going to be cutting back on education. So the double hit from both State funding and the Bush administration's refusal to fund its own education bill is going to jeopardize the number of teachers who are going to be available.

I think that is going to create problems far beyond next year.

Mr. KENNEDY. I appreciate what the Senator has pointed out. This chart indicates that $742 million was added by the Congress last year for teacher quality. That is effectively zeroed out in terms of this year for teachers, in terms of recruiting teachers and in terms of retaining teachers. This is professional development.

I want to remind the American people that we have an administration which says, with the No. 1 priority of education, we are confined to $600 billion in tax cuts that they asked us to verify and make permanent for the future. And here we have virtually zero in terms of increasing the retention of teachers, training of teachers, and professional development.

Do the American people really believe this is the first domestic priority for the administration when they don't fund it and they asked the Congress to make permanent $600 billion in tax cuts over the next 7 years?

Mr. DASCHLE. Mr. President, will the Senator from Massachusetts yield on another question?

Mr. KENNEDY. I am happy to yield to the Senator from South Dakota at the last graduation of a high school at Hecla in my State. Hecla is closing its doors. They will no longer have a high school in that small town. What I find is that what is happening in Hecla is happening in places all over my State and in the country. Budgets are collapsing at the local level. They are not able to fund the priorities because the property tax base is shrinking. Every school administrator and every school district president I have talked to says they no longer have the budget they needed for a couple of years. The situation is exacerbated by the tremendous loss of revenue at the local level.

One of the things that we have now is a loss of revenue at the Federal level. Schools are getting caught in the squeeze. There is less money at the local level to hire teachers, to do what they have to do to improve the schools, and to ensure they have the proper classroom size at the very time of a double whammy by the administration which comes out with a budget that is lacking in commitment of resources needed to meet the issues and challenges these schools are facing.

We are going to continue to see schools close, schools downsize, classes get larger, and students subjected to teachers who in some cases may not be qualified, in large measure because funding is not there.

We cannot have reform that we hear this administration wants without having resources. I appreciate very much the Senator from Massachusetts calling attention to that fact. But I ask: Does the Senator from Massachusetts have any similar situations he has experienced? Are schools not having that problem not only in rural areas but in urban areas as well?

Mr. KENNEDY. The Senator is absolutely correct. I think the Senator would agree with me that parents back home just want their children educated. They want a partnership. I imagine in South Dakota and Massachusetts they want a partnership to make sure we are going to have investment in children.

It is a question of priorities. The leader has pointed out what was happening in his State. This isn't just something that the Senator from South Dakota has pointed out. Here is an article from the Wall Street Journal. This is not an organ of the Democratic Party. It is a very extensive article about the tight budget posing a threat to the smaller class sizes, which as we have all seen has a direct impact on children learning.

The article says:

In the prosperous 1990's, cutting class sizes gained importance, fueled by a Clinton-era program providing Federal aid for teacher hiring. But now some districts can't afford smaller classes partly due to unexpected costs of the hiring they've already done, and partly because of the economic slowdown.

And it is escalating dramatically.

It is an extensive article. I ask unanimous consent to have the article printed in the Record.
There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 16, 2002]

TIGHT BUDGETS POSE A THREAT TO SMALL CLASSES

(By Robert Tomsho)

The crowded classroom may be coming back.

In the prosperous 1990s, cutting class sizes gained importance, fueled by a Clinton-era program providing federal aid for teacher hiring. Many school districts, especially smaller classes partly due to unexpected costs of the hiring they've already done, and partly because of the economic slowdown.

Meanwhile, state policy shifts have permitted states to spend federal money formerly dedicated to smaller classes on other school programs.

Districts that stopped maintaining smaller classes may not see class sizes go up for a few years. Still, warned, advocates of small classes are starting to take action now to protect a policy widely popular among parents and teachers.

In 1996 the Irvine Unified School District, near Los Angeles, joined California's big push to reduce class sizes in kindergarten through third grade to no more than 20 students per class. With the state picking up 70% of the tab, the district hired about 20 teachers. Student-related costs have increased as these new teachers moved up the pay scale. Because state funding hasn't kept up, Irvine had to tap local revenue, thereby increasing class size in the higher grades. Since the district began reducing K-3 class sizes in 1996, it has had to raise class sizes in grades 4-12 to an average of 35 students per class, up from 33. The jumps have been sharpest at the high-school level: Some classes have as many as 40 students.

Barbara Kadar, an Irvine first-grade teacher, says the program allowed her to spot individual problems early on. She says she's shocked at the policy reversal. "They found the goose that laid the golden egg, and now they're killing it..."

At least nine other California school districts, out of 1,048, including the Cabrillo Unified School District, Half Moon Bay, and Livermore Valley Joint Unified School District, in Livermore, made similar moves. State education officials expect many more districts to follow.

Similar funding cuts for class-size reduction programs have been proposed in Massachusetts, Wisconsin and other cash-strapped states. Even in places where state money for them has gone untouched, sharp cuts in state aid have forced districts to consider staff cuts that would result in higher class sizes. Brian Bain, superintendent of schools in Spokane Wash., said: "We are going to be in a very difficult set of trade-offs."

Parents aren't likely to sympathize. This past month, I attended a meeting of the Riverside, Calif., board of education to protect its elimination of class-size reduction for the third grade. Meanwhile, in Memphis, amid a campaign by the local PTA, parents have been driving to the state Capitol in Nashville to demand that Tennessee legislators pass a budget that keeps the state's program. Opponents show that an overwhleming margin of Florida voters back a constitutional amendment requiring the state to adequately fund a drive for smaller classes everywhere in public schools, but out someone coming up to me and saying that we have to do something," says state Sen. Debby Wasserman-Schultz, a Florida Democrat who has made an effort to get the proposed amendment on the November ballot.

For fiscal 2003, the Bush administration has combined the stand-alone federal class-size-reduction program with a program intended to enhance teacher quality. Now, states and school districts together will use about $2.85 billion in related funds for new hires or to bolster teacher qualification. The move was designed to give states more flexibility and accountability, according to Eugene Hickok, U.S. undersecretary of education.

Critics say the federal move enables states to shrink their own programs and sets the stage for cutbacks as Congress considers funding for such initiatives. "It's going to come down to how much clout the teachers and parents have," says retired Tennessee State University educational leader Ron Pate-Bain, a prominent advocate of smaller classes and former head of the National Education Association, a teachers union.

About 25 states have class-size reduction programs. In 1998, President Clinton, who championed the cause, called the hiring of 100,000 new teachers and establishing the federal class-size reduction program. Research over the years has indicated that smaller class sizes lead to higher achievement in the primary grades, with the most marked increases occurring when a classroom has 20 or fewer students. The effect of small classes beyond third grade is much more mixed. During the 30 years of reduction in the federal ratios, nationwide achievement trends were a mixed bag: Math scores rose steadily as science results fell for some age groups.

California, having already spent nearly $8 billion since 1996 to hire 28,000 new teachers, expects to complete an evaluation of its program by summer. Meanwhile, its program has had some unintended effects: In its hiring binge, the state had to take on more uncertificated teachers to fill its classrooms, and in the meantime districts cut other programs, such as in music and art, to keep the classes small.

Such side effects haven't blunted support for small classes. Earlier this year, California's program was barely touched by budget cuts. Even as individual districts cut their programs, the California PTA is lobbying the state for more funding for smaller classes. "Parents and teachers still strongly believe that this is good for their kids," says Teri Burns, California's deputy superintendent of education. "That pressure is still there."

Mr. KENNEDY, Mr. President, this is at a time when the administration is asking for $600 billion more in tax cuts. We cannot help the parents, the small towns, communities, and working families make sure they are going to have a qualified teacher in every classroom in South Dakota, in Illinois, and New Jersey.

Mr. CORZINE, Mr. President, will the Senator from Massachusetts yield for an observation?

Mr. KENNEDY. Please.

Mr. CORZINE, Mr. President, the point the Senator from Massachusetts is making with regard to cutting the resources we will have available for education, the bookkeeping that the mandates really bites in the State of New Jersey. We have a $6 billion budget deficit in the upcoming year. Educational funding is going to have to be cut just to balance the budget. We have serious conflicts among the teachers and administrations across the State.

If I have heard the Senator correctly, we are going to have virtually no increase in education spending at the Federal level this year at a time when we have decided we want to make permanent these tax cuts which really are going to people who are doing extraordinarily well in society.

Mr. KENNEDY. The Senator has defined the choice. And it is a question of the priority which the Senator has outlined, the challenges in his home State, and what the choices are.

The administration, whatever we think about the tax cuts, has now requested of this Congress $600 billion more. The administration indicates that they have two priorities: Low-income children and special needs children.

I see both of my colleagues are here on this issue. They have indicated that the President has these two priorities. Look at the special needs children. If we fund the $1 billion each year, as the administration proposed, it would take 33 years to fully fund IDEA. A first ever. And the time it would take for such initiatives. It's going to come down to how much clout the teachers and parents have," says retired Tennessee State University educational leader Ron Pate-Bain, a prominent advocate of smaller classes and former head of the National Education Association, a teachers union.

That is the program that helps communities with special needs children. That program was first enacted would be 67 years old by the time the Republicans' proposal fully funded IDEA.

Mr. DURBIN. Mr. President, if the Senator will yield, that is the important point, the last statement is the important point, because school districts in Illinois, New Jersey, and Massachusetts are facing a Federal mandate that children with special needs, learning disabilities, physical disabilities, and other problems are going to have to be given every opportunity to learn and be productive members of society.

That is something Congress and the Federal Government said to the local school districts. Yet we have not provided them the opportunity to do it.

The Senator from Vermont, Mr. JEFFORDS, and the Senator from Massachusetts, as well as the Senator from New Jersey and I, want the Federal Government to keep its words. We do not want to say to school districts: This is your responsibility; you figure...
out how to pay for it. In some States, school districts have to move children great distances to find that special learning situation and environment where they can prosper, and at great expense. That is money taken out of the regular classrooms, from the students, and we are not going to see it. They want to put $600 billion more into tax cuts primarily for wealthy Americans and not for education, for teachers, for students, and particularly for children with special needs. That is exactly the burden our school districts face in Illinois.

Mr. KENNEDY. There are smaller towns and communities that have children with special needs. When the school districts attempt to provide for children with special needs, suddenly the property tax rates go up in the local towns and communities. Parents feel they are blessed to have children with special needs. They understand the challenges faced in trying to take care of those children. I have never met a parent who does not believe in some way that child gives them an additional sense of purpose in life. All we are trying to say as a nation is we are going to try to help relieve that community from those very special kinds of additional obligations. We are going to provide some help—not all but some help and assistance.

Can either Senator explain to me why that is a lesser priority than trying to have this $600 billion tax cut? That is the choice. Are we going to help small towns? They can be in North Carolina the State of our Presiding Officer, or they can be in South Carolina. They can be in western Massachusetts, southern Illinois, or any part of the State of New Jersey. But these local communities are hurting and hurting deeply.

We have a lot of lip service, but if we are to follow what the administration has said in terms of funding for IDEA, it is going to take us another 33 years in order to do it.

Mr. CORZINE. If the Senator will yield for just a moment, I will make the observation this is not only for small communities. I think about towns in Camden and Newark in the State of New Jersey, where class sizes average about 30. Many of these children who have special needs are mainstreamed, but they have special programs to try to lift those with learning disabilities.

These kinds of cities do not have the tax base to even raise the necessary money. So what happens is, in fact, we are forcing failure to comply with the law, failure to meet the needs of our children. And if we, as a nation, do not have the funding, then what happens to those elements of our population in this educational process, we are going to recycle these problems because it just goes on and on, and it is extraordinarily dangerous in our small towns and cities for our urban kids, particularly where you combine the problem of large class size and special needs for kids who have been mainstreamed in classrooms because there are no other choices.

I hope we can speak strongly about doing what we always argue: That we want to make sure we fully fund IDEA. It is not happening. I commend the Senator from Massachusetts for his effort.

Mr. KENNEDY. I thank the Senator because we have recognized this IDEA program has been built upon the Supreme Court holdings about responsibility. We have the responsibility to make sure education is going to be available and accessible to children with special needs. That is effectively the Court's decision.

So we have said we are going to provide help and assistance. We have failed. As the Senator points out, the fact is, 25 years ago there were 4 million children who were effectively either being kept at home or pushed off in different kinds of settings who never had the opportunity for education. Now and then we knew those children are working their way through.

What we have found, in terms of the graduation rates, employment rates, and even the college graduation rates, they have all dramatically increased. And the difference has made is extraordinary in terms of their lives, living lives of independence and even being taxpayers.

My friend from New Jersey is in the Chamber. I want to mention one other area in which I know he is interested; that is, what has happened with the Pell grants.

We just have a brief opportunity. We have seen what the cost of education has been, the shrinking buying power of the Pell grant. The important this is in terms of children. The average income is $17,000 for those who are eligible for the Pell grants.

We found out back in the mid-1970s that paid for about 80 percent of the tuition for children who went to 4-year public colleges less so in private institutions. Now we have seen that purchasing power go down.

Does the Senator not agree with me that we, at some time, made a decision to allow the students here to get for children of ability and talent, from wherever they came, whatever part of the country—despite their families' resources—would be able to gain entrance into a fine school or college in New Jersey or Massachusetts or any other State, that tax would be able, with their limited means, to put together the Pell grants, have the Work-Study Program, and with their summer income—the extra work they might be able to do—have an education?

Will the Senator comment about what has happened with that Pell grant which has really been the key to opportunity? We will hear a lot of speeches in this body and a lot of speeches being made in America about the importance of education and how that opens the doors of opportunity. Does the Senator from New Jersey not agree with me that effectively we are closing those doors to a very significant number of Americans and, therefore, we are losing, at least for those young Americans, the real hope and opportunity that education provides?

Mr. CORZINE. The Senator from Massachusetts is exactly correct. It is extraordinarily disappointing that we have seen this kind of trend, particularly at our public universities, which were really designed to give every American access to higher education. I want to mention one other area in which I know he is interested; that is, what has happened with the Pell grants.

We had this commitment in the early 1960s with the Pell grants and the Stafford loans to put together, and day after day, when we have failed to fund this program, we are increasingly denying that opportunity for millions of Americans.

We have a responsibility to invest in the children of this country. The choice is clear: Are we going to follow what the President has suggested, $600 billion more in terms of tax cuts, or are we going to invest in the children of this country in K-12 to help provide help and assistance to those families, the special needs children, and the gifted and talented children, to take advantage of the Pell grants, or to otherwise be denied the education?

Mr. President, this is of the utmost of importance to every family. We want to give them the assurances that we on this side, on the Democratic side, are going to stand with the families. We are going to fight for this funding because it is our priority, their priority, and we will do everything we possibly can to make it a reality.

I yield the floor and suggest the absence of a quorum.

The Acting PRESIDENT pro tempore. The clerk will call the roll.
Mr. DOMENICI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STARTENOW). Without objection, it is so ordered.

Mr. DOMENICI. Madam President, parliamentary inquiry: Am I scheduled now in morning business?

The PRESIDING OFFICER. If there is no further use of time on the major-ity side, the Senator may proceed.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 2540 are located in today’s RECORD under “Statements on Introduced Bills and Joint Resolutions.”)

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call to the roll.

Mr. THOMAS. 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. THOMAS. We are in morning business. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

PUBLIC LANDS

Mr. THOMAS. Madam President, we have been very involved in relatively few issues over the past 6 weeks. We were on energy, and for about 3 weeks we have been on trade. Obviously, our attention has been very strongly on terrorism, and doing the things that are necessary both overseas and internally. At the same time, we have talked among ourselves, of course, and one of the elements is to do normal business.

Today, I want to talk about an issue that is more normal business, particularly for those of us in the West, and that is public lands. Of course, there are a lot of aspects to public lands.

In States such as Wyoming, about 50 percent of the State belongs to the Federal Government, and therefore what is done with public lands has a great deal to do with our economy and our activities. We feel very strongly about it, of course. It is a big issue for us. The idea of multiple use is one that is always debatable and is being discussed. There are different kinds of public lands. There are those set aside for wilderness, for a special use, for a special reason, and there are those with various restrictions, set aside for parks or U.S. forests. So there are constant issues that relate to the use of that land.

Of course, much of our domestic energy is produced on public lands. So we need to make sure we can work on the extraction of energy and domestic production and, at the same time, maintain the quality of the environment. That is a debatable issue. I think we can do that, and we have demonstrated in Wyoming that you can have multiple use and production of resources, and you can have grazing and, at the same time, protect the land and the environment. So energy has become very much an issue.

As you know, the whole question over ANWR was the idea that we now look overseas for about 60 percent of our energy. We need to increase our domestic production so we become less dependent upon others. That continues to be an issue. But it is not only ANWR. That is the poster child. The fact is, in the West it is a very continuing and important issue. We are involved in doing EISs right now, and EPA and endangered species issues, which go together to make decisions.

Access is also very important. People like to visit public lands with multiple use. The question of roads comes up. Most people agree that outside of the wilderness, limited roads are the answer. Again, we have to protect the environment.

One of the things we have pushed for and continue to do so—and this administration has promised to do and I think is doing—is to allow for more flexible management. It is not true the locals cannot make the decisions regarding public lands, but they can have very helpful input into how they are managed.

We are also talking about the use of snow machines in Yellowstone Park. Of course, there is some controversy about that. Some people don’t think there ought to be anybody in the park in the wintertime. Millions of cars are there in the summer, but there are only a few thousand in the winter and that seems to upset them. Nobody is suggesting we continue to do it as we have in the past. But there are now reliable sources that can make quieter machines so that they can be managed better and separated from cross-country skiers. You can do a number of things to allow the owners to participate in public lands.

Another issue that has been discussed is the matter of fires. We are into that season now and we have already had forest and grass fires in some places. Certainly, we are better prepared for that now, partly because we have had three dry years. The Forest Service has invested a great deal more in personnel and equipment to deal with that problem.

One of the other issues that sometimes is controversial is the idea of trying to prevent forest fires by the removal of excess forage and fuel. It is something that has been done and can be done, and we have not done enough of it perhaps. We ought to be able to do some thinning in various places that will make fires less likely to occur, rather than putting all of our emphasis on fighting a fire after it has begun.

So public lands has a lot of interesting issues and always will, of course. There are people on both sides that sort of take extreme positions. Some say we should not touch those lands; they should be set aside totally. Others are not concerned about damage to the environment. So we need to find a reasonable middle ground so we can have access, so we can have multiple use. At the same time, we can preserve the resource.

I want to talk briefly today about one aspect of it and that is our national parks. National parks are different, at least for one reason, in that they were set aside as national parks for a specific reason. The reason that is so different is the BLM lands—Bureau of Land Management. Most of the lands in Wyoming were not set aside, they were residual, what was left after the Homestead Act had been completed. So they may or may not have any particular significant character to them. Parks, on the other hand, do have significant character or they would not be designated as parks. So we have been working on that.

In 1996, I was successful in passing Vision 2014 in which we dealt for the first time in a number of years with ways to help strengthen parks, in terms of management and their concessions, and in terms of dealing with the natural resource needs, and dealing with financing of national parks. It provides for improved management, increased accountability. As in any other issue, there has to be accountability when you are talking about millions of dollars. Of course, it is hard management when you are talking about millions of people going there. So we were very pleased with that law. I think it is doing some things that are very useful.

Part of the funding in the past has been what has been called the demonstration fee project, which created park passes. That has been in place now for 3 years. The National Park Foundation has been instrumental in its success. Now there is a very attractive pass, and fee portfolio and what you do on, and persons can buy this pass, which does two things. One, it gives accessibility to all 385 national parks and also helps to contribute to the sustenance of those parks. We certainly want to continue that program, but we are now going to be working on something that does expire. It is called the Demonstration Fee Program. It expires at the end of this year. It has been in existence for about 5 years. It was an opportunity to see how people on certain parks and allowed for income and the opportunity to make expenditures on what is good for visitors in the parks. It extended not only to the Park Service but also the Bureau of Land Management, U.S. Fish and Wildlife Service, and the U.S. Forest Service.

It turns out the collection of the fee in many places is very difficult. In fact, with the BLM it is almost impossible. If there is a public land forest, and in some instances there are facilities, they can probably do that, but it is very difficult. On the other hand, parks almost always have an admission site, a gate for entry.
So the idea is the principal support for parks and public lands is provided through taxes from everyone, and then some small contribution made by those visitors. We are trying to avoid the idea of each park having various charges.

Eighty percent of the funds that come from the fees are used in the park where they are collected. Some parks cannot collect, so 20 percent is reallocated generally. But a major part of the fee goes to the park where the fee is collected.

We modified it some. We are making a permanent fee, rather than the demonstration fee which expires. We made provisions and criteria for the charging of the fee. We have a business management plan on the park and determine the feasibility of this program. Not all parks will be involved. We will do away with the nickel-and-dime fees where you pay for every little thing.

This provides a great opportunity. We talk a lot about the lack of funding for parks. Particularly in the infrastructure, that is probably true. This administration has made it clear they intend to increase the funding for the infrastructure, particularly of larger parks such as Yellowstone or Yosemite where there are millions of people visiting, where we have highway problems, sewer problems, facility problems. We have introduced a bill that makes this permanent. It helps fund our parks and keep them strong.

We talk about our national parks in America. In addition, there are heritage sites and other parks administered by the Park Service. That is one of the real treasures of the United States, our national parks—whether they be in Florida, in the Everglades or elsewhere.

We are working on a fee demonstration program for national parks. The purpose is to keep them the valuable asset they are. They have to be preserved. We changed some concessions so they contribute more, yet make them competitive. We are seeking to get business management in the larger parks. They are big business, operating in millions of dollars each year. Times change. We are seeking to change with it. The purpose is to effectively manage the resources so they are available to their owners to visit.

We look forward to the passage of the fee demonstration project.

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. BAUCUS. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

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 assistant 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. 3901, in the nature of a Substitute; Dorgan amendment No. 3942 (to amendment No. 3901), to require the U.S. Trade Representative to identify effective trade remedies to address the unfair trade practices of the Canadian Wheat Board.

Reid (for Reed) amendment No. 3443 (to amendment No. 3901), to restore the provisions relating to secondary workers.

Reid (for Nelson of Florida/Graham) amendment No. 3400 (to amendment No. 3901), to limit tariff reduction authority on certain products.

Reid (for Bayh) amendment No. 3445 (to amendment No. 3901), to require the ITU to give notice of its 202 investigations to the Secretary of Labor.

Reid (for Byrd) amendment No. 3447 (to amendment No. 3901), to amend the provisions relating to the Congressional Oversight Group.

Reid (for Byrd) amendment No. 3451 (to amendment No. 3901), to address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations.

Reid (for Byrd) amendment No. 3452 (to amendment No. 3901), to clarify the procedures for procedural disapproval resolutions.

Reid (for Byrd) amendment No. 3449 (to amendment No. 3901), to clarify the procedures for extension disapproval resolutions.

Reid (for Byrd) amendment No. 3450 (to amendment No. 3901), to limit the application of trade authorities procedures to a single agreement resulting from Doha.

Reid (for Byrd) amendment No. 3431 (to amendment No. 3901), to address disclosures by publicly traded companies of relationships with certain countries or foreign-owned corporations.

Reid (for Byrd) amendment No. 3451 (to amendment No. 3901), to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers.

Boxer/Murray amendment No. 3431 (to amendment No. 3901), to require the Secretary of Labor to establish a trade adjustment assistance program for certain service workers.

Boxer amendment No. 3432 (to amendment No. 3901), to ensure that the U.S. Trade Representative considers the impact of trade agreements on textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance.

Reid (for Corzine) amendment No. 3459 (to amendment No. 3901), to include the prevention of the worst forms of child labor as one of the principal negotiating objectives of the United States.

Reid (for Corzine) amendment No. 3461 (to amendment No. 3901), to help ensure that trade agreements protect national security, social security, and other significant public services.

Reid (for Corzine) amendment No. 3462 (to amendment No. 3901), to strike the section 202 investigations with boarder search authority for certain contraband in outbound mail.

Reid (for Hollings) amendment No. 3463 (to amendment No. 3901), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance.

Reid (for Hollings) amendment No. 3464 (to amendment No. 3901), to establish and implement a trade adjustment assistance program for national parks—whether they be in Florida, in the Everglades or elsewhere.

Reid (for Hollings) amendment No. 3465 (to amendment No. 3901), to provide that the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply with its obligations with respect to a crime involving a violation of the Controlled Substances Act.

Brownback amendment No. 3466 (to amendment No. 3901), to extend permanent normal trade relations to the nations of central Asia and the south Caucasus, and Russia.

Grassley modified amendment No. 3474 (to amendment No. 3901), to express the sense of the Senate regarding the United States-Russia Federation summit meeting, May 2002.

Reid (for Jeffords) amendment No. 3521 (to amendment No. 3901), to authorize appropriations for certain staff of the U.S. Customs Service.

The PRESIDING OFFICER. Under the previous order, the time is 11:30 a.m., shall be for debate only, with the time equally divided and controlled by the two leaders or their designees.

The Senator from Montana.

Mr. BAUCUS. Madam President, we have to pass this bill this afternoon. I urge my colleagues now to think about voting to invoke cloture so we can get past this bill and get on to other business. We have already disposed of 19 amendments. A number of other proposed amendments have been addressed through colloquies and will also be included in the managers’ amendment at the end of this legislation.

I might say, early in the debate we were able to forge a historic compromise on trade adjustment assistance which expanded the program to deserving groups of workers and, for the first time, provided health care adjustment to TAA recipients.

That is an extremely important development. Currently, trade adjustment assistance—that is, assistance to workers displaced because of trade—is paltry. It doesn’t help workers very much. It only applies to primary workers anyway. We made huge, significant improvements to help develop a consensus on trade; that is, so more people
The legislation before us, as I mentioned before, is the trade adjustment assistance provision most important. This is long overdue. Let me just mention assistance. It is critically important. That is monumental.

As I have noted before, this section of the bill is also the most progressive ever to gain serious consideration by the Congress. Not only is the trade adjustment assistance provision most progressive, but also the fast-track TPA portions of the bill are most progressive. For the first time, labor and environmental issues are part of the core of any future trade agreements. That is monumental. I cannot tell you, Madam President, the number of years that issue has been debated. Those who did not want labor to be included at all in the negotiating objectives of trade agreements, who did not want environmental issues at all considered, won the day. But, frankly, I think it was the breakdown of the ministerial in Seattle; that is, the trade ministers’ meeting in Seattle, which could not cope with all the changes in the world, including the necessary inclusion of labor and environmental provisions, that has now brought this to where, in this legislation, we are.

This bill for the first time includes labor and environmental issues. It also continues U.S. priorities such as opening agricultural markets. We all know one of the biggest challenges we face as America tries to move ahead without cultural trade barriers worldwide. The European Union is one of the greatest offenders.

We also know we want to preserve our U.S. trade laws, such as section 201 of our countervailing duty laws or antidumping, which are there to help keep other countries honest; that is, to help prevent other countries from dumping in America, from subsidizing their industries, sending invaders to America. We need those laws to help keep those other countries honest because our borders are significantly more open than are the borders of other countries.

So we need our trade laws to help them do what they know is the right thing to do. If we do not have our trade laws, they are unlikely to do it.

The legislation before us, as I mentioned, extends and expands trade adjustment assistance. It is critically important. This is long overdue. Let me just explain in some detail, although not much detail, what that provides.

We extend coverage to ensure workers can complete job retraining. That is an extension. We have a whole new pilot program on wage insurance, so a lot of people who are displaced on account of trade have the option not to take the trade adjustment benefits but, instead, take wage insurance, which essentially compensates the employee for half of the difference between his old job and his new job, the beauty of this being it helps people work again; they are back at a job working as opposed to just receiving benefits.

We also expand coverage to secondary workers—not just primary workers. For example, if an auto plant lays off employees, what about the supplier of windshields or the supplier of engine parts? They get laid off, too. Those are the secondary workers who are now covered under this bill. It is a huge benefit. We expand it to farmers and to fishermen who are displaced because of trade many times.

As I mentioned, it is extremely important. For the first time, we provide health insurance for displaced workers. It is critically important in these days where, unfortunately, it is hard to get health insurance anyway. When you are displaced and lose your job, what are you going to do about your health insurance? You are going to need health insurance. We provide health insurance under trade adjustment assistance.

These matters should not be taken lightly. They are extraordinarily important. Those trade adjustment assistance provisions will be available to people who are displaced because of trade irrespective of whether it was a consequence of a fast-track bill, irrespective of whether that dislocation was a consequence of some trade agreement to fast-track or most trade agreements are not subject to fast track irrespective of whether there is any agreement of any kind because the world economy is so fluid and some changes are almost chaotic. Those benefits in the legislation will be available to anybody who qualifies and loses a job on account of trade, irrespective of any fast track or any trade bill. It is vitally important.

The bill also extends and expands two very vital preference programs. One is the Generalized System of Preferences, GSP, and the other is the Andean Trade Preference Act, which is very important, particularly if we want to increase trade in South America. European countries and others have trade with South America. We need to get moving and have a better trading relationship with at least the Andean countries in South America. This bill extends those preference programs for 5 years, and also rebates tariffs paid since expiration which was the end of last year.

The two I mentioned are also improved. The Andean Trade Preference Act now includes a petition process for reviewing the progress of Andean countries in meeting the objectives set out in the bill. And the GSP Program has been updated to take into account the definition of core worker rights promulgated by the ILO’s 1998 declaration. The latter helps to bring ILO standards up to date.

Further, in this debate on this bill, Senators have improved the legislation through their amendments. Senator KENNEDY, for example, won an amendment to ensure that the global AIDS crisis is properly recognized in trade legislation. Senator DAYTON and CRAIG contributed an important amendment to ensure U.S. trade laws are not needlessly treated as bargaining chips in trade negotiations. I intend to see to it that this issue is properly addressed as this legislation moves forward.

Senator EDWARDS added an amendment to ensure that the interests of textile companies and their workers are treated fairly in trade negotiations, and under trade adjustment assistance. I congratulate each of these Senators for their contributions and hope they will help us in moving their amendments and the entire legislative package forward.

We have had a good and full debate on this trade bill. I plan to continue to work with Senators to see to it that their concerns are addressed. Law is not a spectator sport. I think about passing this bill. It is time to wind down the debate. It is time to invoke cloture. There are always going to be further amendments that some Senators wish to offer. But at some point we need to declare that enough is enough and move this process forward. I believe we are at that time. For the sake of American workers, for the sake of American business, for the sake of every American farmer and rancher, particularly American workers and employers and because it is so important part of this bill is to help those who are dislocated on account of trade, I urge my colleagues to vote for cloture.

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. GREGG. Mr. President, I ask unanimous consent the order for the quarter-hour be recessed.

Mr. BAYH. Without objection, it is so ordered.

Mr. GREGG. Mr. President, I will speak briefly on the pending legislation, which is the trade promotion authorization, the trade adjustment authority, the Andean trade agreement, the general agreement on tariffs language.

There is that old adage: If there are two things you do not want to watch being made, one is sausage, the other is law. I regrettable, that applies to this undertaking.

For reasons which still escape me but which appear to be necessary from the
standpoint of the administration, there was a negotiation which occurred which involved how this bill would come to the floor. The majority leader decided to, out of the course which is typical, hook three major pieces of legislation together: Andean trade, trade adjustment, and trade promotion.

Traditionally, trade promotion, which has historically been noted as fast track, has been taken up as a single issue. It was not linked to trade adjustment, and another treaty, which in this case would be the Andean trade promotion agreement. But the majority leader decided to bring the three to the floor, and the administration, working through the leadership on the Republican side of the aisle, working with Senator Grassley, Senator Lott, and Senator Gramm, entered into extensive negotiations as to the makeup of the final package.

The result of that was, as I mentioned, something you probably should not watch, whether it is the making of sausage or the making of this piece of legislation because within this bill there are major new initiatives which have very little to do with trade, but a great deal to do with bad public policy, as we try to address issues such as health care and keep losing their jobs.

There is no question but that the trade adjustment concept is a very important one. I have used it extensively in my role in public policy. There have been instances in New Hampshire where people have been put out of work because of what appeared to be unfair trade activity, and we have used trade adjustment to assist those individuals. It has been very successful.

Its purpose—the original concept of trade adjustment—was to train people, to give them new talents, new abilities, new capabilities, so they could go back into the workforce after losing their job because which they no longer existed because trade, competition had basically left it behind. We helped those people get back into the workforce and actually have more talent, more ability, and thus be more productive and actually end up being citizens who have a better earning capacity.

That is the goal of trade adjustment, a very laudable goal, appropriate goal, and something which actually has worked at least in my experience as it has been applied in New Hampshire. I used it aggressively both as Governor and since then, on occasion, I have had the chance to use it to help people in my role in the Senate.

But this bill takes the trade adjustment concept and moves it into an entirely different exercise. It moves it into an exercise of what basically amounts to welfare, in many instances, and to social engineering, in other instances, and into an attempt to address a health care problem which is significant but which, when addressed in the manner in which it is addressed in this bill, puts us on a path which could lead to a radical expansion in the cost of health care for the taxpayers of America who have to bear the burden of these types of initiatives.

The bill has in it two major new entitlements, something called wage subsidy, which is a European model program, essentially says you are going to pay people to take less productive jobs. Somebody who is out there working hard, earning money, paying taxes, they are going to take another job, pay somebody who is out of work to take a job where that person will be less productive, encourage them to move into a less productive job—just the opposite of what the original purpose of trade adjustment was—a concept which is purely reflective of what is done in our European neighbors’ economies, where they basically pay people to be nonproductive citizens.

That is the first entitlement initiative called wage subsidy: A person gets $1,000, you lose your job. That is not watch, whether it is the making of this piece of legislation or the making of this piece of legislation or the making of this piece of legislation or the making of this piece of legislation or the making of this piece of legislation. There are no limitations on this. There is no requirement of necessity. There is no requirement that there be an arm’s length relationship. If, for example, there was a simple or substantially similar job out there that the person could have taken at an equal amount of pay or better, that the person take that job. There is no requirement that the person stay in the community.

There are none of the requirements that are the concepts built around trade adjustment, which are a person should basically be retrained, given new talents, new opportunities to find a new job within the marketplace where they lost their job. None of those protections are there. There are no protections against fraud and abuse, mismanagement of this brand new entitlement. And it opens the door to a massive expansion of this concept, which we see.

It is not as if that is a concern that is not relevant. We see that course of action being followed in our sister states, sister economies around the world, where you have this concept of: If you pay people to do less and be less productive, that is actually an appropriate government policy where you take taxpayer dollars out of one person’s pocket and put them in another person’s pocket, second, you ask that person to be more productive. You actually ask them to be less productive.

That attitude of governance, which is paternalistic and which is what dominates the continental European economies, has huge impacts on your productivity as a society and, therefore, on your creation of jobs and wealth and, as a result, on your creation, maintenance, and improvement of a standard of living.

There is an interesting article by Paul Johnson, one of the great historians of the last 20 or 30 years, on this specific point which is contained in a book entitled “Our Times.” It is one of the reasons he views the European economy as having failed to maintain itself, because the European economy pursued this paternalistic approach toward economic activity on which we are embarking as a result of choosing the approach of the trade promotion agreement.

The second major entitlement in this bill is the health care entitlement, much more complex and difficult. The wage subsidy is just a pure outrage. If you have any interest in marketplace economics, it is an affront. If you happen to believe in a paternalistic approach to governance, it is a great program. But if you believe in the marketplace, it is an affront.

The health care entitlement in this bill, which has no place in trade promotion—it should be debated in the context of major health care reform—is much more complex but equally problematic because it creates a brand new major entitlement. Basically what this does is, if you lose your job because of a trade-related activity, the Federal Government will come in and pay you 70 percent of the cost of buying health care under the terms with which you held health care prior to losing your job or under some sort of pooling agreement. It doesn’t say you can go out and buy health care in the private marketplace or that you can join some other group such as an association and buy health care through that. It says you have to buy this new health care through your old health care provider or some new pooling agreement, a State-sponsored pooling agreement.

This concept is a prefunded tax credit, essentially a welfare payment. That is a new title for it, such as when someone comes up with a term to try to avoid the real meaning of what is happening. In this instance, what we have is a welfare payment which is being made to an individual who loses their job.

It is perfectly reasonable that we try to figure out some way to give reasonable health care coverage to people who lose their jobs. That is perfectly reasonable. But to do it in this narrow band of activity outside of a more substantive reform of the health care arena is to step us off on a path which is slick and which is clearly downhill and which will probably lead to incredible mismanagement of our health care systems and our attempts to correct the health care problems.

Right on the face of it, this creates an unbelievably difficult situation for people who are working and don’t have health care. If you are working and you don’t have health care today, you are now going to be paying taxes, probably increased taxes, to pay for somebody who is going to get health care who is not working. How fair is that? You can’t afford health care. You are paying taxes. Your taxes go up that much, but you don’t have health care. It is not fair to say that somebody who does have a job, but who has a variety of different support mechanisms, including an additional two years of unemployment, significant
benefits in the area of retraining. Significant other benefits which are tied to trade adjustment—that person will also now get a 70-percent payment from you, the working American who does not have health care, to that person, the nonworking person who does not have health care, who is out of a job, to stay out of a job or maybe the person who needs health care who has a job to give up their share in order to get health care coverage.

It is very bad policy. It is unfair. It is extremely unfair to the person paying taxes who does not have health care coverage.

The second problem with it is, by demanding that the person who is getting this new coverage, the 70 percent of tax dollars to pay for that health care insurance—how many people in America today have 70 percent of their health care being paid for by the Federal Government? I guess the Part B premium on Medicare is the only people who will be competitively in the same situation; about 75 percent of your Part B premium under Medicare is paid for by other taxpayers who will now have to be used to purchase the highest cost health insurance that is probably out there, which is the health insurance left only for people who you just lost.

You can’t buy anything other than a COBRA-based health policy or this new State pooling concept which does not exist. I am willing to almost guarantee it is not going to exist in most States because most States don’t have enough people who are affected by trade adjustment to create a pooling agreement which would be viable through which to buy that health care insurance. They would have to set up an entirely different group of people to participate in the agreement. Maybe they will do that, but most States are not going to set one up just for trade adjustment.

As a result, a person will have a 70-percent subsidy to buy the most expensive health care rather than allowing that person to go out in the marketplace and make an intelligent and thoughtful decision as to where they will buy their health care.

You have immediately created an entitlement going to be corrupted in the amount of cost it will incur and where the dollars are going to flow in order to purchase health care, instead of creating an atmosphere where the person without health insurance, who is out of a job, becomes an intelligent consumer of health care, who goes out in the marketplace and say: What do I really need? What can I really afford here? And what do I really need in health care insurance? They look around and figure out what their best options are, which creates where they go out in the marketplace and say: What do I really need? What can I really afford here? And what do I really need in health care insurance? They look around and figure out what the highest end insurance out there. You may not need it, but you have to buy it. Of course, 70 percent of it will be paid for by the poor person working down the street who has a job and doesn’t have health care at all.

It makes no sense. If you wanted to throw the open market and down an abyss of market complication, this is it. To step into the uninsured health care issue in this manner is to do exactly that. It is a massive new entitlement in its own right but a colossal mistake from the standpoint of health care policy and a major entitlement initiative as it expands from here.

This is going to basically become a roadmap for the future. It will be a rut that is going to be very hard to get out of intelligently as we move down the road of health care reform, especially for uninsured Americans. This is a big issue, something that has to be handled with a little more thought and foresight.

There are the two huge entitlements from a policy standpoint. Financially, they are not scored that aggressively in this bill. But from a public policy standpoint, these are the two massive new entitlements in this bill. They represent an explosion of new entitlements which are mandated private sector activities which would be viable through which to do this business, thereby driving in this Congress and under this administration. The farm bill, scored at $80 billion when it first came through here over a budget, is now somewhere over $100 billion, probably more than that, and most of it is in a new entitlement program.

There are a variety of other ones in the wings coming at us, whether they are mandated private sector activities or whether they are going to be something such as a drug benefit which now has a floor on it of $350 billion with no ceiling in sight.

When I came here in 1992, having just served as Governor of my State, my focus was mainly on two things. In fact, there was a coin flip of four or five of us as new members, as Republicans, including Senators Coverdell, Bennett, Kempthorne, Hutchinson, and later Campbell. The focus was on unfunded mandates that were being put on the States. The second was the explosion of entitlement costs. We took aggressive action because we were facing a significant deficit and had been through many years of it, to try to get entitlements under control. We aggressively pushed that as new Members of the Senate.

It is sort of like “deja vu all over again.” To quote Yogi Berra. Here we are facing a deficit, and we don’t know how severe it is going to be. We are pilings on entitlements, and the most difficult spending to get under control in Government is entitlement spending because it is automatic. It creates interest groups and basically is not capable of being reined in efficiently or effectively in public bodies that go up for election every 2 and 6 years.

I think the trades made in this bill are difficult, to say the least. To get fast-track authority—a procedural process for the President to have an opportunity to make his points on trade agreements, which cannot be amended by the Senate, that is a very important point on administrative prerogative, but it is procedural. In exchange for that, with this right, we are trading away very significant new entitlement initiatives which have explosive potential and are bad public policy.

As a result, I have deep reservations about this package. I regret it has been negotiated in the manner it has been by our leadership in the Senate. I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

DASCHLE. Mr. President, we will be conducting a vote on cloture at 11:30. Prior to the time we have that vote, I want to make some final comments about what I consider to be the importance of bringing debate on the Table on what I believe we have a good vote on cloture this morning.

We opened the debate with a recognition of how critical it is in this country, with this economic environment, especially the importance of our globalized markets and the need to be competitive in them. Under the strong leadership of Senator Baucus and with help from Senator Grassley, we put together a historic package of trade legislation that dealt first with the Andean Trade Preference Act, an act that has already proven itself to be invaluable to not only those countries in South America that have benefited directly from increased trade with the United States, but this country as well—a recognition that this trade partnership ought to be extended, a recognition that it is not only an economic partnership but a strong political one and that if we can continue to provide political communication and coordination in a way that allows us better economic return, we are going to strengthen those countries politically as well as economically.

That is what ATPA is. It is an opportunity for us to reaffirm our recognition of a partnership of South American countries and our confidence that economic trade is good for both.

Secondly, we added legislation to this package that, for the first time, addresses meaningful assistance to those workers who are displaced as a result of trade. My view has always been that there are far more winners than losers in expanding our trade around the world. But we also recognize that there are some losers and some who, for whatever reason, may have been dislocated. When those occasions occur, I think our country owes them, and that is why we are providing those workers some safety net to ensure that their health needs and, hopefully, their short-term unemployment needs are addressed.

The Trade Adjustment Assistance Act that we have put into this package addresses that need. It does so very effectively. For the first time, trade adjustment assistance will help those
who have lost their jobs get coverage for health care under COBRA at 70 percent of the cost of the program itself. Seventy percent is an unprecedented statement about our commitment to those workers who have lost something as a result of changes in the environment that created the present glut of job loss because of globalized market development.

We also provide new wage insurance legislation that helps older workers who are adversely affected by the wage adjustment. This was not part of the Sunshine Protection Act, which is almost anathema to the free enterprise system, but that is one of the amendments that colleagues should recognize the very hard work the majority leader has put into this legislation, particularly, in my judgment, in the strongest possible amendment, and that is trade adjustment assistance. The majority leader, along with the occupant of the chair, Senator Bayh, both pushed very effectively to address a large gap, frankly, in American trade policy, and that is the inadequate attention given to those who lose their jobs as a consequence of trade. They built up the trade adjustment assistance.

All American workers who have been adversely affected in the last 10 years. We need to assist those countries is to pass this bill. If we do not get cloture, I am afraid the list of amendments will continue and never cease.

The only way I see getting to closure is to vote for cloture. I urge our colleagues, Democrats and Republicans: Let’s vote for cloture; let’s address those amendments that are still remaining that are germane postcloture. We have abided by that agreement. There is no reason we cannot finish this bill either later tonight or tomorrow sometime and get it to conference.

It is going to have a difficult conference because there are big differences. Frankly, the majority insisted on including trade adjustment authority and insisted on adding brandnew entitlements we have never had before in trade adjustment authority, including items such as wage insurance, which is almost anathema to the free enterprise system, but that is in this bill. We have to negotiate that with our House colleagues.

We have to negotiate a whole new tax credit to provide health care benefits that has never been a part of trade adjustment assistance. I am sure that is going to be debated extensively.

Anyway, it is going to be a very difficult conference. We need to begin that conference as soon as possible and hopefully come up with a bill that actually will promote trade, increase jobs, make us competitive, and help us to comply with international agreements.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, all Senators should recognize the very hard work the majority leader has put into this legislation, particularly, in my judgment, in the strongest possible amendment, and that is trade adjustment assistance. The majority leader, along with the occupant of the chair, Senator Bayh, both pushed very effectively to address a large gap, frankly, in American trade policy, and that is the inadequate attention given to those who lose their jobs as a consequence of trade. They built up the trade adjustment assistance.

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The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICHOLSON. Mr. President, I will tell my friends and colleagues, both the majority leader and chairman of the Finance Committee, that I join them in urging our colleagues to vote in favor of cloture so we can move this bill on, so we can finish it. We have been on it now for almost a month. We have considered a lot of amendments.

That having been said, I do not agree with the process. The Senator from Montana knows that well. There are three bills that have been jammed into one. It is a very complicated bill. Two of the bills were reported out of the Finance Committee. We marked up those bills. They were included with trade adjustment assistance which was rewritten on the floor. It did not come out of the Finance Committee. So I objected to that, and I objected to some of the amendments that colleagues tried to add. We fought those battles. We have had some good debate. We have won some; we have lost some.

Now is the time to have a cloture vote so we can bring this bill closer to passage and end the debate on trade promotion authority, which I happen to think is the most important provision in the bill.

I also believe the Andean Trade Preference Act needs to pass. Its authorization expired months ago, and tariffs were supposed to be imposed last week on four Andean countries that really need our help, tariffs as high as 12, 25, 30 percent on countries that have not had to pay those tariffs for the last 10 years. We need to assist those countries. It is not fair to Colombia, Bolivia, Peru, and Ecuador. They are our friends and allies who have negotiated in good faith with the U.S. Government for a reduction in tariffs.

We have abided by that agreement for the last 11 years, and we said we were going to extend it. We have not done that. It is up to us to do that is our constitutional responsibility. We need to get that done.

I do not think the Andean Trade Preference Act should be in that package. I lost that debate. Senator Daschle and Senator Specter decided to put it together. The only way we can help those countries is to pass this bill. If we do not get cloture, I am afraid the list of amendments will continue and never cease.

The only way I see getting to closure is to vote for cloture. I urge our colleagues, Democrats and Republicans: Let’s vote for cloture; let’s address those amendments that are still remaining that are germane postcloture. We have abided by that agreement. There is no reason we cannot finish this bill either later tonight or tomorrow sometime and get it to conference.

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Anyway, it is going to be a very difficult conference. We need to begin that conference as soon as possible and hopefully come up with a bill that actually will promote trade, increase jobs, make us competitive, and help us to comply with international agreements.

I yield the floor.
I urge our colleagues to support this cloture motion.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Parliamentary inquiry. Mr. President, I believe we have about 6 or 7 minutes remaining. I yield myself some time under my leader time. That will still leave the final 5 minutes for the chairman and ranking member to speak.

I urge my colleagues to vote for cloture. We have been working on this legislation for quite some time. I believe this is the fourth week we have been working on it, at least part of the time. We have had a number of amendments. We have won some, we have lost some, depending on your point of view. It has been a good debate. Senators have had a chance to offer amendments. It is time we bring it to a conclusion.

We need trade promotion authority for this President. We needed it for our previous President. I was for it when President Clinton was President. I think it is irresponsible for us not to have this authority to allow our Presidents, our administrations, to negotiate trade agreements that will help America and help our trading partners. I do not want to get into a philosophical argument, but clearly it is the way America needs to go. We need to open markets, not be closing markets or closing our own markets. We can compete in the world trade market. We can produce as well as our competitors. Our farmers need these markets, and this is the way to do it.

The second part of this legislation is the Andean Trade Preference Act. These countries in the northern tier and western side of South America are trying very hard to move toward economic growth, democracy, and freedom. They are doing a great job under very difficult circumstances—Ecuador, Bolivia, Peru, and of course Colombia. If it is proven that we have had a lot of support, that we have ready acted on this legislation. We are in an extension of time right now. Clearly, we need to pass this legislation. We need to separate the Andean Trade Preference Act and move it on in an expeditious way.

Last but not least is trade adjustment assistance. Different people will argue it is too much, it is not enough, but we have had trade adjustment assistance in the past. We do need to give some support to our workers, a bridge to the next job, maybe some training. There are health benefits. You can argue whether this is the best way to do it.

The bottom line is, we have done it. We have significant legislation in this area. When you put all of them together, it is time we bring it to a conclusion. If we vote for cloture now, we can finish this bill not later than tomorrow, and it would be a very high note for the Senate to finish up work before we go to the Memorial Day recess.

I urge my colleagues on both sides of the aisle: We have done a good enough job. We should move to invoke cloture, stop the extraneous amendments, and then move to a conclusion. I yield the floor, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the quorum call is rescinded.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I seek unanimous consent that the order for the quorum call be rescinded.

Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator has 3 1/2 minutes remaining.

Mr. GRASSLEY. Three? The PRESIDING OFFICER. Three.

Mr. GRASSLEY. Mr. President, with today’s vote on cloture on the trade bill, we move one step closer to reestablishing the United States global leadership and credibility in trade.

We move one step closer to being better able to advance this country’s economic interests in this hemisphere. And we are on the brink of realizing greater economic prosperity to every American family. That is because with today’s vote, the President will be one step closer to getting one of the most important tools he needs to strengthen the American economy, and to create new American jobs.

American leadership in trade has floundered for the last several years. We have seen over 130 preferential trade agreements signed by our trading partners in the last few years, none of which included the United States. This proliferation of preferential trade agreements among other nations—including major U.S. trading partners such as Canada and Mexico—is harmful to U.S. trade interests. These agreements provide their members with preferential access to one another’s markets—while disadvantaging American agricultural products, manufactured goods, and many services.

Some American companies overcome these barriers by producing overseas. Many small-and medium-sized companies can’t do this however, and because they are less competitive, they lose opportunity after opportunity to their foreign counterparts. This loss of competitiveness, in turn, undermines the export-dependent firms, as well as our farmers, means fewer jobs.

It means lost wages or income. It means that hard-working American families aren’t able to pay the mortgage, or the family can’t provide better education or other opportunities for their children.

Today, as we speak, the United States is engaged in new global trade negotiations in the WTO. We played a central role in launching these negotiations, the Uruguay Round, draft a Ministerial Declaration—a roadmap for the new round of trade talks—that contained nearly every one of our priority negotiating objectives, particularly in agriculture. As a result, we are poised to win unprecedented new market access for American agricultural products around the world.

In my State of Iowa, we know how important trade is to our farmers. We export more than $1 billion worth of everything we grow or produce on the farm, accounting for more than one-third of total Iowa exports to the world. Our farmers, our manufacturers, our soybean growers all depend on the income they earn from exporting to take care of their families and their communities. And the plain fact is, they would have more export-related income if world agricultural tariffs were lower, and other trade barriers were reduced.

Restored United States leadership in free trade will benefit other as well. An aggressive, American-led effort to open world markets will mean more jobs for our highly competitive manufacturing sector. At the John Deere plant in Waterloo, IA, for example, one out of every five tractors built in the plant is exported, accounting for over 800 export-related jobs. If we gain access to more overseas markets through lower tariffs, we could sell these tractors and create more jobs. Our service sector, which provides nearly 8 out of every 10 jobs in the United States, is even more reliant on open world markets.

Because we are so competitive internationally, we have an $83 billion trade surplus in services. Liberalization of trade in services is only 5 years old. The potential to build even more American export growth in services is tremendous. TPA will help us realize this potential. With today’s historic vote, America’s days on the sidelines are numbered. America is almost back in the game.

I want to commend Senator BAUCUS and Senator DeMINT for all they have done in moving this bill forward, and for working on a bipartisan basis to help restore America’s leadership in world trade.

Mr. President, I strongly urge my colleagues to vote “yes” on cloture.

I ask unanimous consent to have printed in the Record a letter from the White House.

There being no objection, the letter was ordered to be printed in the Record, as follows:


Hon. MAX BAUCUS, Chairman, Senate Committee on Finance.

Hon. CHARLES GRASSLEY, Ranking Member, Senate Committee on Finance, U.S. Senate, Washington, DC.

Dear Chairman Baucus and Senator Grassley:

On behalf of the Administration, I wanted to thank you for all of your efforts to produce a bipartisan trade package. Those efforts appear to be near successful conclusion with this morning’s cloture vote.

It is our hope that a substantial majority of the Senate will vote to close off what has been a full and fair debate, and then proceed to final passage of the bill. In that vein, I wanted you to know that the Administration
The PRESIDING OFFICER. The Senator from Montana has 37 seconds.

Mr. BAUCUS. I yield back the remainder of my time.

CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back. Under the previous order, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Baucus-Grassley substitute amendment for Calendar No. 215, H.R. 3009, the Andean Trade Preferences Act.

Max Baucus, Chuck Grassley, Orrin Hatch, Zell Miller, Blanche L. Lincoln, John Breaux, Mitch McConnell, Chuck Hagel, Robert F. Bennett, Christopher Bond, Ron Wyden, Ben Nelson of Nebraska, Patty Murray, Jeff Bingaman, Pete Domenici, Pat Roberts, and Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment 3401 to H.R. 3009, an act to extend the Andean Trade Preferences Act, is so ordered, and for other purposes, shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I move to lay that motion on the table.

Mr. BAUCUS. Madam President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Is there a quorum?

Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Senator from Florida for the question. The amendment is the same. It is my understanding that for a technical reason, postcloture, it was to be divided into two amendments instead of one. It is the same amendment. I am just asking, before we start debating the amendment, to make sure we have the proper one called up.

Mr. BAUCUS. Madam President, further answering the basic question of the Senator from Florida, the amendment we have on the list that is ready to be brought up is No. 3440. That was my understanding; that is the amendment to be brought up.

Mr. NELSON of Florida. That is fine with me. I wanted to make sure we were on the proper bill in fact because I had filed two other amendments that were the same subject matter that would be correctly drawn to the bill. As long as the chairman indicates that the one we had filed originally is OK, that is fine with me. The subject matter is identical.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I have to temporarily object until we have an opportunity to study the amendment.

Mr. BAUCUS. Madam President, the order was already entered and no objection was heard. Amendment 3440 is the amendment that is pending.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I raise a point of order against the pending amendment. It has a drafting error and it-amends the bill in two places and is therefore out of order. I raise a point of order.

Mr. NELSON of Florida. The present amendment does not amend the bill in two places. The one that has been up by the chair of the Finance Committee is the original one. The junior Senator from Florida is purely trying to get the issue out so that we can discuss it. I was told that postcloture it had to be drafted in a separate way. It is an identical amendment.

I will proceed with the amendment on the reliance of the statement by the chairman of the Finance Committee.

The PRESIDING OFFICER. The point of order is well taken. The amendment as drafted to amend the bill in two places is out of order on its face.

Mr. NELSON of Florida. Madam President, do I have the floor?

The PRESIDING OFFICER. The Senator from Florida does have the floor.

Mr. NELSON of Florida. Madam President, I will continue to speak on the amendment, and for whatever reason you all are objecting, I wish you would find out what technical reasons you have for an objection. I assure everyone, this is the identical matter.
The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I think we can clear this up. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Madam President, I do not want to relinquish the floor. I yield to the Senator from Nevada without losing my right to the floor.

Mr. REID. Madam President, I ask unanimous consent that we go into a quorum call with the Senator from Florida recognized when we come out.

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

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. 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. 3454 TO AMENDMENT NO. 3601

Mr. NELSON of Florida. Madam President, pursuant to the discussions we have had, I call up amendment No. 3454 and ask for its immediate consideration.

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

The clerk will report.

The legislative clerk read as follows:

The Senator from Florida (Mr. NELSON), for himself and Mr. GRAHAM, proposes an amendment numbered 3454.

Mr. NELSON of Florida. 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 limit tariff reduction authority on certain products)

At the end of section 2103(b), insert the following new paragraph:

(4) PRODUCTS SUBJECT TO ANTIDUMPING AND COUNTERVAILING DUTY ORDERS.—Paragraph (1) shall not apply to a product that is the subject of an antidumping or countervailing duty order at the time of the agreement referred to in paragraph (1), unless the agreement provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order.

The PRESIDING OFFICER. The amendment has been placed upon the desk.

Mr. NELSON of Florida. Madam President, I rise today to address the Senate on trade promotion authority and the opportunity this country has before it to participate in free trade. I am a free trader. I believe it is a net benefit for both my State and the country to reduce tariff barriers and open markets to other nations.

We must do this in a manner that respects fair trading practices by important industries in the United States that are the engine of our economy. Need I remind everyone that in the war against terrorism, it is not only that we have to be politically and militarily strong, but we have to be economically strong as well?

There is some debate over our last free trade agreement with Mexico and Canada. I was a supporter of NAFTA and believe that an important part of the economic growth the United States experienced in the decade of the 1990s. But NAFTA arranged for side agreements relating to certain industries our trading partners did not live up to. That was the case for Florida. It was a side agreement that was going to be protective of winter vegetables, specifically tomatoes. That side agreement was not lived up to with regard to the importation of Mexican tomatoes, with the result that whereas Florida used to have a huge percentage of the national market of winter vegetables, we now supply only 30 percent. You can imagine what that has done to some of the fruit and vegetable farmers in Florida.

Second, as we export to all of the countries of the Western Hemisphere, we must consider how we can learn from and prevent these kinds of situations we have had in the past with things such as NAFTA and how we can prevent that from happening in the future. That is why Senator GRAHAM and I have introduced this amendment to the TPA legislation that cuts right to the heart of free and fair trade.

This amendment says tariffs may not be reduced on commodities on which there is an existing antidumping order or an existing countervailing duty order. What does that mean? Well, I am going to explain it, if I may. When the executive branch, the Congress, or particular industries believe a certain nation is engaging in some kind of unfair trade practice on a particular commodity, then they go out and petition the International Trade Commission to investigate the trade of that particular commodity. Second, what happened with the recent steel case. If a thorough investigation by the International Trade Commission finds that an important product is being sold below fair market value and that a U.S. producer is thereby being harmed, it is considered dumping, an anti- competitive practice. Dumping is, in essence, price discrimination against U.S. consumers.

Now, there is another kind of order. This occurs when a foreign government subsidizes a particular commodity—"a foreign government subsidizing a particular commodity—then that order would provide that those foreign manufacturers, or exporters—because they have that unfair competition because their government is subsidizing their particular commodity, and they are going to have an unfair competitive advantage; therefore, the Department of Commerce would issue a countervailing duty order.

So it follows that if a country or company is found by the International Trade Commission, or the Department of Commerce, to be actually engaging in unfair trade practices in such a clear-cut manner that it is issued either an antidumping or countervailing duty order, then under this amendment, while those orders are in place, those tariffs would not be reduced on those commodities until that dumping, the subsidizing, or the order had been removed. That is just as common sense as you can make it.

If you have anticompetitive behavior by a foreign government or foreign company, you take out the order there put in place by the Department of Commerce or the International Trade Commission, as long as those orders are in place, you are not going to let the tariff be reduced that protects the U.S. consumer because it simply doesn’t make sense to reward countries by further opening U.S. markets to commodities that are currently being dumped in the country by our trading partners until the dumping has ceased.

Now, some may argue that this amendment is not compliant with the World Trade Organization, the organization that administers trade agreements among nations, the organization that acts as a forum for trade organizations, the organization that settles trade disputes, and the organization that reviews trade policy. Well, some may argue that this amendment doesn’t comply with that. I disagree.

First of all, the World Trade Organization’s compliance should be judged based on the substance of trade agreements. This legislation is not the substance of trade agreements; rather, this legislation states the terms by which Congress will consider providing fast-track authority to such trade agreements. World Trade Organization compliance will be assessed later when a trade agreement is completed. So that argument doesn’t wash as a counter to Bob GRAHAM’s and my amendment.

Second, they might argue that this amendment provides a double penalty upon countries that practice anticompetitive behavior. Well, that argument is not accurate either. It is widely understood that antidumping orders are not viewed by the WTO as punitive. Instead, they are viewed as remedial.

Finally, some would argue against this amendment and act as if tariff reductions are a divine right. Tariff reductions are not a divine right. Tariff reductions should be considered and approved on their face after consideration of all the facts. They should be viewed as mutually beneficial in a bilateral or multilateral scenario. Withholding a benefit should not be considered assessment of a penalty. I might also add that this amendment of Senator GRAHAM’s and mine does not violate the core basis of the Uruguay Round of tariff negotiations, and ultimately that Uruguay Round established the World Trade Organization. WTO compliance is not an issue in this debate. Instead, it is being used as a red herring to try to defeat this amendment.
For all of these reasons, I submit that this legislation doesn’t violate the norms of the WTO and, actually, should strengthen the administration’s hand at the negotiating table. Let me say that again to my friends in the administration, who have fought Senator GRAHAM and me tooth and toenail on what is free and fair trade. This amendment will actually strengthen your hand at the negotiating table by being another instrument to help you make sure that trade is free and fair trade, as we want to open up free and fair trade.

While the $9 billion Florida citrus industry is a concern to this Senator and my senior Senator from Florida, this amendment protects markets for commodities, including honey, steel, preserved mushrooms, Atlantic salmon, and sugar, and a whole number of other items I am going to list. We must not reward countries that engage in antidumping, predatory trading practices.

Madam President, my concern that we not undermine our antidumping procedures does not make me any less of a proponent of trade promotion authority in the best interests of my State and the country. Florida is an exporting State, and exports mean good jobs. According to the Department of Commerce, 11 greater Florida metropolitan areas posted exports of more than $120 million in 1999: Miami; the Tampa Bay area; Fort Lauderdale; Orlando; the West Palm-Boca area; Jacksonville; Melbourne, my hometown in the Brevard County area; Lakeland; Sarasota; Pensacola City; and Daytona Beach. Florida exported goods worth $24 billion in that year to more than 200 foreign markets.

These goods include computers, electronic products, machinery transportation equipment, chemical manufacturing, electrical equipment, appliances, and agricultural products. Trade promotion authority has the potential to open markets to Florida’s entrepreneurs and small businesses and farmers.

I have been contacted by many Floridians asking me to support TPA, and I have by voting for cloture so we can move on with this bill. I helped out the Senator from Texas yesterday when there was an amendment that was clearly affects many other interests. This amendment clearly affects many other industries is a concern to this Senator and me. I want to make sure those interests are protected, those same States being protected from those countries that are trying to undermine our antidumping authority in the best interests of my State and the country.

I do not know why the Senator from Texas and others—we talk about the purity of the legislation. I helped him yesterday. I cannot understand. We are talking about free and fair trade. We are not talking about monopoly trade which will occur to the detriment of the Florida unless this amendment is adopted. There are many from other States, I say to Senators, that will be these are forewarned and forearmed that if they do not protect this legislation with this amendment, then those countries that are going to open markets to Florida’s entrepreneurs and small businesses and that is not free and fair trade.

I want to make sure those interests that are protecting sugar from the European Union, Germany, France, and Brazil, which include Louisiana, Hawaii, Texas, California, Idaho, Michigan, and Minnesota. I inquire, Madam President, it is my understanding the side proposing the amendment has it hour; is that correct? The PRESIDING OFFICER. The Senator is correct.

Mr. NELSON of Florida. I thank the Chair.

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Mr. NELSON of Florida. I thank the Chair.

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Mr. NELSON of Florida. I thank the Chair.

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I want to make sure those interests that are protecting sugar from the European Union, Germany, France, and Belgium, which include L

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in international trade, that as long as that order exists, this amendment says you cannot reduce the tariff.

Madam President, to retain the floor, since we have had some squabble, I yield to my colleague, and upon the finishing of his remarks, I seek to retain the floor. I yield to my colleague from Florida.

The PRESIDING OFFICER. Is the Senator seeking consent to that effect? Mr. NELSON of Florida. Yes. Mr. GRAMM. I object.

The PRESIDING OFFICER. The objection is heard.

Mr. GRAMM. The Senator cannot control the floor.

The PRESIDING OFFICER. The objection is heard.

Mr. NELSON of Florida. Then, Madam President, it is interesting we are talking about free and fair trade. What we ought to have is free and fair trade. Earlier, because of some technical reason, people from that side of the aisle were trying to prevent me from offering my amendment that I have been waiting in the queue very patiently for weeks to offer. I have become a constant visitor with the chairman of the Finance Committee, and with that ranking member, seeking to protect an industry from Florida facing life or death, an industry that is so important to the State of Florida that the license tag of the State of Florida has emblazoned upon it the emblem of that industry.

I thought about free and fair trade we could have a free and fair debate. So, Madam President, I have said my piece. I will relinquish the floor. I hope others will accord me the privilege within the span of the hour, that should additional things arise, they will give me the courtesy of being able to speak. I thank the Senate for indulging us and giving us an opportunity in which to air an issue that is most important to the United States of America. I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, let me first respond by saying each Senator has a right to the floor. No one can prevent a Senator from having an opportunity to be recognized. Second, the Senator is offering this amendment now because of the willingness of the chairman and the ranking member and every Member of this body to allow him to jump ahead in line of literally dozens of amendments that were filed earlier and that could have been offered before his amendment. If we had followed the rules of the Senate, instead of granting the Senator special privilege, we would have had a fairly substantial number of amendments that we would have had to deal with because he could have ever presented his amendment. I don't know if there is any perception of a grievance here. A, I am sorry; and, B, I don't think there is a basis for it.

Now, let me address the substance of this amendment. It always amazes me when people are free traders and all they can talk about is your commodities are threatened and you are losing protection. This amendment is a protectionist amendment. This amendment says to all those industries that are threatened, the products the Senator mentioned off the table in terms of future negotiations, even if the negotiations have to do with eliminating unfair trade practices.

It is also based on a false premise. Every Member of the Senate should understand this false premise. The false premise is that if there currently is a countervailing duty or an antidumping order on a product from Texas—let me take honey: I don't know that there is such an order, and I am not seeking such an order, but for every honey producer I have, I probably have 500,000 honey consumers. So it always is amazing to me that everyone is willing to accept a service by being prevented from preventing competition, but let me just take my example—say there was a countervailing duty on honey, that we concluded that honey was being sold too cheaply to schoolchildren. It is an excellent source of nourishment, an excellent product people like to eat. But it is being sold too cheaply. We don't want them to have it that cheaply. So we have a countervailing duty on it.

Listening to the Senator from Florida, it is obvious he makes the assumption that if there is a trade negotiation put into place and is consummated, and in that process we change the duty on honey, that it overrides the antidumping agreement. That is totally and verifiably false. Let me say that again. If there is a countervailing duty on honey, if there is an antidumping order on honey, and under this bill the President negotiates a trade agreement, say, with Chile, that affects honey—it does not override the countervailing duty. It does not override the countervailing duty, if the agreement is ratified by the Senate, does not override a countervailing duty, if the agreement is ratified by the President, does not override a dumping order. We simply have this being used as a ruse to take numerous items off the table.

We are down to the point now where we have debated, for many weeks, the effort to give the President fast-track authority. The administration is adamantly opposed to this amendment because they believe it guts the very foundation of trade promotion authority. In effect, it takes off the table numerous items that are important to other countries, in terms of their negotiation and, quite frankly, important to us.

Part of a trade negotiation can be to agree on unfair trade practices where, if a country is subsidizing steel or some other product, part of the trade negotiation can be to require, as part of what they are giving in return for our opening markets here, they are opening their markets there—part of what they can give up is these subsidies. But the amendment of the Senator would say: No, those negotiations cannot occur within the context of trade promotion authority, even if the negotiations occurred, unless the antidumping order were vacated. Unless the countervailing duty were overturned because the causes of it were changed, nothing in this new free trade agreement would have any impact.

If Chile is dumping honey—and, God forbid, because schoolchildren would be getting honey too cheaply and they would be harmed, I guess—but if Chile is dumping honey, under this amendment you could negotiate a trade agreement that involved honey, even though no trade agreement we could negotiate would overturn the countervailing duty. It would still be in place. Only if it is removed in the future because the underlying cause is removed, the trade agreement would go into effect.

The President talks about life and death of his State. We already have in the bill a limitation on the ability of the President to negotiate in the area of frozen concentrated orange juice, one of America's great foods. Every child in America should drink orange juice every morning. Yet we have prohibited the President from having full power to negotiate with regard to frozen concentrated orange juice. Why? Because he is afraid this industry was a protected industry. We have chosen between orange juice producers—and I have some in my State—and all the children in America
who ought to be drinking orange juice in the morning.

Talk about unfair trade practice, that is one of them. The point is, it is not as if we have not already given special protections to the very industries the Senator is talking about. What we are doing is trying to take off the table a massive range of items that, in reality, would say that you could vote for trade promotion authority knowing no trade is going to be promoted. This amendment would destroy the foundations of trade promotion authority and it should, and I believe will, be beaten.

But I finally want to address one point that I have just been dying to address throughout all these debates. Some people act as if you can have trade without having trade; that when you enter into a free trade agreement it is fine to have trade as long as your trading partner doesn’t sell anything in your country.

I have been on the Finance Committee for some time now. The Senator from Florida mentioned tomatoes. When we entered into a free trade agreement with Mexico, they started selling a lot more tomatoes. I am a big tomato buyer. I speak with some authority on the subject. Why is Mexico selling all of these tomatoes? For two reasons. No. 1, they are better; they taste better. If you have not compared a Mexican tree-ripened tomato with a domestically produced tomato then you are making a bad mistake. I ask anybody in America to submit to the taste test. The Mexicans have sold more tomatoes for one simple reason well, two, really, but one is dominant: It is a better product. It is a superior product. You can taste it and you can taste the difference.

The reason they can do it is they handpick these tomatoes and they put them in these cartons like egg cartons. They are ripened when they are picked, they take them to market, and people buy them.

It is true that the people who were producing tomatoes before we entered into the agreement are not selling as many tomatoes, but what is trade about? If trade is not about letting superior products displace products that are not as good, what is the purpose of it?

The second reason they sell more tomatoes is they are cheaper. So how in the world we are considering free trade, we want more trade, but then we protest, we are self-righteous, we are outraged, when our competitor, producing a better product at a lower price, is successful?

People are following trade but they are not for trade. They are for opening markets as long as nobody sells anything in the United States. It is amazing to me, the convoluted way we see trade. If we could just send everything we want abroad, people would be happy. Exporting is talking about. Just give it away. Let it go—but if we bring anything to America, somehow, something is wrong with it.

I close with this point. It is interesting how differently we view the world today on this issue than it has been viewed historically. I go way back by quoting Pericles. When Pericles spoke in the funeral oration, and he was trying to sum up the greatness of Athens, it is interesting that the example he came down to was imports.

The luxuries of the world are as freely available in Athens as they are at those places in the world where those items are produced.

The greatness of America is that people we do not even know, who do not even know us, are working to produce things to bring to our market that we can consume. You have products coming on trains and boats, this whole effort, all aimed at bringing to our feet the benefits of trade. Because we are the one nation in the world that understands how we benefit.

Look, I am sympathetic. I have lots of people in my State who have lost from trade, I don’t compete. But has the Nation lost? If I had tomato producers in the valley who lost their markets to Mexican tomatoes, they have lost. But has America lost if we have better tomatoes at a cheaper price? We have tomatoes to go with that money? Every dollar they get, they are going to spend on American products.

We know from trade data that the wages in those industries where they are going to go will rise. The products are 16 percent above the norm.

I submit with all respect that when we focus on trying to protect people from losing from successful trade, rather than focusing on trying to develop more winners, we miss the genius of the product.

Finally, provisions in this bill—which I do not support but are in the bill and I voted for cloture and I am going to vote for the bill—say that if you are a tomato producer and you lose your job, you get 2 years of unemployment benefits, you get 70 percent of your health care cost, you get a wage guarantee. Whereas, if other people lose their jobs because a terrorist blew up a plant they worked at, they get 26 weeks of unemployment and nothing else. So it is not as if we are not trying to cushion people who happen to lose from successful trade.

I submit that this amendment is protectionistic. It aims at protecting industries from competition. It is based on the false premise where it tries to get people to believe that by letting the President negotiate in areas where we have antidumping and countervailing duties, somehow the negotiations overturn those tariffs and those countervailing duties. They do not. Those stay in effect until they are removed, even if there is a free trade agreement.

I have not proposed—and I don’t know anyone who has proposed—that they be removed because of the free trade agreement. The source of unfair trade has to be eliminated for those countervailing duties and for the antidumping measures to be repealed.

But to simply say, even though they will not be changed by free trade agreements, that you can’t even negotiate a free trade agreement that would involve products that are currently subject to these penalties, even if the negotiations are aimed at eliminating the subsidies, and then saying even if you eliminate the penalties, even if you find they have stopped dumping for a year after there is an agreement, you still can’t negotiate an agreement—it seems to me that the sole purpose of such an amendment is to prevent the President from negotiating agreements.

The problem with it is that we want to negotiate because we want everybody in the world to have an opportunity to fly on a great airline or to use the finest computers or to buy things we produce. But in order for people to be willing to let products into their markets, we have to let their products into our market. There is no such thing as a single-entry bookkeeping system where people say: Well, whatever is great for you we agree to, but then nothing that is great for us can be considered.

I urge my colleagues to reject this amendment.

Let’s tick off some of these States. If you were from Texas—and I am, and I thank God for it every day—and we have honey producers—and I thank God for them, too—and they were subject to protection under antidumping, and the President under this bill negotiated a free trade agreement with Chile—which I hope he will, and I am for it—it would help Chile, and it would help America; it would be good for the world.

Please understand that will not overturn countervailing duties against honey. It will not overturn antidumping measures against honey.

The same is true for steel from Pennsylvania. The same is true of avocados from Arizona or from California. Nothing in our bill gives the President the power to negotiate eliminating antidumping measures or countervailing duties. He can negotiate tariff reductions that go into effect once those problems have been solved. But a treaty negotiated under this bill does not override those measures. Since it doesn’t override those measures, why in the world would you want to ban the President from negotiating in these areas?

It seems to me there are two reasons. One is you are confused—I don’t believe any Member of the Senate is confused—or you want to protect these industries. It would be great if you had this view of the world and would not let people competing with us sell anything. We sell everything. That is a strange view of the world. But some people have it. But nobody else will do that.

If you implement all of these restrictions, just understand, when the Senator from Florida went through that —
long list of things that could not be negotiated—it was a long list; I am sure he has more—and asking if Senators were listening—how would you ever negotiate a trade agreement if you couldn’t negotiate any of those items? Those are all items that support, I can assure you if you Europe or Europe or whatever is negotiating with us is very interested in those items.

So I urge my colleagues to reject this amendment. We have shown by an overwhelming vote that support the give the President trade promotion authority. To go back now and enact a gutting amendment that would destroy the whole trade authority for the bulk of items that America buys on the world market would mean it is not useful. It would be like giving the President a car without an engine or wheels. You could say you gave him 90 percent of a car; it just doesn’t have a starter. What good is it? You can look at it, you can sit in it, but you can’t do with it what cars are supposed to do. If we give the President this trade authority but we don’t let him enter into any agreement in all these different areas, what have we given him? Someday nobody will let us use in negotiating with them.

I urge my colleagues to reject the amendment and vote for the motion to table it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida, Mr. NELSON of Florida.

Mr. NELSON of Florida. Madam President, it is my understanding that the Senator from Texas wants to ask a question. I would simply defer if he would like to speak. But in light of the fact that he is not seeking recognition, let me address some of the points the Senator from Texas, my friend, has just raised.

The Senator from Texas said the President can negotiate. The fact is that this amendment will help the President in his negotiations, for addressing the question of the existing orders in trade negotiations is ultimately what is at stake in that negotiation. The question is not whether the President and the administration can negotiate. Clearly, the President is unimpeded in that ability to negotiate. The subject of this amendment is whether or not, when there are orders existing, they have to be taken into consideration in the negotiations with regard to the reduction of a tariff.

Mr. GRAMM, the Senator from Texas, asserts 100 items existing orders and protection from anti-competitive behavior would be taken off the table. He is right.

The Senator and I agree on two things. First of all, we support the overall inclusion of free traders. We certainly agree that there are lots of items. All of these items are covered by antidumping orders or countervailing duty orders. This amendment forces the President to address the anti-competitive behavior that led to the order being issued in the first place.

Who issues the order? If it is anti-competitive behavior through dumping of a product onto a market and trying to drive the U.S. competitor out of business, then it is the U.S. International Trade Commission. If it is the anticompetitive behavior of a foreign government that is subsidizing the production of a product of the American product, then the order is issued by the U.S. Department of Commerce.

So this amendment does not deny the ability to negotiate. It does assist the negotiators at the negotiating table in language of trade promotion, and so much of which refers to trade agreements. It is for the Andean Trade Act, which I support—it is often lost understanding that this amendment say this amendment provides a double penalty upon countries which it produced the product. So that alleged to be trading in a product at a price below what it cost them to produce. Where a specific commercial entity is identified, those matters would require specific and individual congressional approval.

The first provision was the antidumping provision. Antidumping is where a specific commercial entity is alleged to be trading in a product at a price which is below that company’s cost of production in the country in which it produced the product. So that rather than it is an agricultural product or a manufactured product and it is not going to become the ultimate target for predatory marketing practices, where an entity that has a product of which it cannot otherwise dispose, we are below the market price, dump it on the market, and they will be out of business and their workers will be out of business. That does not seem to be an unreasonable provision.

Mr. GRAHAM. Madam President, I am very pleased to join this afternoon with my colleague, Senator NELSON, in offering this amendment to the trade legislation.

I am strong supporter of expanded trade. I believe in the principle that if the world trades with each other, it will not only give us greater assurance that competition will be in commercial areas, not in military areas, it also gives to the world the opportunity to get the best quality and priced products that are available.

I believe in competition and that the United States will, in the future, as it has in the past, fare very well if that competition is fair. Free trade does not mean trade with rules. Free trade is associated with fair trade, trade that is under a rule of law that sets certain standards of behavior for the participants, whether they be nations or individual economic entities in that trade.

Madam President, as you will recall, we spent a considerable amount of time last week debating what is known as the Dayton-Craig amendment. That amendment was offered by our distinguished colleague from Minnesota and Idaho—one a Democrat, one a Republican—essentially said this: That while we were granting, with the Trade Promotion Act, broad authorities to the President to negotiate, and we were giving to the President our future right to amend those negotiated agreements by accepting the fact that whatever is negotiated we could either provide a green light of ‘yes’ or a red light of ‘no’ but we could not offer a yellow light of ‘caution’ or ‘modification,’ but that we were going to exclude certain items. We voted, therefore, for the Dayton-Craig amendment, which said that from that general policy of providing the President broad negotiating authority, we were going to exclude certain items and require that they be brought back to the Congress for a vote on those items, specifically without the protection of fast track.

First, what was it that we protected? We said if our negotiators were to negotiate and alter the basic laws that this Nation has developed over the years, which give us greater assurance that trade will not only be free but fair, these matters would require specific and individual congressional approval.

The first provision was the antidumping provision. Antidumping is where a specific commercial entity is alleged to be trading in a product at a price which is below that company’s cost of production in the country in which it produced the product. So that whether it is an agricultural product or a manufactured product and it is not going to become the ultimate target for predatory marketing practices, where an entity that has a product of which it cannot otherwise dispose, we are below the market price, dump it on the market, and they will be out of business and their workers will be out of business. That does not seem to be an unreasonable provision.

The second provision that the Dayton-Craig amendment gave special
treatment to was countervailing duties. What is that? Those are directed at nations which have practices that subsidize a particular product, so that when it is sold, it is effectively sold at less than what should have been the cost of production. That is where a government provides special benefits that distort the competitive marketplace.

Those are the two areas that were protected from fast track by the Dayton-Craig amendment. Those were adopted by the Senate by a substantial majority. We have done this because we recognize the importance of protecting the international marketplace of commerce from these trade practices which could be so distorting and which would defeat one of the basic principles of free trade which is that you encourage competition on a level playing field and whoever can prevail on that is the victor. This tilts the playing field to-and whoever can prevail on that is the victor. This tilts the playing field to-and whoever can prevail on that is the victor. This tilts the playing field to-and whoever can prevail on that is the victor. This tilts the playing field to-and whoever can prevail on that is the victor. This tilts the playing field to-and whoever can prevail on that is the victor. This tilts the playing field to-and whoever can prevail on that is the victor. This tilts the playing field to-and whoever can prevail on that is the victor. This tilts the playing field to-and whoever can prevail on that is the victor.

The amendment that Senator NELSON and I are offering today is the implementation of the objective of the Dayton-Craig amendment. Dayton-Craig intended that we ensure that one will continue unless the Congress—and I think it is unlikely—would vote to eliminate our current laws against dumping and against providing government subsidization at below the cost of production. It is assuming that those basic principles of fair trade prevail, what our amendment says is that the reduction in tariffs that are provided under the Trade Promotion Act “shall not apply to a product that is” at that time “the subject of an antidumping or countervailing duty order . . . unless”—and the Senator from Texas, my good friend whom I respect and refer to as my Teutonic cousin, did not mention the provision—“unless the agreement states that the product which purports to change the tariff on a particular product”—“provides that as a term, condition, or qualification of the tariff concession, the tariff reduction will not be implemented before the date that is 1 year after the date of termination or revocation of such antidumping or countervailing duty order with respect to all exporters of such product.”

Under our amendment, our negotiators are authorized to negotiate to initiate tariffs concessions, but at the same time they would have to negotiate appropriate conditions or qualifications that would assure to the United States that those concessions would not be implemented until 1 year after that agreement was made out. That agreement has met the requirement to rid itself of the antidumping or anticountervailing duty provision, which means that they had stopped the predatory practices that had disrupted the level playing field of international commerce.

I do not find that to be a radical or extreme position. If you believe we should have these methods of enforcing fair trade, antidumping and countervailing duties, then certainly you have to believe we should have the means of protecting ourselves against a country which has violated those laws, is under a sanction for that violation, and is now trying to get tariff concessions to avoid the possibility that predatory way against the United States.

This issue should not be partisan. It should not be regional. It should not be a provision which divides the Senate, in my judgment, in terms of the vote we took last week on Dayton-Craig. It ought to be a unifying amendment.

This issue has been a unifying issue in our State of Florida. I will submit for the RECORD a letter which was sent today by our State Governor, Jeb Bush, to both Senator BAUCUS and Senator GRASSLEY. I will submit it for the RECORD, but let me read in part:

I fully recognize the importance of supporting and protecting the international marketplace. However, Florida’s citrus industry has been forced to compete for years with countries that implement unfair trade practices, forcing the industry into financial decline. I support legislation that would require trade negotiators to take into consideration agriculture products that have been subject to antidumping and countervailing duty orders before negotiations begin.

I believe this is a very important amendment, if we are dedicated to the principle of providing our President the capability to negotiate to expand trade in the United States. But we have reserved for the Congress the right to review specifically any changes that are made in that process that relate to our ability to enforce fair trade.

And now with this amendment, we would give real teeth to that sanction by saying, having preserved our ability to maintain a level playing field of fair trade through the ability to impose countervailing duties against a nation on antidumping orders against a particular product, now we can give strength to that by saying, if you are under those sanctions, either one, you would not be eligible for tariff concessions until you had purged yourself for 1 year of those predatory practices.

I believe we should send a very strong signal to our trade partners that if they are willing to play by the basic rules of fair international commerce, we are prepared to open our markets even further to them. But until they are willing to do so, until they are willing to give up their previous practices that have distorted that international market, they will have to pay the price of those actions in the form of their noneligibility to receive any tariff concessions from the negotiations by our President which will be eventually submitted to this Congress for its up-or-down vote.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I thank the Senator from Florida, Senator GRAHAM and, in particular in this case, Senator NELSON. They are really good Senators. Senators are elected to defend the interests of their State and defend their people and try to help economic growth and development in their States. We all do that, all of us as Members of the Senate. For those folks in Florida who may be watching and are interested in this subject, I want them to know that their two Senators are doing a great job. I hear from Senator NELSON and Senator GRAHAM constantly on this issue: What we can do; how can we work this out; how can we compromise; what can we do to help here. I commend the two of them for their very strong, valiant effort.

This is a subject with which we are wrestling. We have to make a judgment as to where we draw the line with respect to helping protect industries and products in our own country and States. The real question is, What about agricultural products which are sold in the nature sense. Under current law, the President does not have the authority to require that the authority to reduce tariffs on certain products by proclamation, up to 50 percent of the current tariff rate. The other body added that the President may not reduce tariffs by proclamation with respect to import-sensitive agricultural products. It is, before initiating negotiations on these products, the U.S. Trade Representative is required, under the provisions of this bill, to engage in special consultations with the Finance Committee and with the Ways and Means Committee in the other body and also the Agriculture Committees in both bodies.

This measure is designed to help give that extra protection for those very sensitive industries. I know the Senators from Florida would like to go further. They would like the legislation to provide that the President may not come back to Congress with tariff reductions.

I ask unanimous consent to print the letter from which I quoted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:
Mr. BAUCUS. Madam President, in answer to the Senator’s question, I know of no other debate. However, due to extraneous circumstances, we cannot have a vote until at least 2:05. We can get the yeas and nays and order the vote for an up-or-down vote on the amendment. The vote can begin at 2:05.

Mr. NELSON of Florida. Is it in order to ask unanimous consent to have the yeas and nays and a vote to occur at 2:05?

Mr. REID. Madam President, I would have no objection from the Republican side if that would be a motion to table rather than a straight up-or-down vote.

I amend the request of my friend from Florida by asking unanimous consent that we have a vote at 2:05 on this amendment, that it be a motion to table that will be made, with no intervening amendment to this, and then we can set this aside and move to something else for the next half hour or so.

The PRESIDING OFFICER. Is there objection to the request?

Mr. NELSON of Florida. Reserving the right to object, I would like to put into the RECORD—and intended to do so earlier—a letter from the Florida citrus industry indicating their support for our amendment. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:


Hon. Max BAUCUS,
Senator Finance Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BAUCUS: I am writing to bring to your attention an important issue concerning the citrus industry. In addition to the consideration of Presidential Trade Promotion Authority, it is critical that the Congress support the citrus industry’s efforts to address trade practices and dumping against Florida’s agriculture interests.

As Governor of a state with a large agriculture base and a vibrant international trade sector, I fully recognize the importance of supporting free but fair trade for all concerned. However, Florida’s citrus industry has been forced to compete with years of unfair trade practices, forcing the industry into financial decline. I support legislation that would require trade negotiators to take into consideration agricultural products that have been subject to antidumping or countervailing duty orders before negotiations begin. The continued encroachment of unfairly traded imports will severely impact the citrus industry.

In seeking to create legislation that will help promote free but fair trade for our country’s industries, I hope that you will take into consideration the need to support import-sensitive products in pending legislation and future negotiations. I appreciate your consideration of my comments. Please do not hesitate to contact me should you have questions or concerns.

Sincerely,

Jeb Bush
Governor

Mr. BAUCUS. Under the Nelson amendment, not only can the President not proclaim tariff reductions on import-sensitive agricultural products, he cannot even negotiate a new agreement reducing tariffs on those products. To be truthful, that presents a lot of problems. It violates the principles of MFN—most-favored-nation trading status—which is, whenever we grant a tariff reduction to one country, it is granted to all countries. That is the basic underlying principle of GATT and WTO for all countries. What you give to one, you give to all. Otherwise, there would be this crazy system where it would be virtually impossible to trade.

This amendment would violate MFN because, if the United States were trying to negotiate tariff reductions on a certain product in various countries, but at the same time there was an outstanding order with respect to one particular country, this amendment would say the President cannot reduce tariffs because of that one country. If one particular country were under restrictions, this amendment would prevent the President’s hands to such a great degree. This amendment will prevent the President from coming back to Congress in negotiating tariff reductions when there is an outstanding order.

I urge Senators not to support this amendment. We have given a lot to import-sensitive agricultural products in this bill. The pending amendment goes too far. I think it should be rejected.

Mr. NELSON of Florida. Will the Senator from Montana yield?

Mr. BAUCUS. Yes.

Mr. NELSON of Florida. If there is no more debate, I am ready to put the question. If the Senator will instruct Senator Graham and me when to put the question, we will request the yeas and nays.

Mr. NELSON of Florida. It is in order to ask unanimous consent to have the yeas and nays and a vote to occur at 2:05?

Mr. REID. Madam President, I would have no objection from the Republican side if that would be a motion to table rather than a straight up-or-down vote.

I amend the request of my friend from Florida by asking unanimous consent that we have a vote at 2:05 on this amendment, that it be a motion to table that will be made, with no intervening amendment to this, and then we can set this aside and move to something else for the next half hour or so.

The PRESIDING OFFICER. Is there objection to the request?

Mr. NELSON of Florida. Reserving the right to object, I would like to put into the RECORD—and intended to do so earlier—a letter from the Florida citrus industry indicating their support for our amendment. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Without objection, it is so ordered.

Mr. NELSON of Florida. I thank the Chair and thank the Senator from Nevada.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

Mr. BAUCUS. Madam President, we have a long list of amendments ahead of us, many of which are not germane, particularly since the invocation of cloture. Clearly, they are not going to get 60 votes to override the point of order that would apply to them.

In the greater interest of moving this bill, which I think is the desire of a very significant majority of Senators—witness the vote for cloture; 68 Senators voted for cloture—beginning 10 minutes from now, I am going to begin calling up amendments that are on the list which will be declared not germane. I will make a point of order against each of those amendments that it is not germane. If the Chair agrees, we will, therefore, dispose of a lot of amendments and get to the heart of the matter.

I give Senators 10-minute notice to come to the Chamber because if their amendment is yet to be called up and
they have not yet called it up, it will most likely be declared by the Chair as not germane. I am giving them an opportunity to come over and make their case publicly to the Chair for why they think the amendment should be germane. If there are not, then within 30 minutes, I am going to, on behalf of Senators who have amendments, call them up and make a point of order.

Mr. REID. Madam President, will the Senator yield?

Mr. BAUCUS. I will be happy to yield.

Mr. REID. I say to Senators, this is not something Senator BAUCUS has gone to great lengths to avoid. Suddenly raising these nongermane or raise points of order because of the budget. This is something that has been done by the Parliamentarian.

As the Senator indicated, if it is a germane point of order, it takes a simple majority to override that point of order. As we learned in the past, they are not going to get 51 Senators to override germane points of order. It has created real tangles for the Senate in the past. That is not going to happen.

Those amendments relating to budget matters, if they can get 60 votes, fine. We will have to see how that happens. I hope to facilitate moving this bill. The chairman of the committee, the manager of the bill, is doing the absolutely right thing. It is going to happen at some time. As I indicated, those who are opposing their amendments know whether it is germane or not germane because the Parliamentarian made that decision a long time ago.

Mr. BAUCUS. In the interest of fairness and notice to Senators who I also hope are fair with respect to the rest of the body—and I know they will be—the amendments I have in mind are amendments I have in mind are amend-...
It is important to lead with our values. We ought to be promoting human rights. What makes me most proud to be an American citizen, to be a first-generation American, to be a Senator from Minnesota, is the way our country stands for human rights and for democracy and for freedom. I am saying in mild, moderate language, that our trade negotiators should have a principle negotiating objective, like the ones already in this bill for intellectual property rights and agriculture, that calls upon our partners to strive to live up to international human rights standards. Why not have the U.S. Government be part of that?

I am not saying don’t trade with them. And my amendment doesn’t say don’t trade with them. I am saying trade in a way that lives up to American standards. For example, let us get commitments out of trading partners to shape up—to respect the rights of their citizens.

In the January/February 2000 edition of Foreign Affairs National Security Advisor Condoleezza Rice said: “There are no guarantees, but in scores of cases from Chile to Spain to Taiwan, the link between democracy and economic liberalization has proven powerful over the long run.” In remarks made to the Society of American Business Editors and Writers last April, USTR Zoellick said: “...we have to ensure that trade policies are aligned with our society’s values. Free trade is about more than economic efficiency. It promotes freedom abroad.” In an address to the American Enterprise Institute earlier this month, he said: “Democracy is more than just holding elections. It is the Liberal idea embodied by the phrase, ‘The rule of law, not of men.’ It is a neutral, comprehensive framework that enforces fundamental rights impartially and justly.

And Monday, when talking about Cuba, the President said: “Political and economic freedoms go hand in hand.” Without major steps by Cuba to open up its political system and its economic system, trade with Cuba will not help the Cuban people. It’s important for Americans to understand political reform: without economic reform, trade with Cuba will merely enrich Fidel Castro and his cronies. With real political and economic reform, trade can benefit the Cuban people and allow them to share in the progress of our times.

It seems the administration has the rhetoric linking political and economic progress—especially when it comes to trade—opportunities and respect for human rights. But is there commitment? Where is the commitment to ensure this progress with our trading partners? It is with our trading partners that we can actually make a difference. How can we stand here and debate a bill that doesn’t even demand that our trading partners try to do better when it comes to human rights and political freedom? Economic, political, and social progress have always gone hand-in-hand. If public participation in the political process, if transparency in government, if acknowledgment of the fundamental rights of man come second to trade—economic property rights—it is exploitation. It is the text book definition of exploitation because someone owns those property rights—rights that affect everyone in society—but very few have had a say in their distribution. Today there are negotiators at the table at the WTO negotiating away rights over which the citizens of those respective nations have absolutely zero influence.

If that is the case, why does this fast track bill make anti-corruption in the trading regime and transparency at the WTO, principal objectives for U.S. trade negotiators? Why do those advocating this bill think these things are important enough to demand them from countries in the trading arena, but not important enough to demand that some nations allow such participation in rankings for their own citizens? Why? I will tell you why—it is because the current trading regime is all about protecting the rights of the investor regardless of the situation of the worker.

I look at the statements made by the administration, in the abstract, there are some I absolutely agree with. We have to promote human rights and democracy. We must insist on it in our foreign relations. But this must be more than rhetoric. We must have a commitment. Including a principle negotiating objective calling upon our trading partners to strive to live up to these standards is a way to show that commitment.

I have been talking about values but I could talk about competitive disadvantages too. A lot of what is going on throughout the world puts our working people at a severe disadvantage. Whether I look at Mexico, Colombia, or many other countries around the world, the situation is the same. People, quite often, if they try to organize and bargain collectively to get a better wage and working conditions, wind up in prison. They end up being treated like dirt.

Who pays the price? The people in the other countries pay the price for it. Our workers pay the price for it. It is hard for working people in our country to compete against a corporation that can go to another country, exploit children, work them 18 hours a day, and not abide by fair labor standards or abide by human rights standards. They can not compete against it and they should not have to. In my opinion, this bill is so devoid of these basic values, payment of slave wages, exploitation of people at the workplace by making them work under the most uncivilized working conditions, is a trade barrier. I don’t think our corporations and our companies and American businesses or American workers should have to compete with this.

Given the floor situation I will make my final two points. This amendment would mean something about economics. We should lead with our values. If we are going to enter into trade agreements with other countries, can’t we at least have a provision in the trade agreements that calls on them to live up to basic human rights standards? Should we be silent on these questions? Should we be doing business with countries all around the world without at least calling on them to live up to the international covenants respecting basic civil, political, and human rights?

The United States of America should not be silent when it comes to human rights. We should not be silent when it
comes to persecution against people trying to practice their religion. We should not be silent when it comes to people being rounded up and imprisoned for trying to organize a labor union and having decent working conditions and wages to support their families.

Finally, without at least some language dealing with democracy and human rights, we put American companies and American workers at a severe economic disadvantage. We find it very difficult to compete with companies located in countries whose governments violate basic human rights standards, that allow children to be worked to death, that allow slave wages, that allow uncivilized working conditions, and that crack heads when people try to organize and join a union in order to get a better standard of living. This human rights and democracy amendment strengthens this legislation and I urge my colleagues to support it. Since my colleagues were gracious enough to let me speak, I yield the floor and eagerly await their response.

AMENDMENT NO. 3445 WITHDRAWN

Mr. REID. Madam President, I ask unanimous consent amendment No. 3445 that was introduced by Senator Bayh be withdrawn. I have his permission.

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

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Madam President, I do not want to interfere with other colleagues who might come out and offer amendments. If colleagues are not anxious to speak now, I would like to make another point or two. Senator Grassley indicates that is fine. I want to read from the International Confederation of Trade Unions Annual Survey of Violations of Trade Union Rights for 2001.

In Mexico:

Independent trade unionists faced difficulties in organizing during the year . . . there are frequent abuses in the country’s 4000 or so maquiladoras; 1.3 million workers are paid less than six dollars a day to work in often deplorable conditions and only 40% of them stay more than 3 months in their job; unpaid overtime, sexual harassment, discrimination in employment, non-existent health and safety precautions and unfair dismissals are just a few examples of the daily lot of maquiladora workers.

In Colombia:

In 2000, more trade unionists were killed in Colombia than in the whole world in 1999! One hundred and thirty-five trade unionists, both leaders and members, were assassinated in 2000. 37 were unfairly arrested and 155 had to flee their home region; another 24 were abducted, 17 disappeared, and 14 were the victims of physical attacks.

The 2002 International Labor Organization (ILO) Global Report on Child Labor has estimated that over 8 million children worldwide are trapped in the unconditional worst forms of child labor—which are internationally defined as slavery, trafficking, debt bondage, and other forms of forced labor, forced recruitment for use in armed conflict, prostitution, and pornography, and illicit activities.

Madame, millions of children aged 5-17—or 73 percent of all child laborers—are now believed to be engaged in the worst forms of child labor, comprising hazardous work and the unconditional worst forms of child labor. This amounts to one child in every eight in the world. Of the 171 million children engaged in hazardous work, nearly ⅔ are under 15 and should be immediately withdrawn from this work and rehabilitated.

From an April 2002 Human Rights Report titled “Tainted Harvest: Child Labor and Obstacles to Organizing on Ecuador’s Banana Plantations”:

In 1994, according to government estimates, approximately 38 percent of all children aged 5 to 17 worked, or roughly 800,000 children approximately ¼ of these children were between the ages of 10 and 14; in the rural sector, roughly one percent of children aged 15 and 17 worked, or approximately 568,000 children. In 1998, another government survey indicated that the percentage of children at work between the ages of 15 and 17 had risen to 45 percent. Child workers were exposed to toxic chemicals, handled insecticide-treated plastics, worked under fumigation, and directly applied post-harvest pesticides in packing plants. They described using sharp tools, including knives, short curved blades, and machetes, and working in often filthy water and sanitation facilities. One child described his situation when he was 11: “I went under the packing plant roof until the [fumigation] plane left—less than an hour. I became intoxicated. My eyes were red. I was nauseous. I was dizzy. I had a headache. I vomited.”

Of course nations must be held accountable. But where is corporate accountability?

There are numerous reports that Coca-Cola is not taking decisive public action to prevent the killing of union members at its plants in Colombia. You can be certain that if a Coca-Cola plant in Colombia found a product defective there, it would call out the dogs. Coca-Cola personnel would be on the first plane out of Atlanta and in Colombia doing immediate quality control, figuring out where the problem is and finding a solution. I am outraged there isn’t the same response when it comes to credible reports of violence against union leaders and activists in its plants. Is a life worth less than a trademark? A recent investigative report into the closing of a Phillips-Van Heusen Corporation plant in Guatemala by the U.S./Labor Education in the Americas Project found that PVH closed the factory and busted the only union with a collective bargaining agreement in Guatemala in order to shift production to poverty-wage, with the attendant worst forms of child laborers, and the potential for direct violation of Guatemalan labor law, as well as the White-House-initiated Apparel Industry Partnership code of conduct.

I have many examples of absolutely deplorable working conditions, people who are exploited, people who die at work, many of whom are children.

I will say it one more time: U.S. companies cannot compete with this. More importantly, they do not have to. We ought to at least call upon our trading partners to shape up when it comes to basic worker rights. We ought not be undermining our own economy. We ought not be undermining our own economies. We ought not be undermining Americans with this trade policy.

I say to my colleague from Iowa, this is a perfect marriage of values and economics. There are a lot of governments in this world, at least 70, that systematically torture their citizens. If we know this is the case, we are entering into trade agreements with these nations, shouldn’t we at least have a provision in the trade agreement that can upon them to strive to live up to internationally recognized human rights standards? How can anybody be against that proposition?

When it comes to economics, I will say it one more time, one of the reasons there is so much suspicion about these trade agreements, which can be very good, is that often times they are not in the best interest of working people. Workers in Minnesota understand that and workers across the country understand it. They know they cannot compete against workers who make $6 a day, or $3 a day, and who work under deplorable working conditions. They cannot compete a country that lacks respect for basic human rights standards, that lacks respect for basic economic conditions, that doesn’t allow people to speak up and call for a different policy without ending up in prison and being tortured.

Colleagues, I have a democracy and human rights amendment on the floor. I am calling on the Senate to be its best. I am calling on us to support these values.

I did not say that, as a condition of trade, we should say to these governments that they must live up to these standards though that is my wish. Instead, I am saying, at the very minimum we make it a priority in our trade negotiations and in our trade relations with other countries to at least call upon those countries to strive to meet internationally recognized civil, political and human rights standards. This amendment ask only that countries try. I urge my colleagues to support it.

I yield the floor.

VOTE ON AMENDMENT NO. 3454

The PRESIDING OFFICER. Under the previous order, the question recurs on the amendment of the Senator from Florida, Mr. NELSON, No. 3454.

The Senator from Montana.

Mr. BAUCUS. I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.
The question is on agreeing to the motion. The clerk will call the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. INOUYE) is necessarily absent.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is necessarily absent.

The PRESIDING OFFICIAL (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 60, nays 38, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—60

Allard  Domenici  McConnell
Allen  Enzi  Miller
Baucus  Enzi  Murkowski
Bennett  Fitzgerald  Murray
Biden  Fritz  Nelson (NE)
Bingaman  Gramm  Nickles
Bond  Grassley  Roberts
Breaux  Grege  Santorum
Brownback  Hagel  Sessions
Bruning  Hoeffel  Shelby
Burns  Hutchinson Smith (NH)
Campbell  Hutchinson Smith (OR)
Cantwell  Inhofe  Snowe
Carper  Kohl  Specter
Chafee  Kyl  Stevens
Cooper  Landrieu  Thompson
Collins  Lincoln  Thompson
Craig  Lott  Thurmond
Crapo  Lugar  Voinovich
DeWine  McCaine  Warner

NAYS—38

Akaka  Durbin  Lieberman
Bayh  Edwards  Mikulski
Baucus  Feingold  Nelson (FL)
Byrd  Feinstein  Reed
Carnahan  Graham  Reid
Collins  Hagel  Rockefeller
Clinton  Hollings  Sarbanes
Conrad  Jeffords  Schumer
Corzine  Johnson  Stabenow
Dayton  Kerry  Torricelli
Dodd  Kyl  Voinovich
Dorgan  Levin  Wyden

NOT VOTING—2

Helms  Inouye

The motion was agreed to.

The PRESIDING OFFICIAL. The Senator from Montana.

Mr. BAUCUS. Mr. President, what is the regular order?

AMENDMENT NO. 3474, AS MODIFIED, TO AMENDMENT NO. 3446

The PRESIDING OFFICIAL. The regular order is the Grassley second-degree amendment to the Brownback first-degree amendment.

The Senator from California.

Mrs. BOXER. Mr. President, if the Senator will yield, I want to do an unanimous consent request that we have an amendment that has been offered and is pending, amendment No. 3431. That amendment is not germane postcloture, but I do have a germane version of the amendment. The amendment deals with making sure that the truckdrivers who will lose their jobs when we start having trucks coming into this country driven by noncitizens through the NAFTA agreement would be eligible for help.

I ask unanimous consent to substitute amendment No. 3511 for amendment No. 3431 and that it be considered in the same order as amendment No. 3431.

The PRESIDING OFFICIAL. Is there objection?

Mr. GRAMM. Mr. President, I object. The PRESIDING OFFICIAL. Objection is heard.

Mrs. BOXER. Mr. President, I am not surprised that my friend would object to this. I will simply make one more unanimous consent request, and then I will yield the floor.

I ask unanimous consent that the pending amendments be set aside temporarily so I might call up amendment No. 3511. This would put my amendment that is germane on the list at the end of the list.

The PRESIDING OFFICIAL. Is there objection?

Mr. GRAMM. I object.

The PRESIDING OFFICIAL. Objection is heard.

Mrs. BOXER. Mr. President, I am very upset, and I can’t vote on this issue because I believe truckdrivers, who are some of the hardest working people in this country, are going to be thrown out of work. It is very sad.

Fortunately, I have talked to Majority Leader Daschle and he has assured me that we will have a vote on or in relation to this particular issue on the next bill that comes up that is not an appropriations bill.

I am very pleased at that. I thank the majority leader and thank my friends.

The PRESIDING OFFICIAL. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise to support the amendment that Senator GRASSLEY has offered to the Brownback amendment.

On the eve of the President’s summit with President Putin, I join my colleagues in recognizing the importance of our ties with Russia and the Central Asian republics. These countries have been very reliable allies in our war on terrorism. They have shared intelligence with us, granted overflight and refueling rights, and cooperated in the statisfication of U.S. troops. They also have supported our efforts in the United Nations to undermine terrorist organizations.

All of these efforts warrant our recognition and our gratitude. It is my expectation that President Bush will be conveying the sincere appreciation of the American people for Russia’s close cooperation with the U.S. in recent months.

I want to draw attention to a key provision in the resolution. It states that the Senate “supports terminating the application of title IV of the Trade Act of 1974 to Russia in an appropriate and timely manner.”

Title IV of the Trade Act refers to the so-called Jackson-Vanik amendment. In order for Russia to have permanent normal trade relations—PNTR—with the U.S. we have to terminate application of Jackson-Vanik. Granting PNTR will be a requirement when Russia joins the WTO, which may still be a year or more away.

I want to be clear about what we mean when we say that PNTR should be granted “in an appropriate and timely manner.” It means that we should extend PNTR when we have a clear picture of the terms on which Russia will join the WTO.

That is the responsible thing to do. That is how we approached PNTR for China. It also is how we approached PNTR for other Jackson-Vanik countries, including Albania, Bulgaria, Romania, Mongolia, Georgia, and Kyrgyzstan.

I look forward to the day when we can welcome Russia into the WTO, along with other countries covered by this resolution. At that time, I hope and expect that Congress will give its strongest backing for PNTR.

AMENDMENT NO. 3474, AS FURTHER MODIFIED, TO AMENDMENT NO. 3446

Mr. GRASSLEY. Mr. President, I send a further modification of my amendment to the desk. The purpose of the modification is to make some changes to satisfy the Committee on Foreign Relations.

The PRESIDING OFFICIAL. Is there objection?

Without objection, it is so ordered.

The amendment, as further modified, is as follows:

(Purpose: To express the sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002)

In lieu of the matter proposed to be inserted in the following:


(a) FINDINGS.—The Senate finds that—

(1) President George W. Bush will visit the Russian Federation May 24-25, 2002, to meet with his Russian counterpart, President Vladimir V. Putin;­

(2) the President and President Putin, and the United States and Russian governments, continue to cooperate closely in the fight against international terrorism;

(3) the President seeks Russian cooperation in containing the capabilities of Iraq, including that country’s ongoing program to develop and deploy weapons of mass destruction;

(4) during his visit, the President expects to sign a treaty to significantly reduce deployed American and Russian nuclear weapons by 2012;­

(5) the President and his NATO partners have further institutionalized United States-Russian security cooperation through establishment of the NATO-Russia Council, which meets for the first time on May 28, 2002, in Rome, Italy;­

(6) during his visit, the President will continue to address remaining human rights concerns through open and candid discussions with President Putin, with leading Russian activists, and with representatives of Russia’s revitalized and diverse Jewish community; and

(7) recognizing Russia’s progress on religious freedom and a broad range of other human rights concerns through open channels and candid discussions with President Putin, with leading Russian activists, and with representatives of Russia’s revitalized and diverse Jewish community; and

(b) SENSE OF THE SENATE.—The Senate—

(1) supports the President’s efforts to deepen the friendship between the American and Russian peoples;
(2) further supports the policy objectives of the President mentioned in this section with respect to the Russian Federation;
(3) supports terminating the application of title II of the Treaty of 1972 to Russia in an appropriate and timely manner; and
(4) looks forward to learning the results of the President’s discussions with President Putin and other representatives of the Russian government and Russian society.

Mr. GRASSLEY. Mr. President, on the eve of President Bush’s European visit, it is appropriate to point out how attitudes have changed regarding the President’s decision with respect to the Anti-Ballistic Missile Treaty. A little more than a year ago there was widespread concern over President Bush’s decision to withdraw the United States from the ABM treaty. Recently there has been a general change of mind. It appears that many of Bush’s biggest critics incorrectly guessed Russian President Vladimir Putin’s reaction. Instead of renewing cold war tensions by increasing nuclear arsenals, the United States and Russia have continued to build on the foundation of their friendship.

I ask unanimous consent to print a copy of an article in today’s Washington Post that underscores President Bush’s foresight in dealing with Russia and the ABM treaty.

The best way to object, the article was ordered to be printed in the RECORD, as follows:

**CRITICISM SOFTENS ON ABM MOVE**

(By Dana Milbank)

A year ago, on President Bush’s first presidential trip to Europe, allies in Western Europe and Congressional Cassandras worried about the administration’s plans to abrogate the 1972 Anti-Ballistic Missile Treaty with Russia.

They feared that Bush’s plans for a missile defense system, at the same time NATO was expanding to Russia’s border, would throw the world into a nuclear arms race. “We need to prevent the strategic balance of which the ABM Treaty is a pillar,” said French President Jacques Chirac. German Chancellor Gerhard Schroeder joined Chirac in issuing a joint statement defending the ABM.

As Bush arrives tonight in Berlin for a seven-day overseas trip, European leaders and Congress are concerned about the regime’s reaction to the ABM.

In the 1980s, they would have voiced fears about a possible arms race. But Europeans and allies are more concerned now about how a new administration would affect the world’s nuclear order.

When Bush asked Congress to approve his breakthrough missile defense idea, the European allies were the first to object. But now they appear to have learned their lesson.

“The White House has made progress,” the European Union’s foreign policy chief, Javier Solana, said. “The Bush administration has made significant efforts to prevent the war about.”

The list, mostly Democrats, includes Clinton national security adviser Samuel R. “Sandy” Berger saying Bush had put the nation on a “collision course” with Russia and NATO allies.

Senate Majority Leader Thomas A. Daschle (D-S.D.) explained: “I believe it would be a grave mistake for the United States to unilaterally abrogate the ABM treaty in order to deploy a robust national defense system. Unilateral trigger reactions all around the world. Those reactions themselves could make our nation less secure.”

House Minority Leader Richard A. Gephardt (D-Mo.) vowed to block any missile defense system that violated the ABM Treaty. “Europeans are worried,” Gephardt said, “but the administration may prevent from seizing a historic opportunity for engagement with Russia.”

And former president Jimmy Carter said Bush’s missile defense idea, which required abrogating the ABM Treaty, was “technologically ridiculous” and would “re-escalate the nuclear arms race.”

One Republican made the compilation. Sen. John W. Warner (Va.) said Bush should leave “some vestiges of the ABM Treaty in place” to assure allies.

Included in the collection of quotes was a press release quoting Washington arms control expert Daryl G. Kimball predicting Bush’s missile defense idea and ABM position would “set off a dangerous action/reaction cycle, involving the United States, Russia, and China.”

Gephardt spokesman Erik Smith, asked about his boss’s old remarks, acknowledged that “the White House has made progress” with Russia. But he said Bush has yet to make progress with Russia on nuclear proliferation, Iraq and dismantling nuclear weapons. “There were several other points . . . that have not been addressed,” Smith said.

Kimball was unrepentant about his earlier words. “I stand behind the quote,” he said. “The potential for a dangerous action/reaction cycle remains because the Bush administration has failed to lock in verifiable reductions of Russia’s nuclear forces.”

Bush aids dismiss such concerns. “What keeps Russia and the United States from going to war today is not the number of nuclear weapons that they have on either side or the Missile Treaty, but some outdated notion of strategic stability,” national security adviser Condoleezza Rice said. “It’s that they have nothing to go to war about.”

Mr. GRASSLEY. I move adoption of the amendment.

Mr. REID. Mr. President, I say to my friend, we are still waiting to hear from one Senator. We should be able to do that momentarily, if he will withhold.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak briefly on the matter in front of the body, the Grassley substitute amendment on granting Russia and central Asian countries permanent normal trade relations. I am glad we have taken up the resolution itself, the sense of the Senate. It is a positive statement. We should take up PNTR. Otherwise, as I stated last night, I recognize that the votes are not here today to deal with that issue for Russia or some of the central Asian countries, but I want to take this opportunity to address the body on this particular point because we really need to recognize what has taken place and move with some speed in the near future to add this topic because of what is taking place in the world. I realize we are a body that takes time, and it takes some time and effort to move some of these issues. But look at what has taken place. The President of the United States is going to Russia this week. Last week Russia announced a nuclear weapons reduction plan, nuclear missile capacity, an enormous agreement. Last week Russia joined closer and closer to NATO, the very organization that previously had been structured to defend against the Soviet Union. Now the successor organization of Russia is joining closer to NATO.

Jackson-Vanik, that is what PNTR is addressed toward—permanent normal trade relations is not granted until a Jackson-Vanik waiver is granted. Jackson-Vanik addresses the issue of whether you allow free immigration of religious minorities, particularly Jews, out of the former Soviet Union. That is what the particular bill was directed toward. That is taking place. There is no question but that this is a positive move in Russia. As we look to the future and as we seek to reduce dependence on Mid-eastern oil, Russia and central Asia are going to figure larger and larger into the picture, along with their own domestic production.

I make the point as well that we have granted China PNTR after a long, extended debate about that. Yes, we have granted China permanent normal trade relations. If we look at their human rights record versus that taking place in Russia—you have a number of abuses, a number of people not being allowed to leave China—that is occurring in Russia. But the different standard we are putting forward here is striking.

Every day, there are a number of North Koreans who have gone to China from North Korea, who don’t want to go back to North Korea. Yet they are being forced to, by bounty given by the Chinese, to round them up and send them back to North Korea. That is not human rights and religious freedom in China. Yet we have granted permanent normal trade relations with them. I

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voted for it. I thought we should because the overall issue is about us engaging these places in the world, engaging China.

Now, clearly, we should be engaging Russia. The President has developed a strong bond with President Putin. President Putin is leaning forward a long way with his country in engaging the West in a remarkable fashion—a fashion that I think anybody here would have to say is nothing short of miraculous, about how far forward he is taking his country in a short period of time in working with the West. These are breathtaking results, really.

The notion that we would hold up and be slow about an issue of permanent normal trade relations when we granted it to China, which has missiles pointed this way, has human rights abuses, and is selling weapons technology to rogue regimes around the world—it is striking that it would be different.

As far as central Asia—and that is what else was in the base bill. In Uzbekistan, we have troops. In Kazakhstan, we have troops. In Azerbaijan, we have landing rights. In Armenia, Armenian Americans are seeking a union to make better wages and democracy. It is striking that it would be different.

There is no surprise here. I say to the American people, the Russians have done themselves. All the efforts such as Kazakhstan and Russia.

The United States and Russia have agreements that call upon governments systematically torture citizens, where people who dare to speak up, they are tortured? How many working people in these other countries need to wind up in prison? How many workers need to die at an early age because of the carcinogenic substances they work with because there is no protection, and they dare to speak out, they wind up in prison?

I believe as a first-generation American Senator from a human rights State, Minnesota, which has always been at the forefront in promoting human rights and has always been at the forefront in promoting democracy—and, by the way, many refugees who have fled persecution have come to Minnesota—I do not understand why the Senate would come in with a 100-to-0 vote that one of the goals of our trade policy should be the promotion of human rights and democracy and that we would call upon our trading partners to strive to meet those goals.

Haven't we read about enough reports dealing with deplorable child labor conditions? How many more children need to die? How many more brave men and women need to be tortured? How many working people in other countries right out of our own country so they might grow with us.

I want to say in not the hardest hitting way but in a little softer way at first that this is the greatness of our country. We should lead with our values, and that we should at least call upon our trading partners to strive to meet these standards.

I am saying that I think it would make us a better Senate. I have known a few people who are ready to get back to business, I will be pleased to yield the floor. This is no 5-hour speech that I have planned right now.

Mr. President, I want to one more time discuss the human rights and democracy amendment. For the life of me, I actually do not understand the basis of opposition.

In the legislation before us, there is a listing of objectives. Believe me, one of the objectives is to do everything we can to protect property rights, to do everything we can to make sure patents are protected—you name it—intellectual property is protected. Fine.

What this amendment says is one of the listed goals of trade policy ought to be the protection of human rights and democracy. It should be one of our goals. We should list this as a goal of trade policy and then call upon our trading partners to strive to meet these standards.

Now, to be more serious, we should lead with our values. This is what I love about our country: Promoting human rights. I am in awe of the men and women I have met in my life, I do not know how they do it. You live in some of these countries, and you dare to speak up when you know it is not just that you might be rounded up and tortured—here is what is worse, Mr. President, here is how these governments silence citizens: They threaten to say, 'We will take your children or your wife, your husband, your loved ones, and they will be raped or they will be murdered.'
I am saying today in this Chamber that we ought to at least vote to make a goal of our trade policy respect for human rights and democracy.

My second point is a working family point. I am positive that the families I represent with this vote are not lobbying furiously because they are not usually the ones with that much clout. The vast majority of people in our country and the vast majority of people in Minnesota are absolutely for good trade policy, but I think people would have some reassurance that we would strive in our trade agreements with other countries to establish some goals where they do not get put out of work because they are competing with a 13-year-old who has to work 19 hours a day at 30 cents an hour. It is not good for that 13-year-old, and it is not good for workers in our country.

I see colleagues in the Chamber. I will not belabor the point, but I will come back to this again. Frankly, I think this as a position to this amendment, unfortunately, tells a larger story about what is profoundly wrong with this legislation. Legislation that does not establish that goal and is afraid to speak out on promoting the goal of human rights and democracy in the world is legislation that does not deserve support. I hope there will be support for this amendment.

I yield the floor.

Order for Rediss

The PRESIDING OFFICER. The acting majority leader.

Mr. REID. Mr. President, I ask unanimous consent that between 4:30 p.m. and 5:30 p.m. today, the Senate stand in recess and that the hour away from the Senate will be counted against the 30 hours postcloture. The reason for this is that Secretary Rumsfeld is here for a secret briefing and all Senators should go to it.

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

AMENDMENT NO. 3426, AS FURTHER MODIFIED

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I urge adoption of the Grassley second-degree amendment to the Brownback amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to amendment No. 3474, as further modified.

The amendment (No. 3474), as further modified, was agreed to.

Mr. GRASSLEY. 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.

AMENDMENT NO. 3466

The PRESIDING OFFICER. Is there further debate on the first-degree amendment, as amended?

If not, the question is on agreeing to amendment No. 3446, as amended.

The amendment (No. 3446), as amended, was agreed to.

Mr. GRASSLEY. 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.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to the managers of the bill. What we would like to do now is move off the Dorgan amendment No. 3442. Senator DORGAN is going to be here momentarily to deal with that amendment. We would like to do that and move to amendment No. 3443, the amendment of Senator REED.

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

AMENDMENT NO. 3422

Mr. REID. It is my understanding now that on this amendment, the Senator from Rhode Island wants to talk about the quorum. After having done that, we will deal with his amendment.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REID. Mr. President, I have an amendment that is now pending that, prior to the cloture vote, would have been in order for consideration, but after cloture, at this point I ask unanimous consent I be allowed to substitute another amendment which is in order for consideration if accepted by the body.

The PRESIDING OFFICER. Is there objection?

Mr. GRASSLEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I appreciate the point that has just been made. My amendment, if I was allowed to proceed, would have dealt with the issue of secondary workers, providing them the same types of protections which are available to workers in facilities that are directly affected by trade actions. This is an amendment that is supported by Senator BINGMAN, the Presiding Officer, Senator CORZINE, and others. It comes directly from the original legislation that Senator BINGMAN submitted, S. 1209, which recognizes that the effects of trade are not discretely limited to individual companies but also affect those vendors, suppliers, and workers who support that company. I think that is a principle that is beyond debate.

When a factory closes, it is not just the factory workers, it is the truckers, it is the tradesmen who work in that facility who very often see their livelihoods completely exhausted by the effects of trade.

As a result, this legislation was originally proposed by Senator BINGMAN. It was part of the proposal Senator DASCHLE made. It was part of the discussions. Unfortunately, regretfully, and I think unfairly, it was deleted from the final provision which is in the underlying bill.

As a result, I would have offered either the substitute amendment or, indeed, would offer the amendment now which would have included the effects of the trade adjustment benefits for those secondary workers. Again, I think it makes quite a bit of sense.

Our definition of a secondary worker is someone who must have supplied a service or contract to the firm that has been certified as going out of business due to the direct effect of international trade. Perhaps the most compelling examples are those individual teamsters who service businesses that might, in fact, go out of business because of trade. They, too, lose their livelihood.

I know my colleague, Senator BOXER of California, has offered an amendment that deals directly with the issue of truckers and teamsters. My amendment would apply to those who could validly make the claim of being down closed.

The point I should also make is this provision would only give the workers or their representatives the opportunity to apply for these benefits because they have to be certified. It has to be shown that they have lost their job because of the effects of trade. The certification process, as we all know, is a rather difficult one. It is not presumed. It has to be proven. In this context, we are not opening up the flood gates. We are merely giving people who have lost their livelihood because of trade a fair chance.

The most compelling point I urge in this whole area is we did precisely this under the NAFTA agreement. We provided for TAA benefits for workers, secondary workers who were affected by the NAFTA agreement.

So I urge very strongly that we overlook any of the procedural impediments and go to the heart of this matter. Give secondary workers the same rights as those factory workers who might lose their jobs because of the adverse effect of trade.

We can do that by accepting the Reed-Bingman-Corine amendment. We do that as TAA did the NAFTA and give all workers who have lost their jobs because of trade the benefits of the TAA assistance that has been provided on a limited basis in the underlying agreement.

I urge my colleagues to support this effort.

At this time I retain the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

AMENDMENT NO. 3422

Mr. REID. I ask we return to the regular order, which I understand is the Dorgan amendment.
The PRESIDING OFFICER. The Senator has that right. The regular order is amendment No. 3442.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum be waived.

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

Mr. DORGAN. Mr. President, the pending business is amendment No. 3442; I request unanimous consent.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3442 WITHDRAWN

Mr. DORGAN. Mr. President, I offered this amendment prior to the cloture vote. I understand a point of order would lie against it postcloture because it is not germane postcloture. I will withdraw it because I do not think at this point the amendment would survive the vote because it is not germane postcloture. The first amendment I offered prevailed here in the Senate on a rather significant vote.

This amendment is an interesting amendment. It is very simple. Those who come to the floor of the Senate and talk about trade normally turn the volume up a bit and talk about how this country needs to be able to compete, that we need to be able to do so around the world.

Let me talk about competition for a second and what this amendment is about. We had an investigation with respect to Canadian wheat. It has flooded into this country unfairly. It has done so for years following the United States-Canada Free Trade Agreement. In fact, that flood, that avalanche of Canadian grain, was in contravention to an agreement that Mr. Yetteur put in writing. The agreement said: This won’t happen. The representation of good faith on both sides of the border post-United States-Canada Free Trade Agreement means we will not have a significant change in the flow of grain across our border. He put that in writing to the Congress.

Guess what happened. That trade agreement was approved—not with my vote. I voted against it. But instantly we had an avalanche of unfairly traded grain pouring into this country. Did anyone lift a finger to do anything about it? We have had all of this discussion about helping the American farmer, but no one was willing to lift a finger to do anything.

The farmers had to put their own money together in a 301 investigation that went through the ITC and the U.S. Trade Representative. The U.S. Trade Representative and the ITC concluded that Canada is guilty of unfair trade. It hurt our farmers. So the judgment was guilty.

What is the remedy? The remedy is we are going to say you had better hurt our farmers. So the judgment was.

Trade Representative. The U.S. Trade that went through the ITC and the U.S. money together in a 301 investigation finger to do anything.

farmer, but no one was willing to lift a discussion about helping the American about it? We have had all of this dis-

across our border. He put that in writ-
grain.

agreement means we will not have a agreement that Mr. Yeutter put in

victims of unfair trade. It is just that the

significantly increased, yes, with Europe, with Mexico, with Canada, with Japan, and with China. In every single circumstance, that trade deficit is on a relentless path upward. Everybody knows it.

Therefore, while everyone is sitting around saying let us ignore this huge, growing tumor called this trade deficit, over $1 billion a day, every single day, 7 days a week represents the trade deficit. Over $1 billion every day is the amount of goods we bring into this country which exceeds the amount of goods we ship out. Somebody is going to have to pay for that.

I used to teach economics in college. I have told my colleagues many times. But I have been able to overcome that experience and do other things in life as well. But what we taught in college in the field of economics was that you could explain a budget deficit by a deficit—do you know to what you owe others. It will be someday, in some way, paid for by a lower standard of living in the United States. That is inevitable and is not de-batable.

The question is: When are we going to care about the trade deficit? When does an American trade deficit of $440 billion-plus begin to matter to our country and to our economy, and, yes, to the children who will inherit that and will have to pay others around the world to settle that trade deficit? Part and parcel of that trade deficit are the trade circumstances in which our pro-
ducers and our workers are victimized.

One instance of that is America’s farmers who produce this grain and lifestyle and find themselves victim-
ized by unfair trade. It is condemned by politicians of virtually every stripe that it is important for them to go for-
ward and to compete. You must com-
pete. You must be competitive. We can be competitive anywhere in the world. I am convinced that we can’t do it with one hand tied behind your back. You can’t do it with rules that aren’t fair, especially with respect to grain.

The judgment is already in. The ITC and the U.S. Trade Representative have already said our farmers are vic-
tims of unfair trade. It is just that the remedy is nonexistent.

Unfortunately, I am not able, appar-
ently, to put on this piece of legisla-
tion a very simple amendment that would ask the Trade Representative within 6 months to report back a rem-
dy by which people stand up for and
support those who are victims of unfair trade with Canada; that is, family farmers and family ranchers across this country.

I regret that. But then there will be other days and other ways to address this issue. This is the place to have addressed it. This is a trade bill. This is the place, and this is the time to have addressed this issue on behalf of family farmers.

I regret that we could not get the 60 votes necessary to overcome the point of order postcloture to stand up for family farmers on this matter. As a result, I will ask consent to withdraw the amendment, and I make such a request.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 3474, AS FURTHER MODIFIED

Mr. BIDEN. Mr. President, we just adopted a sense-of-the-Senate resolution that relates to Jackson-Vanik. With the permission of my colleagues, I would like to speak to that for just a few minutes.

The sense-of-the-Senate resolution proposed by Senator GRASSLEY reinforces a commitment that I support, which is to extend all efforts to expand our relationship with Russia.

Russia has taken very significant steps toward working with NATO, cooperating with us against terrorism in central Asia and the north Caucasus, providing a stable world oil market, and opening up its domestic markets.

But we have to keep in mind that while President Putin is moving toward greater acceptance of the rule of law, free trade, and a market economy, it is not there yet.

It hopes to join the World Trade Organization, it is seeking foreign investment, and it is working to revise its legal and business structures toward those ends. But it still falls by the wayside on significant points.

Most visibly, on March 1 of this year, Russia imposed an unexpected and arbitrary embargo on imports of U.S. chicken parts, causing serious grief and economic loss to an industry.

Now, chickens and chicken parts are a multibillion-dollar industry, bigger than most of the industries in most of your States. And it is a big deal in my State.

While I appreciate the widespread problems of finding common health standards, the timing, as well as the arbitrary and sudden imposition of Russia's embargo, indicates that political and financial reasons, not the claimed health reasons, were the cause. They came up with a specious argument.

After some intense negotiations and the President basically telling the Russians, "Hey, look, if you want to play in the world of international trade, you have to play by the rules. You have to be fair"—they went ahead and "lifted" the embargo from the outset. When they lifted the embargo, though, they lifted it only in principle. The Russian bureaucracy, with or without the approval of the central authorities, continues to delay and limit imports.

Let me explain what I mean. You have to have an importer in Russia to accept the chickens when they get there. They changed the law, and said no more embargo, but—guess what—all importers have to get new licenses. Now we cannot ship from Delaware, Allen Chickens or Perdue Chickens or Tyson Chickens, any chicken parts to Russia unless we are sending them to someone who is going to accept them. You have to have an importer's license. Guess what. If you lift an embargo, but if you limit or do not give a license to somebody with whom I can deal, then I am still out of the market.

Now, Russia and Russian parliamentarians and members of the Russian Senate are very frank with me in my meetings. They have said that the reason this is the way it is, is pure bribery—pure, unadulterated bribery and that the oligarchs have a piece of the action.

There are only a couple of chicken outfits in Russia. I am serious. I am not joking about this. As long as importers do not come in, the price of chicken goes up. The oligarchs, who own and purchase those chickens, those chicken dealers—what happens? Make money. As long as they can keep this draging on, they are making money.

So, in my view, it is possible that this isn't something that is being co-ordinated at the highest levels. But the bottom line is that responsible governments have to react.

Last year, Russia imported $630 million worth of chickens from the United States—8 percent of all U.S. poultry exports. Russian suppliers have not been able to fill that gap, and as a result, many Russian consumers, mostly pensioners who cannot afford the higher prices for Russian chicken, are suffering. Right now, other countries are moving in to take over this lucrative market from our own U.S. suppliers. This move is a direct contradiction of Russia's promise to join the world community of fair trade practices and a slap at our efforts to work with Russia in gaining accession into WTO.

As everyone in this Chamber knows, I am a strong supporter of good relations with Russia and its President, the first leader since Peter the Great to look as far west as he has.

I support and commended every effort the administration is making to support good working relations with Russia, including the discussion that will start in Moscow tomorrow.

I met with Condoleezza Rice before they left for an extended period of time to discuss this. I am chairman of the Foreign Relations Committee. I have been one of the guys criticized on this floor for being too supportive of Russia. But before I support taking steps of any form, to lift trade limits on Russia, I want to make sure they have their act in order, and make sure Russia's commitment to fair and open trade and the rule of law is in the works.

Now, look, let me make something clear to you: You put a ban on American chicken. You then lift the ban. You then make it difficult or impossible to get a license to move in, but you give other people licenses to move in. We lose the market.

This is not like the drug companies in the State of my friend from New Jersey, or the drug companies in my State of Delaware. If they put a ban on stuff, they can't get it from anywhere else. We don't lose the market. We lose the profit margin. We lose the market temporarily, but we don't lose it permanently.

This is a big deal. This is a multibillion-dollar deal, over time, to us. So I want to let everybody know, I can either be Russia's best friend or worst enemy. And if they keep fooling around like this, they are going to have me as their worst enemy.

This resolution expresses a sense of the Senate that supports terminating the application of Jackson-Vanik to Russia in an "appropriate and timely manner." I am the guy who has been pushing that for a year—when the Russians are acting appropriately.

But I tell you what. In my view, it will only be appropriate to act on such legislation when it is clear that Russia is living up to its bilateral trade agreements and arrangements with the United States. I am not talking about trade disputes. I am not talking about legitimate trade disputes. I want them not only to live up to the law, but to the spirit of the law. Only then, only when we can be sure Russia is committed to adhering to commitments already made, should we graduate Russia from Jackson-Vanik, which in principle, I think we should.

I am convinced we will be able to do that because I am convinced that President Putin has gotten the message. And I was told personally that President of the United States of America is going to raise this issue. Tomorrow it begins. He is going to raise this issue personally with the President of Russia.

So I will be happy, at the appropriate time, to be one of those who moves for Russia's graduation out of Jackson-Vanik. But I am not going to do that, as one Senator—and I think the chairman of the Finance Committee—unless the Russians begin to act appropriately.

I thank my colleagues for their indulgence, and I suggest the absence of a quorum.
The PRESIDING OFFICER. The clerk will call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

Mr. REID. Mr. President, the managers are trying to work out a number of things on this most important issue of poverty. We will be during the next hour we will work on that.

RECESS

Mr. REID. I ask unanimous consent the recess previously scheduled begin right now.

There being no objection, the Senate, at 4:24 p.m., recessed until 5:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. MILLER).

The PRESIDING OFFICER. The majority leader is recognized.

UNANIMOUS CONSENT REQUEST—S. 2538

Mr. DASCHLE. Mr. President, Senator KENNEDY and I are going to be involved in a colloquy for a couple of minutes as we await another amendment. It pertains to the minimum wage. It will have an unanimous consent request that I will propound in a moment.

As we are debating new trade practices, we must not forget important protections for America’s workers. Many of these protections are addressed through the Trade Adjustment Assistance Act, but for the last 60 years there has been another important protection for workers, and that is the minimum wage.

It has now been over 6 years since Congress voted to increase the minimum wage. In that time, the cost of living has increased 12 percent while the real value of the minimum wage has steadily declined. In fact, by 2003, all of the gain achieved through the last increase will have been wiped out.

Today, minimum wage employees working 40 hours a week 52 weeks a year earn only $1.10 per hour, and that’s for less and less.

In the last 6 years, the purchasing power of the minimum wage has deteriorated to near record low levels. Teacher’s aides and health care workers are among the hard-working Americans who are unable to make ends meet on $5 an hour wage.

In fact, the current minimum wage does not provide enough income to allow full-time workers to afford adequate housing in any area of the country. In my State of South Dakota, the minimum wage is hardly enough for a family to make ends meet. According to the National Low-Income Housing Coalition, a minimum wage earner can afford a monthly rent of no more than $286. In South Dakota, a worker earning the minimum wage must work 79 hours a week in order to afford a typical two-bedroom apartment. In fact, estimates show that for a worker to be able to afford a two-bedroom apartment in South Dakota, they would have to make $10.12—nearly 200 percent of the present minimum wage.

That is why we need to pass Senator Kennedy’s new minimum wage legislation. It would provide a $1.50 increase over the next 3 years. This is the least we can do and it is overdue.

By increasing the minimum wage by $1.50, working families will receive an additional $3,000 per year in income. While this increase would not be enough to lift the family of three above the poverty line, it would provide the resources to buy over 15 months of groceries, 8 months of rent, 7 months of utilities, or tuition at a two-year community college.

The reality is that American workers are working harder and harder for less and less.

It is time for Congress to address the needs of America’s working families. It is time to act and raise the minimum wage.

Mr. KENNEDY. Mr. President, I wonder if the majority leader would be kind enough to yield for a few questions?

Mr. DASCHLE. Mr. President, I would be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, now we are dealing with the trade bill which will provide benefits, obviously, to many corporations. We also ought to think of the workers, especially those workers at the bottom rung of the economic ladder.

I listened with interest to the Senator from South Dakota. As the Senator pointed out, if we fail to increase the minimum wage, which has not been increased in 6 years, the purchasing power of the minimum wage will fall even lower.

All we are trying to do is bring it up a little bit, which would be generally below what the average has been over recent years.

Is the Senator aware that if we fail to act with an increase in the minimum wage, it will be virtually at an all-time low if we don’t act this year?

Mr. DASCHLE. It is not as well known as I wish it were. But here is what I’d be afraid of in the same Congress that passed tax breaks for those at the top—tax breaks worth $50,000 a year to those in the top 1 percent—we could not do something to address the needs of those at the lowest end of the income scale.

I certainly appreciate the graphic depiction of the trend of the minimum wage which the Senator from Massachusetts has outlined. That is the whole idea behind this legislation.

Mr. KENNEDY. I would like to ask the Senator a further question. Does the Senator not agree with me that for years this body—Republicans and Democrats—thought that people who worked 40 hours a week, 52 weeks of the year should not have to live in poverty in the United States? Does the Senator understand now that the minimum wage is well below the poverty line for working families?

Some will say we have an earned-income tax credit. But still the fact is for a single mom, or even for families of three, they are still well below the poverty line.

Does the Senator not agree with me, as I believe most Democrats do, that work ought to pay and that individuals who work 52 weeks of the year, 40 hours a week should at least be at a poverty line, not a living wage even, but a poverty line?

Mr. DASCHLE. Mr. President, the answer to that would be emphatically yes, especially given the stated desire of Members of Congress who have passed welfare reform. The whole idea is that welfare is to make work pay, to make work more palatable than welfare. But it is hard for me to understand how a head of household can see how work pays when they are working for the minimum wage, 52 weeks a year, 40 hours a week and earning only $10,700 a year.

That is why we have people in South Dakota—and I am sure in Massachusetts—working two and three jobs. That is why we are concerned about the pressures on families these days. It is hard to raise children, and it is hard to address all of the other familial responsibilities if you are working two and three jobs a week in an effort to rise above that poverty line that the Senator’s chart illustrates.

Mr. KENNEDY. Of course, I believe the increase in the minimum wage is a women’s issue because the majority of those earning the minimum wage are women. It is a children’s issue, to make work pay, to make work more palatable than welfare. And it is a women’s issue because so many of those women have children. It is a civil rights issue because great numbers of those who receive the minimum wage are men and women of color, and it is a fairness issue. And when you are looking over the historic increases that have been enacted by the Congress since 1956, the proposal is an increase of $1.50—60 cents the first year, 50 cents the next year, and 40 cents. This represents in the bar chart what the percentage increase would be going back to 1956. It will be actually one of the lowest over the period of the next 3 years.

When the Senator propounds his unanimous consent request, we will probably hear those who will say this is new legislation when we talk about an increase in the minimum wage. We haven’t had a chance to study it. This is something that sort of takes us by surprise.

Will the Senator not agree with me that this issue is as old as the 1930s, effectively, when we first enacted the minimum wage, and that this proposal of $1.50 over 3 years is actually a very modest proposal indeed?

Mr. DASCHLE. The Senator is absolutely right. Not only is it modest but it is overdue.
As I noted in my opening comments, it has been 6 years since we passed an increase in the minimum wage. During that time, as the Senator’s chart illustrates, the minimum wage has dramatically declined. The number of hours people have to work goes up and the real value of the money they receive goes down.

More and more people are faced with the prospect of taking two and three jobs in order to climb above that poverty line, at the very time, ironically, when we want work to pay to ensure that they do not go back to welfare.

So I compliment the Senator from Massachusetts for his leadership in this effort and, again, reiterate that the moderate increase that he is proposing is one that is in keeping with past precedent here in the Congress; and it certainly recognizes the need to do something this year.

Mr. KENNEDY. If the majority leader would yield to the leader for the excellent presentations he made this evening on this issue, as well as the excellent speech he made earlier today.

He mentioned that $3,000 may not mean a lot to Members of Congress who have three or four pay increases since the last increase in the minimum wage, but for a minimum wage worker it means 15 months of groceries, 8 months of rent, 7 months of utilities, or full tuition for a community college.

That is why the majority leader pointed out, a family issue. It represents, to those children, the value of work. And it is a fairness issue.

I thank the majority leader. I hope there will not be objection to the proposal he is about to make.

Mr. DASCHLE. Mr. President, I ask, therefore, unanimous consent that the majority leader, after consultation with the Republican leader, may turn to the consideration of S. 2538, the minimum wage bill; that the Senate proceed to its consideration no later than the close of business, June 24; and that it be considered under the following time limitation: That there be one amendment for each leader, or their designee, dealing with minimum wage/taxes; that no other amendments or motions be in order, except possible motions to waive the Budget Act; and that no points of order be waived by this agreement; that upon the disposition of these amendments, the bill be read a third time, and the Senate vote on final passage of the bill, without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, we are here debating the trade bill that is all about trying to raise wages. It is interesting, in looking at Senator KENNEDY’s charts, that in the period where the minimum wage was not raised, the number of children living in poverty declined by 20 percent in America.

How is it possible for people to escape poverty without the minimum wage being increased? It is possible because of economic growth. There are many people in this Chamber who have worked at the minimum wage—but they didn’t work at it long. A minimum wage job is a steppingstone toward economic progress and success in America.

The plain truth is, we are debating a bill that is more important to working people making low incomes than any minimum wage law that has ever been adopted by any legislative body in history. This bill is about trade, which creates jobs. The average job generated through trade pays wages that are almost $2.50 higher than wages in the other jobs in the American economy.

In dealing with this pro-high-wage bill, we are asked to consider a measure we have never seen; that is not on the debate that; that, as far as I know, has never been introduced; that is not relevant or germane to this debate.

So I have to say, it is hard for me to take this request seriously, though I would say to Senator KENNEDY that we would like to hear him speak on this at length. If he would like to have time set aside from this debate to talk about minimum wage, it is a subject where certainly we have people who are interested in it, who could always be enlightened, who would enjoy hearing Senator KENNEDY talk about it. I would like to do something about wages by passing this trade bill because I think it will do more for people making low incomes than any wage law could pass.

Let me also say, I have never understood minimum wage laws. If they really work, if we could just pass a law and make wages what we want them to be, why not make wages $1 million an hour? Then people who need many millions of dollars could work all week and be very rich, and people who need only one million dollars could work 1 hour and be rich.

But there is a problem. And the problem is something you learned in the third grade: anything times zero is zero. The cruel hoax of minimum wage laws is, by setting artificially high wages, it prevents people from getting their foot on the first rung of the economic ladder. It prevents them from getting into the most effective training program in history: on-the-job training.

I wonder, if we had the kind of minimum wage that the Senator from Massachusetts is talking about when I was out trying to get jobs—jobs with the Tom Houston Peanut Company, throwing the Columbus Ledger Inquirer and working for Kroger Grocery Store—I might have been protected right out of a job. I did not appear to have any skills, and in fact I did not have any skills.

But I learned great things in those jobs. The most important skill that I acquired was the knowledge that I did not want to do those things for a living.

So we would certainly love to hear about this. My colleague is here from Utah. I think he would like to have something to say about it. But we would be perfectly willing to debate this subject tonight at any length that the Senator from Massachusetts would like to talk about it.

But at the end of the talk, we want action. And the action we want is passing this trade bill because it is going to create new jobs at high wages, with great futures. It is going to share the American dream with more people than have ever had it before, with people who missed it the first time around. We are excited about it. And it is going to happen since we have a certain amount of time that has to run off the clock now. So if people want to debate minimum wage, we do not object to debating it. We just want to deal with this trade bill because we believe it will do more good.

Mr. KENNEDY. Will the Senator yield?

Mr. GRAMM. I will be happy to yield.

Mr. KENNEDY. Well, the Senator, as I understand from his comments, is prepared to debate it, but he is going to object to any consideration to give the Senate of the United States an opportunity to act on it prior to the July recess, as I understand it.

Am I correct in understanding the Senator’s position, that he would welcome the discussion and debate, but he objects to any action on the bill—the Senator was glad to ensure that there was going to be voting on the questions of the trade bill in support for the closure earlier today to make sure we would not get to vote on it. But, as I understand the Senator’s position, he objected to the majority leader’s request to permit the Senate to vote on the issue of the minimum wage?

Mr. GRAMM. Reclaiming my time, let me say his problem is not with me but with the fact that we are on a trade bill of which almost 70 Members of the Senate voted for cloture, saying they want to get on with passing this trade bill to create more jobs, more growth, more opportunities.

The Senator has proposed a measure which we have never seen, that he has never filed, that is not on the calendar, that is not relevant or germane. We are being asked to waive the rules of the Senate and deal with new jobs from trade for an amendment that is not in order today.

Mr. KENNEDY. If the Senator will yield for a point, this is not being offered as an amendment. It is just a way to get the Senate to take action on it later on in the session. It was not an attempt to offer it as an amendment tonight.
Mr. GRAMM. Let me say that—Mr. KENNEDY. But I understand the Senator has objected to that as well.

Mr. GRAMM. We are in the minority here. You control the flow of legislation. I don’t understand why you are asking for an extension to bring up bills. All I know is we are here trying to pass a trade bill, and you are talking about another subject. The point I was making is that thanks to the wisdom of our Members, we now have some—how many hours do we have postcloture?

The PRESIDING OFFICER. Twenty-three hours.

Mr. GRAMM. Twenty-two hours?

The PRESIDING OFFICER. Twenty-three hours.

Mr. GRAMM. Twenty-three hours. So we have ample time, if the Senator wants to talk about this issue, to do it. I know the Senator from Utah wants to say a word about it.

So I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank my friend from Texas. I would say to the Senator from Massachusetts if he is in the Chamber, I would be happy to take action on his bill. The action I would seek to take would be to kill it. That is effectively what we have done with our objection. But if the Senator from Massachusetts can get the majority here to bring it up in another form and I will be happy to vote to kill it in that place, too.

I do so not because I am heartless, nor because I think the people who are at the bottom of the economic ladder don’t need help, not because I want to hurt them, but because I want to help them. I have often said that if I could control what we carve in marble around here, along with the Latin motos and the other statements we have, we should probably have been here at all times the statement: You cannot repeal the law of supply and demand.

We keep trying in government to repeal the law of supply and demand. We keep trying to set prices or wages at a level different than the market. Well, I don’t have the Ph.D. degree in economics my friend from Texas has, but I learned in Economics I that when government sets a price different from where the market would set it, you get one of two things: either a shortage or a surplus. If the government sets the price on a commodity and says, this is what we will pay for this commodity because everybody ought to have access to it, and they set the price by law too low, you get a shortage of that commodity because no one want to produce it at that artificially low price.

We have seen that. Remember when there was price control on natural gas and there was an insufficient supply of natural gas. You got a shortage. When Ronald Reagan became President, he said: We are going to remove price controls on natural gas, and many people—I was not in the Chamber so I can’t tell you whether there are some who are still here who were there at the time—said: Without price regulation, the price of natural gas will go through the roof.

Guess what happened. When we removed the artificial restraint on the price, we got a shortage temporarily enough to get a lot of people producing natural gas, and then it came down. Ironically, to a price below the price the Government had set, once the market forces took over and people started producing natural gas. You can get a shortage because you can get a surplus.

I remember when my father was on the Banking Committee and the Government set the price of silver for silver coinage. It was higher than the market would pay for silver, and the Government stockpile of silver got bigger and bigger and bigger because people were producing silver, not for the market but for the Government, at an artificially high price.

What does that have to do with the minimum wage? Simply this: If you set the price of unskilled labor by Government fiat at a place where the market would not put it, you are going to create a shortage of jobs. If Government guarantees a price of labor higher than the market, it is going to stop people applying for those jobs. It is as simple and as inexorable as that. You cannot repeal the law of supply and demand.

What segment of our economy has the highest level of unemployment? It is the inner cities, among African-American males of teen age. They have the highest level of unemployment of any group measure in the country. Why? Because jobs in the inner city for teenagers who don’t have skills have been priced out of the market by minimum wage legislation.

The Senator from Texas talked about his first experience. I went to work at 50 cents an hour when I was 14 years old, and we had rates of unemployment that were a vast surplus of people applying for those jobs. It is as simple and as inexorable as that. You cannot repeal the law of supply and demand.

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If the minimum wage, which was 40 cents an hour when I was 14 years old, was raised to 65 cents an hour, I would have lost my job. I wasn’t worth 65 cents an hour to employ me. Frankly, I was barely worth 50. I would have lost my job.

I cannot understand why some people insist that the poor are better off unemployed at a high rate than working at a slightly lower rate. But that is what we have; that is where we are.

We are talking about this trade bill. We are saying it will help the American economy. At the time when the economy was doing perhaps its best, during the 1990s, and Alan Greenspan came before the Banking Committee, a Senator asked him: In these boom times, Mr. Chairman, who is benefiting the most from America’s prosperity?

I could tell by the way the Senator framed the question that he expected the Senator from Utah to say the top 10 percent of the people at the top because the Senator was particularly concerned about what he considered to be an improper gap between the people at the top and the people at the bottom, and he was going to use Greenspan’s answer to make a case for raising the minimum wage at the top. I will be happy to vote if he were still in the Chamber. I would be happy to vote if he were still in the Chamber, too.

I could tell that was the attitude of the Senator as he asked the question. He was disappointed in Greenspan’s answer. Greenspan replied: Unquestionably, Senator, it is the people at the bottom who have benefited from this economic boom.

I apologize for implying that he said the bottom 50 percent because, being an economist, he always has to quantify everything. So it was the people in the bottom quintile, to use an economist’s phrase, who had benefited the most from the economic boom.

Then the dialog went back and forth between Chairman Greenspan and the Senator with the Senator saying: Yes, but the people at the top have gotten these enormous financial rewards by virtue of the highest economic boom.

Chairman Greenspan said: Yes, that is true, if you measure the benefit solely in dollars. However, if you measure the benefit in terms of life impact, the people at the bottom, who have had a 40-, 50-, 60-percent blessing in their lives by virtue of the fact that the economy is creating jobs for them, their life has been impacted far more than a millionaire who was at $2 million net worth and then saw his net worth go to $3 million or if the situation doesn’t change much. His life circumstances don’t change, if at all. He has more money to invest, and we hope he invests it in a way that will further stimulate the economy, but in terms of what happens in his life, nothing really changes by virtue of his increase in net worth. But someone who could not get a job or who couldn’t see his job increase because the economy was flat, now in these times of prosperity can get a job and can see his opportunities increase.

I remember in those times when I talked to employers in the State of Utah and I would ask them: What is your biggest problem? They said: We can’t find anybody to hire. The economy is so good that everybody can get a job.

I had one employer say to me: We will hold a mass job interview. We will advertise in the paper, and 15 or 20 people come in to listen to our pitch as to why they should come to work for us. We will start through our explanation of what this job is, and half of them will get up and walk out because they
know they can walk down the street and hear somebody else's pitch and they can pick and choose. Our problem is, because the economy is so good and there are so many jobs, we are having hard times even filling the entry-level jobs.

Right now, the economy is not so good. Right now, we don't have employers who are complaining about that problem. And right now is not the time to artificially price those entry-level jobs out of the market by attempting to repeal the law of supply and demand.

Who will get hurt the most by an increase in the minimum wage? Ross Perot won't get hurt. Donald Trump won't get hurt. The people at the top won't be affected one way or the other. It is the person who is working for today's minimum wage, whose economic benefit to his employer would not justify the proposed minimum wage, who gets laid off. That is who gets hurt. It is the person at the bottom who has trying to help, who will, ironically, suffer the most if the minimum wage goes through.

I can take you to employers in my State who laid people off the last time the minimum wage went up. Employers said: I simply cannot justify it anymore. I would like to pay them, I would like to have them working for me. But, frankly, the economic return I get from them is not worth it when the minimum wage goes up. I am going to lay them off. I can get the same job done with mechanization or some other device, or I can simply do without it in my business. It is just not worth it to me to pay that much.

So those people walked off the job into the unemployment lines, with the cold comfort that their nominal rate was now 50 cents or 75 cents higher than it had been. They were not collecting it, but at least they had the warm feeling of knowing the Government determined that was what they were worth.

The market determines who gets hired. The market determines who gets paid. We cannot repeal the law of supply and demand.

So I say again, the Senator from Massachusetts says he wants action on this bill and he is disturbed that we are not willing to take action. I would be willing to take action, and the action I would want to take for the benefit of the people at the bottom, for the benefit of the African-American teenagers in inner cities who cannot get work, for the benefit of those who are just trying to start out, would be to say let's kill this bill, let's take care of the people at the bottom the best way we can, but one of the things we should not do is price their jobs out of the market and put them in the unemployment lines.

I yield the floor.

ANDEAN TRADE PREFERENCE EXPANSION ACT—Continued

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, what is the matter now before the Senate?

The PRESIDING OFFICER. Amendment No. 3433.

Mr. REID. Is that the Reed of Rhode Island amendment?

The PRESIDING OFFICER. Yes. Amendments Nos. 3456, 3457, 3431, and 3432 withdrawn.

Mr. REID, Mr. President, on behalf of Senators DURBIN and BOXER, I ask unanimous consent that the following amendments be withdrawn: Amendments Nos. 3456, 3457, 3431, and 3432.

The PRESIDING OFFICER. Is there objection?

Mr. GRAMM. Reserving the right to object, Mr. President. I am sorry, we were having a conference in the cloakroom and I didn't hear.

Mr. REID. Four amendments are being withdrawn.

Mr. GRAMM. Mr. President, not only do I not object, I concur.

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

Amendments Nos. 3433

Mr. REID. Mr. President, I make a point of order against the Reed of Rhode Island amendment, No. 3443, that it is not properly drafted.

The PRESIDING OFFICER. The point of order is well taken, and the amendment falls.

Amendments Nos. 3437

Mr. REID. Mr. President, it is my understanding that the next matter in order is the Byrd amendment No. 3447; is that right?

The PRESIDING OFFICER. The Senator is correct. The amendment is now pending.

Amendment No. 3527 to Amendment No. 3447

Mr. REID. Mr. President I call up amendment No. 3527, a second-degree amendment to the Byrd amendment.

The PRESIDING OFFICER. The clerk will report the second-degree amendment.

The legislative clerk read as follows:

The Senator from Nevada (Mr. Reid), for Mr. HOLLINGS, proposes an amendment numbered 3527 to Amendment No. 3447.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1998 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits)

At the appropriate place, insert the following:

Sec. 6. Trade Adjustment Assistance and Health Benefits for Textile and Apparel Workers.

(a) In General.—An individual employed in the textile or apparel industry before the date of enactment of this Act who, after December 31, 1998—

(1) lost, or loses, his or her job (other than by termination for cause); and

(2) has not been re-employed in that industry, is deemed to be eligible for adjustment assistance under subchapter A of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2271 et seq.).

(b) Effective Date.—This section takes effect on the day after the date of enactment of this Act.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what is the pending question?

The PRESIDING OFFICER. Amendment No. 3527 to amendment No. 3447.

Mr. BYRD. Is amendment No. 3447 my amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. The pending amendment is the second-degree amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. Mr. President, I will speak on the first-degree amendment.

Mr. President, there can be little doubt that the various agencies of the executive branch are increasingly in the driver's seat on the important matter of trade. Meanwhile, the Congress and the American people are merely being brought along for the ride.

There are many reasons for this growing inequity, not the least of which is the willingness—at times, in fact, the eagerness—of this body to give us its rights and responsibilities under the Constitution. The Constitution mandates to the legislative branch—the people's branch—authority over foreign trade matters. It cannot, however, force the institution to exercise this authority and assert itself in trade matters. That requires the will of the Members. The lessons we have learned from our most recent experiences with trade agreements should be invasive enough for us to assert our rights with regard to trade matters. We, after all, represent communities that have lost businesses to other countries and families who have lost their jobs to foreign firms.

Yet here we are, once again, considering a measure that further ties the hands of the members of this institution in the area of trade. Perhaps even worse, we are continuing a trend of blinding ourselves to the details of the trade agreements on which we must ultimately vote. It is almost as if we don't want to know.

At the very least, we should do more to lift the veil on trade negotiations so that we have some idea as to what it is this Nation is signing up for when the agreements go into effect. But to do so we need to establish the means for Members to participate more broadly, and in more detail, in important trade negotiations, as well as to carry out the important oversight functions that our complex trade law requires.

The fast track bill now before the Senate opens that door. The bill establishes the Congressional Oversight Group to serve as an official adviser to
the U.S. Trade Representative on matters that include the formulation of specific trade objectives and negotiating strategies, the development of new trade agreements, and the enforcement of existing trade agreements.

The establishment of the Congressional Oversight Group is intended to help the legislative branch play a more substantial role in trade negotiations, but as laid out in this legislation it does not go quite far enough. As written, the Congressional Oversight Group will be comprised of five Senators, each of whom must serve on the Finance Committee, five Members of the House of Representatives, each of whom must serve on the Ways and Means Committee, and, on an ad hoc basis, the chairman and ranking members of the various committees of the Senate and the House that would have jurisdiction over provisions in the trade agreement that are being negotiated. This select group, of perhaps as few as 10 Members of Congress, would then be given the authority, under law, to advise the U.S. Trade Representative on important matters of international commerce.

Choosing members of the Finance and Ways and Means Committees was a logical move on the part of the authors of this provision. These are committees with, perhaps, the greatest degree of expertise in trade matters. But our trade negotiators, and the American people, should not be denied the benefit of the breadth of expertise that can be offered by a more diverse representation of the Congress.

Mr. President, in some respects, the Senate has already gone over this territory. We have the National Security Working Group to assist the Foreign Relations Committee and the Armed Services Committee with reviewing important arms control agreements. The National Security Working Group is not a standing committee of either committee, but it is a useful back channel between the legislative and executive branches during the early stages of arms control negotiations, just as the Congressional Oversight Group is intended to do for trade negotiations.

But the National Security Working Group has functioned well because its membership is not limited to those Senators who serve on the committees of jurisdiction. The National Security Working Group has 20 members, each of whom serve on neither the Armed Services Committee nor the Foreign Relations Committee. Indeed, one of the group’s greatest strengths is that it draws its membership from the whole Senate, rather than just one committee.

The amendment I offer expands the Congressional Oversight Group to 22 members, selected from the membership of the Senate and the House of Representatives. The establishment of the Group on the Finance Committee in the Senate or the Ways and Means Committee in the House. Just as with the National Security Working Group, the leadership of each House will serve on this panel. In addition, the leadership of each House will select eight additional members to complete the Congressional Oversight Group. It also authorizes expenses for Senate staff and the Office of the Chairman of the Committee to keep these congressional advisers aware of the progress in negotiating fast-track agreements. The amendment specifically directs that any proposed changes to our trade policy “are currently informed of the trade policy of the United States,” and makes these advisors aware of any proposed changes to our trade policy. This is the mechanism by which the members of the committees of jurisdiction can remain informed of the progress in negotiating fast-track agreements.

My amendment prevents the Congressional Oversight Group from being a redundant entity, as it currently is configured in the fast-track bill, and expands it to include a broader group of members of Congress in both Houses who are interested in, but do not serve on the Finance Committee or the Ways and Means Committee. The amendment does not elevate the Congressional Oversight Group above the status of the committees of jurisdiction, but it does elevate the Congressional Oversight Group above the status of the committees of jurisdiction.

The amendment specifically directs that any meetings that are open to the Congressional Oversight Group shall also be open to congressional advisers for trade policy.

Because trade agreements encompass so many issues, including labor protections and environmental standards, as well as adjustments to our own trade rules, all committees with jurisdiction should be fully consulted at all stages of negotiations on a new trade agreement. But many Senators who do not serve on the committees of jurisdiction also have great interest in our trade laws and they can offer significant contributions. These Senators should have the opportunity to receive similar contributions from the Congressional Oversight Group, as laid out by my amendment, would allow these Senators with an interest in trade matters to be fully informed of the progress of negotiations.

The fast-track procedure for considering trade bills turns the legislative process on its head. It forbids Senators from offering amendments, even for the purpose of clarifying the language of the agreement in negotiation. The fast-track procedures limit the time that a trade agreement could be debated, as if Senators should not be given the time to learn what is really in the agreement.

In that case, the only Senators who would really know what a trade agreement does, and why it needs to be done, are those Senators who participate during the negotiation of those agreements. Right now, only five Senators have been appointed to be congressional trade advisors to the U.S. Trade Representative, and every one of those Senators serves on the Finance Committee. It is all well and good to draw upon the expertise of the members of the Finance Committee, but what about the rest of us?

At what point will we, who do not serve on the Finance Committee, be made aware of the progress of trade negotiations? When will those Members of the House who are not on the committees of jurisdiction have an opportunity to see that the interests of our States are protected by a trade agreement? Is it when the agreement is signed, sealed, and delivered to Congress for an up-or-down vote? Or are we, as the elected representatives of the people, entitled to have our input on these trade agreements while there is still an opportunity to do so?

In an increasingly global marketplace, the ramifications of trade negotiations are undoubtedly reaching into the smallest crevices of our economy. The types of industries, the numbers of businesses, and every American’s everyday concerns that are being impacted by foreign trade and constantly growing. The consultation of a broader number of Senators on potential trade agreements will more adequately and appropriately address the pervasive influence of foreign trade on America today. My amendment to change the composition of the Congressional Oversight Group will help end the exclusive nature of trade consultations. I urge my colleagues to support this amendment.

Mr. DORGAN. I wonder if the Senator from West Virginia will yield for a question.

Mr. BYRD. I will be glad to yield.

Mr. DORGAN. First, I ask unanimous consent that I be added as a cosponsor to this amendment.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

Mr. DORGAN. Madam President, the Senator from West Virginia has offered a very sound proposal to this so-called fast-track legislation. I was wondering if the Senator from West Virginia, who has been in this Chamber a long while, knows of circumstances where other
things have been given “fast track” treatment in ways that help ordinary folks.

Has the Senator from West Virginia been aware of circumstances where, for example, legislation that affects ordinary Americans is given fast-track authority to be considered here?

Mr. BYRD. No, no.

Mr. DORGAN. How about the disputes against unfair foreign trade practices that the steel industry raises or that family farmers or textile manufacturers raise—do the disputes they deem they need to bring because they are victims of unfair trade get fast-tracked or do they get slow-tracked?

Mr. BYRD. No, they get slow-tracked.

Mr. DORGAN. I wonder if the Senator will agree that, while fast track is making new agreements and showing them through the Congress with no amendments, efforts to correct the problems in trade that are faced by so many workers and so many businesses cannot get any action, let alone slow-track; they get no movement at all. Is that not the case?

Mr. BYRD. That is the case, precisely.

Mr. DORGAN. Madam President, it is ever more important that the Senator’s amendment be approved. To the extent Congress is going to provide so-called fast-track authority, we need people looking over the shoulders of those who are going to negotiate these trade agreements.

I was in a room in Montreal when the United States-Canada Free Trade Agreement was negotiated. It did not do much good, frankly. I went there and heard what the negotiator had to tell us, but it was not part of the negotiations. When I got back here, I discovered that which was negotiated behind the scenes in a secret agreement covered that which was negotiated beforehand. As a result, it did not come out until 2 years later, hindering the process with the executive branch.

I note the Constitution of the United States, which the distinguished Senator from West Virginia knows so well, ascribes to the legislative branch the sole authority for governing trade negotiations and all aspects of trade. It does not mention the executive branch. Certainly that responsibility has been devolving to a shared relationship, but it is certainly not one this branch could responsibly cede nor would it want to cede.

I also point out that given the arrangements with the World Trade Organization, which is still expanding its breadth and its reach, once rules have been established by that body, it is my understanding they cannot only be changed by unanimous concurrence of all participating countries, which means that once this country has given up to the World Trade Organization any of the laws or the protections that have been established for the benefit of the American people, we cannot unilaterally take them back, which makes it even more important that the amendment of the Senator from West Virginia be passed to give the Congress that oversight and chance to anticipate ahead of time what the consequences are going to be of some of these decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the distinguished Senator from Minnesota. I appreciate his willingness to cosponsor the amendment, and I value his association in the matter.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. 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. BYRD. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

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

AMENDMENTS NO. 3448 AND 3449

Mr. BYRD. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from West Virginia controls 48 minutes.

Mr. BYRD. I thank the Chair.

Madam President, I speak on amendments Nos. 3448 and 3449, which I offered earlier.

Madam President, for nearly 50 years I have worked to preserve the institutional integrity of the Senate and the House. Throughout this long period, I have repeatedly and consistently opposed exactly the type of fast-track provisions that are contained in this bill. During my decades in the Senate, I have staunchly opposed fast track because I believe it improperly delegates to the Executive Branch unwarranted and excessive power over the regulation of foreign commerce. I have to say, however, that upon reviewing this bill, I find its provisions are some of the most offensive to fast track because it continues the sorry trend of giving the President carte blanche to determine what will be contained in a series of trade agreements, and—for except for the provisions on trade remedies exempted by the Dayton-Craig amendment—deprives the Senate of any opportunity to amend these agreements in order to either improve their provisions or correct any deficiencies they may contain.

This bill impedes the ability of the Senate to enact a resolution of disapproval against an agreement that it finds objectionable. Although, at first glance, the bill appears to permit a Senator to introduce a resolution of disapproval rejecting a trade agreement that is brought back to the Senate by the President, the reality is that resolution most probably would never come to the floor of the Senate for a vote.

This is because the bill states that, once a resolution of disapproval is introduced and referred to the Senate Finance Committee, it will not be in order for the full Senate to consider the resolution if it has not been reported by that committee. In other words, a disapproval resolution cannot be forced to the floor through a discharge of the Senate Finance Committee. The way this bill is currently written, if a resolution of disapproval is not reported out of the Senate Finance Committee, it might as well never have been introduced. The resolution simply languishes, and languishes, and languishes, and languishes.

This means that, so long as the Senate Finance Committee endorses the President’s agreement, the views of the rest of the Senate are irrelevant. Enacting fast-track in this bill not only provides the President with unfettered authority to negotiate trade agreements, it also prevents the Senate from exercising its constitutional responsibility to reject or modify trade agreements that are not in the best interests of the American people.

The Constitution in Article 1, Section 8, not only provides Congress with the power to “lay and collect taxes, duties, imposts and excises” and to “regulate commerce with foreign nations,” but it also gives the Congress the authority to enact all legislation that “shall be necessary and proper for carrying into execution the foregoing powers.” This authority of the Congress to enact or to refuse to enact legislation
It is imperative that every Senator retain his or her right to introduce a resolution of disapproval that can be considered by the full Senate. The rules of the Senate exist not only to protect the rights of its Members. In fact, it should be said that the rules and procedures exist to protect the rights of the people. This body is not merely a forum to have a voice and power to the minority. I repeat, the minority. And I remind my colleagues in this Chamber that a minority can be right. The rules of this body, in fact, provide each individual member with leverage, and each of us has a stake in ensuring that these rules are respected, and that procedural changes of this type are only undertaken with great care and thoughtfulness.

To this end, I am introducing two amendments to require that, upon introduction, any resolution of disapproval—including an extension resolution of disapproval—will be referred not only to the Senate Committee on Finance, but also to the Senate Committee on Rules and Administration. After all, it is the Rules Committee that is charged with making the rules and procedures that govern this institution, and its expertise is essential to guarantee that the commitments undertaken by our executive partners in trade agreements we negotiate are enforceable under U.S. law.

Under these amendments, each of these committees will be required to report the resolution of disapproval that has been referred to it within 10 days of the date of its introduction and, if either of these committees fails to report the resolution of disapproval within that time, either of these committees shall automatically be discharged of consideration of the resolution. The resolution shall then be placed directly on the Senate Calendar. Once the disapproval resolution is placed on the Senate Calendar, any Senator may make a motion to proceed to consider that resolution, and the motion to consider the resolution shall not be debatable.

The language in this bill and its accompanying report prohibiting a resolution of disapproval from being discharged by the Finance Committee constitutes a sharp distortion of the Senate’s rules that would dramatically impede the rights of the 79 Members of the Senate who happen not to serve on the Senate Finance Committee. In other words, almost four-fifths of the Senate may have no say regarding whether what the President has negotiated is right or wrong.

If enacted as currently written, this bill would effectively cut a majority of Senators out of the trade regulation process, preventing them from correcting sweeping changes in trade law that could unfairly affect the lives of their constituents who rely on the Senate to protect their interests. It is not as if Senators, in recent years, have had much of a say in trade matters. They have not. And what little voice they have had has been suppressed, if not silenced, on too many occasions by this gimmick called fast-track, a gimmick now a promotion authority.” This legislation goes beyond fast-track in its impairment of the Senate’s prerogatives.

I cannot support surrendering the rights and prerogatives, the duties and responsibilities assigned to any president of any political party. We in the Congress have an obligation to strike down trade agreements that adversely affect the American people. But it is impossible for us to do so if we do not provide ourselves the opportunity to adequately review, debate, amend, or reject their provisions as we are rightly empowered to do under the Constitution of the United States. These amendments ensure that we retain the ability to modify or reject trade agreements that are not in the best interests of the majority of the people of the United States and, in so doing, protect the economic well-being of the Nation and of the people we represent.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senate from Mississippi.

Mr. COCHRAN. Madam President, I support giving the President trade promotion authority, as the bill now before the Senate would do. It is essential that we work with President Bush to ensure that we break down barriers and promote the sale of U.S. goods and services and agricultural commodities in other countries.

Export markets are absolutely necessary to assure the profitability of American agriculture. America’s farmers are producing more but exporting less.

Last year, exports of U.S. farm products amounted to just over $50 billion. That is a decrease from 5 years ago when we reached a high of $60 billion in foreign exports.

For our country to prosper, we must have access to foreign markets. These markets not only help farmers; they help create jobs in processing industries, as well as transportation.

Tariffs in other countries against our farm products are too high. They can be reduced by negotiating a tariff reduction by our President. The tariff on U.S. agricultural products averages over 60 percent compared to under 5 percent on other domestic goods. If the President had the authority to negotiate international trade agreements, farm receipts would go up and not down as has been our recent experience.

One out of every three acres planted by farmers across America is intended for export. But because we aren’t selling all we produce, the Supply prices are going down, and the agricultural sector is having a very hard time making ends meet.
autos. In 2001, our automotive deficit made up over 31 percent of our total trade deficit with the world. In 2001, our automotive deficit was 59 percent of our total trade deficit with Japan and 53 percent of our total deficit with Korea.

No omnibus trade bill should leave the Senate without addressing barriers to our products which are the largest contributors to our trade deficit. We can start by making opening foreign markets for U.S. automotive products one of our principal negotiating objectives.

America's domestic auto industry is the largest manufacturing industry in the United States. The domestic auto industry alone contributes almost 4 percent to the total U.S. Gross Domestic Products. Our domestic auto manufacturers operate 52 manufacturing and assembly facilities in 19 states around the country, and when auto parts manufacturers are included, there is an automotive manufacturing presence in almost every state. The Big 3 automakers directly employ over 500,000 people in automotive-related jobs in the U.S. That number grows by an additional 2 million jobs when you count automotive suppliers and other related industries.

The auto industry is also a hi-tech manufacturing industry. It is one of the largest users of computers and the advanced technologies. It also spends $100 billion annually on research and development, more than any other industrial sector in America. The U.S. auto industry contributes mightily to our economic well being. Yet we continue to neglect it when it comes to insisting on fair market access for exports of autos and auto parts.

The U.S. passenger vehicle market is the most open and competitive in the world. But when we go to sell our autos and auto parts in foreign markets, we face significant trade restrictions. Some of the most egregious practitioners of unfair trade in autos and auto parts are Japan and Korea. The sale of American vehicles and auto parts in Japan has been blocked by protectionist measures such as government regulations dealing with vehicle certification, inspection, and repair. In Korea, restrictions include a tax system that discriminates against imported vehicles by making them prohibitively expensive, discriminatory practices spelling foreign vehicles as “luxury goods,” and the perception that the purchase of a foreign vehicle will trigger a tax audit.

Since 1990, the U.S. automotive trade deficit with Japan has averaged 55 percent of our total trade deficit with Japan. A 5 year market opening agreement in autos and auto parts that was largely a failure. The U.S. automotive trade deficit with Korea has grown significantly since 1995 despite two automotive market opening agreements with Korea.

Japan and Korea want it both ways. They want to keep a sanctuary automotive home market that is protected from competition while they export a significant portion of production to the United States.

We have been trying to open Japan's automotive markets for decades to no avail. It began in 1978, when the United States and Japan agreed to a 8 year Market Oriented Sector Specific, MOSS, talks with Japan to try to open Japan's auto parts market. During that time, our auto parts deficit with Japan rose from $3.3 billion in 1985 to $18.5 billion by 1992. Despite modest increases in sales by U.S. parts makers to the Japanese, the MOSS talks were followed by Framework talks in autos and auto parts which led to a 1995 U.S.-Japan Automotive Trade Agreement with the goal of increasing market access in Japan for U.S. autos and auto parts. That goal has not been achieved. Despite that fact, the Administration has allowed the Agreement to expire. Meanwhile, the U.S. trade deficit with Japan in autos and auto parts has gotten worse. The auto and auto parts trade deficit was $32.9 billion in 1995. By the end of 2000 when the Agreement was allowed to expire, it was $44.2 billion, more than 60 percent of the overall U.S. trade deficit with Japan and 10 percent of the worldwide U.S. trade deficit.

The U.S. government, in its annual Trade Barriers Report, acknowledges that it is disappointed with the access of North American-made vehicles and parts to Japan.

When it comes to automotive trade between the United States and Korea, the numbers speak for themselves. South Korea has the most closed market for imported cars and trucks in the developed world. While foreign vehicles account for only 1⁄2 of one percent of its total vehicle market, Korea depends on open markets in other countries to absorb its auto exports. Korea exports half of all the passenger vehicles it produces, a majority of those vehicles coming to the U.S. Last year, Korea imported only 7,747 vehicles from the United States and exported over 600,000 to our country.

This imbalance exists despite two separate automotive trade agreements between the United States and Korea which were supposed to open Korea's market: the first in 1995 and the second in 1998. This imbalance is unfair to America and its workers and only threatens to get worse if we do not act immediately.

The amendment Senator Voinovich and I have introduced attempts to address the gross inequities in market access for U.S. autos and auto parts among some of our major trading partners. Our amendment would make market access for motor vehicles and vehicle parts a principal negotiating objective of the United States. The underlying bill includes 14 principal negotiating objectives and the Senate voted to add textiles to that list. Since autos and auto parts are the largest part of our deficit, it is unacceptable that foreign trade barriers that exclude U.S.-made passenger vehicles and auto parts from certain markets are allowed to exist. We must act to get rid of those barriers.

Our amendment would make it a principal negotiating objective to explore competitive market opportunities for U.S. motor vehicles and vehicle parts and to obtain fairer and more open conditions of trade by reducing or eliminating tariff and nontariff barriers.

The current trade situation in autos and auto parts is unfair to America. We simply want access—to compete—no guarantees, just access. Every nation in the world strives to have a successful automotive industry and fights for that industry. We should do the same. The nearly 2.5 million men and women working in our nation's largest manufacturing industry deserve nothing less.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, without objection, the amendment is agreed to.

The amendment (No. 3543) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. Mr. President, if I may take 2 minutes.

Mr. GRASSLEY. Yes, go ahead.

I thank my friend, Senator Grassley, for helping us to work out this matter. As always, he is a gentleman and is accommodating. Again, we are very grateful for the effort he made to make this possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY, Mr. President, is the regular order the Byrd amendment?

The PRESIDING OFFICER. The regular order is the Hollings second-degree amendment to the Byrd amendment.

Mr. GRASSLEY. Would I be in order to speak on the Byrd underlying amendment?

The PRESIDING OFFICER. Yes.

Mr. GRASSLEY. Mr. President, I am strongly opposed to this amendment, for two reasons.

First, the amendment would disrupt the bipartisan balance we achieved in the Finance Committee on Trade Promotion Authority. Republicans and Democrats looked carefully at all the issues, especially the issues relating to Congressional notification and consultation, and approved a bill that, overall, goes farther in terms of congressional oversight and consultation than we have ever gone in fast-track legislation.

The second reason I oppose this amendment is that it would essentially
strip the Finance Committee of much of its traditional authority and jurisdiction over the trade policy oversight function.

According to this proposed provision, none of the proposed eight members of the Congressional Oversight Group may be members of the Senate Finance Committee.

Under this amendment, more than twenty percent of the Senate would be shut out from direct oversight of how trade negotiations subject to fast-track procedures are being conducted.

In that regard, this is a very radical amendment.

It strikes me as extremely unusual, to say the very least, that the Finance Committee, which wrote and passed the bipartisan trade promotion authority bill in the first place, would be given almost no role whatever in the oversight process once trade promotion authority becomes law.

I say almost no role, because some Finance Committee members—those few who are congressional advisers for trade policy—would apparently have some limited role, in that the cochairmen of the Congressional Oversight Group are required to meet with them “regularly.”

Mr. President, this is not the way that oversight of trade policy should be conducted.

I don’t believe that any member of a Senate Committee—especially the Finance Committee—should be automatically excluded from the jurisdiction of their committee if they are members of the Congressional Oversight Group.

But that is exactly what this amendment does.

Do the proponents of this amendment mean that we can’t trust Members of the Finance Committee to do the job the jurisdiction of their committee confers on them?

It appears that is exactly what this amendment means.

This is not just bad policy.

Specifically excluding Senators from serving in any oversight capacity would also set a terrible precedent.

The congressional oversight process that Senator Baucus and I designed in the bipartisan trade promotion authority bill is a good one, and it should be preserved.

Mr. President, I strongly urge my colleagues to reject this amendment.

I yield the floor and 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. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. GRASSLEY. Mr. President, hopefully, tomorrow, after a few rollovers votes to a few remaining amendments, we are going to have an opportunity to pass this bipartisan trade promotion authority act of 2002. I would like to address the issue of the bill for a few minutes while we are waiting for final action by the Senate on how we proceed tomorrow.

This bill provides the President with the flexibility he needs to negotiate trade agreements on behalf of U.S. workers and farmers while maintaining Congress’s constitutional role over U.S. trade policy. It represents a thoughtful approach to addressing the complex relationships between international trade, workers’ rights, and environmental protection without undermining the fundamental purpose and proven effectiveness of trade promotion authority procedures.

Specifically, this bipartisan act gives the administration the authority to negotiate and bring back trade agreements to Congress that will eliminate and reduce trade barriers relating to manufacturing, services, agriculture, intellectual property, investment, and e-commerce.

The legislation supports eliminating subsidies that decrease market opportunities for U.S. agriculture or unfairly distort markets to the detriment of the United States, with special emphasis on biotechnology, ending unjustified barriers based on sound science, and fair treatment for import-sensitive agriculture.

The legislation preserves U.S. sovereignty while engaging new trade agreements that will create solid economic growth and innovation, create better, high-paying jobs for hard-working Americans that on average pay 15 percent above the average wage, and increases the availability of attractively priced products into the U.S. market for the benefit of our consumers.

The legislation adds a trade negotiating objective on labor and the environment—very important provisions for many Members of this body. This is done to ensure that each time a party to a trade agreement does not fail to effectively enforce its labor and environmental laws through a sustained or recurring course of action or inaction, recognizing a government retains certain discretion.

It strengthens, under the labor and environmental provisions, the capacity to protect this vital public trust for core labor standards and to protect the environment, to reduce or eliminate government practices or policies that unduly threaten sustainable development, and to seek market access for U.S. environmental technologies, goods, and services.

The legislation adds a new negotiating objective on enforcement, giving labor and environmental authorities power to effectively enforce trade agreements.

It sets forth other Presidential priorities not covered by trade promotion authority, including greater cooperation between the World Trade Organization on the one hand, and the International Labor Organization on the other hand, and consultative mechanisms among parties to trade agreements to strengthen the capacity of U.S. trading partners to promote respect for core labor standards and the environment, technical assistance on labor issues, and reporting on the child labor laws of U.S. trading partners.

The legislation directs the President to take into account legitimate health, safety, essential security, and consumer interests. It directs the Office of the U.S. Trade Representative to ensure our ability to enforce vigorously U.S. trade remedy laws and avoid agreements which lessen the effectiveness of U.S. antidumping and countervailing duty laws.

The legislation contains negotiating objectives on investment to increase transparency for the dispute settlement process, calls for standards of expropriation and compensation that are consistent with U.S. legal principles and practice, and eliminates frivolous claims.

The bill expands and improves consultations between the administration and Congress before, during, and after trade negotiations, especially in the development of implementing legislation.

The Bipartisan Trade Promotion Assistance Act provides trade promotion authority until June 1, 2005, with a possibility of a 2-year extension. I point this out because there is a misunderstanding that Congress is going to give all of its power to the President. We have the consultation I talked about.

Most importantly, whatever is agreed to by the President has to be passed by Congress as a law before any agreement can become effective. But we also do not give this power away to the President forever. This is the year 2002, almost June 1. So we are talking about the next 3 years with the possibility of a 2-year extension.

I happen to believe we ought to have standing trade negotiation authority for the President, and we should not have these lapses that we have had since 1994, but obviously the extent to which we give it for shorter periods of time ought to satisfy more Members of this body that we are not giving up our congressional power, which is a specific grant in our Constitution that Congress shall regulate interstate and foreign commerce.

The Bipartisan Trade Promotion Authority Act also contains unprecedented procedures that ensure prompt, meaningful, and extensive consultations with the Congress throughout the negotiating process. In other words, Members of this body and the other body are going to have ample opportunity while the President is doing all this negotiating to have reports given to us, feedback and, obviously, if Congress has to pass a final product, the President, in negotiating a position for the United States, is going to have to take into consideration the views of Members of Congress. If the President wants to reach an agreement that will eventually pass by a majority vote in both the House and Senate.
In regard to this negotiation process and consultation therein, the bill establishes a congressional oversight group which is a broad-based, bipartisan, and permanent institution to be accredited as though official advisers to the U.S. delegation to consult with the U.S. Trade Representative and provide advice regarding formulation of specific objectives, negotiation strategies and positions, and development of the final trade agreement.

The congressional oversight group would maximize bipartisanship and input from Members from a broad range of committees comprising the chairman and ranking member of the Ways and Means Committee, three additional committee members, and also the chairman and ranking member, and their designees, of each committee with a jurisdiction over any law affected by trade agreements being negotiated.

The Bipartisan Trade Promotion Assistance Act also requires development of a written plan by the U.S. Trade Representative for consulting with Congress throughout the negotiations. That plan must include provisions for regular and detailed briefings of the congressional oversight group throughout the negotiations, access to documents relating to negotiations by members of the congressional oversight group, and their designated staffs. There would be very close cooperation between the congressional oversight group and the U.S. Trade Representative at all critical periods of the negotiations, including at negotiation sites, after the agreement is concluded, consultations regarding ongoing compliance and enforcement of commitments under the agreement, and finally, transmittal of a report by the Secretary of Commerce to Congress on U.S. strategy for correcting World Trade Organization dispute settlement reports that add to obligations or diminish rights of the United States.

It also provides that the President provide Congress with a written notice of intent to enter negotiations 90 days before initiating negotiations, or as soon as feasible after enactment of trade promotion authority; for negotiations already underway, including the intended date for entering negotiations, specific U.S. objectives and statement of whether seeking new agreements or changes in the existing agreement; and that the President and the U.S. Trade Representative consult with Congress before initiating or continuing negotiations on agricultural products, fish and shellfish trade, textiles and apparel products.

Before and after negotiations begin, the President and U.S. Trade Representative must consult with Congress regarding the negotiations, and particularly the U.S. Trade Representative must consult with all committees with jurisdiction over laws that would affect an agreement.

Before and after negotiations begin, if a majority of the members of the Congressional Oversight Committee request a meeting, the President himself must meet with the group regarding the negotiations.

I have used the word “consult” many times. It is all reflected in the legislation. We are very careful in guarding its constitutional power to regulate foreign and interstate commerce, and we are having a contract with the President of the United States, but that contract is not a blank check to the United States. He keeps in constant touch with us as the words “consulting” and “consultation” imply, legally binding that he do that.

So I hope it is very clear we are not willy-nilly delegating some power to the President. Not at all. We are going to be a part of this process.

Now, people might ask why, if Congress is going to be a part of the process, are we not consulting with the President to negotiate for us? It is because of the impossibility, and it ought to be very obvious, 535 Members of Congress not having the ability to be in Geneva or someplace else negotiating with the USTR on the issue of some trade agreement. So we ask the President to do it.

I hope the emphasis upon consulting and Congress demanding that the President sit down at certain points during this process indicates that, in fact, we are very selfishly guarding congressional responsibility.

There is another part of notice and consultation that is required before actually entering into trade agreements by the President, before it is actually signed in other words, because immediately after initiating an agreement the U.S. Trade Representative must consult closely with appropriate committees, including the congressional trade advisers, the congressional oversight group, and the House and Senate Committees on Agriculture.

The President is required, at least 90 days before entering an agreement, to formally notify Congress of his intent to enter into an agreement and publish notice of such intent in the Federal Register. At this time, the President must also notify the appropriate congressional committees of certain amendments proposed to be included in the implementing bill and then provide the International Trade Commission with details of the agreement so the ITC can carry out an assessment of the likely impact of the agreement on the U.S. economy and specific industry sectors.

Before entering into an agreement, the President must consult with the appropriate congressional committees and the congressional oversight group regarding three matters: The nature of the agreement; the extent to which the agreement meets congressional objectives as outlined in the bill before Congress, and the implementation of that agreement.

Both Houses of Congress have the ability, in the final analysis, as we all know and as has been the practice for the last 25 years, to disapprove an agreement by passing separate disapproval resolutions if the administration fails or refuses to notify or consult with Congress in accordance with the bill that is before Congress right now that hopefully we will vote on tomorrow.

Another example of notice and consultation after a trade agreement is entered into: After the President signs it, as soon as practical after entering into an agreement, the President must submit a copy of the agreement to Congress along with statements or reasons that he had for entering into that agreement. The President is required, at least 60 days after entering an agreement, to submit to Congress a description of the changes to existing laws that would be needed to comply with the agreement.

The President is also required to submit to Congress the final text of the agreement and provide an explanation of how the bill will change existing law, how the agreement makes progress at achieving the Trade Promotion Authority Act’s objective, and also he must submit an implementation plan.

When that is all done, we then have to have notice and consultation on an ongoing basis. The President must report to the appropriate congressional committees on the mechanisms created among parties in the agreement to promote respect for core labor standards and to develop and implement sound environmental and health standards.

The President must also report on the required reviews of the impact of future trade agreements on the environment and U.S. employment. Congress may withdraw a trade promotion authority for failure to consult. Disapproval resolutions can be introduced by any Senator and may cover multiple agreements. Grounds for disapproval include failure to make progress in achieving the objectives that the bill had laid out.

Obviously, as I have stated before, none of this happens unless Congress gives approval by majority vote in both the House and the Senate to approve or disapprove these agreements negotiated under this bill that hopefully will pass tomorrow.

I yield the floor.

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

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

Mr. REID. I ask unanimous consent that the time until 10:30 a.m., May 23d, tomorrow, be extended 2 days provided under the cloture.

The PRESIDING OFFICER. Without objection, it is so ordered.
Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak therein for not to exceed 5 minutes each.

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

BRIGADIER GENERAL STEPHEN G. WOOD, DEPUTY DIRECTOR, AIR FORCE LEGISLATIVE LIAISON

Mr. LOTT. Mr. President, I rise to pay tribute to an exceptional officer in the United States Air Force, an individual that a great many of us have come to know personally over the past few years—Brigadier General Stephen G. Wood. General Wood, who currently serves as Deputy Director of the Air Force Office of Legislative Liaison, was recently nominated for promotion to Major General and selected for assignment as Commander of the Air Warfare Center, Air Combat Command, at Nellis Air Force Base in Nevada. During his time in Washington, and especially with regard to his work here on Capitol Hill, General Wood personified the Air Force core values of integrity, selfless service, and excellence in the many missions the Air Force performs in support of our national security. Many Members and staff have enjoyed the opportunity to meet with him on a variety of Air Force issues and came to deeply appreciate his character and many talents. Today it is my privilege to recognize some of General Wood’s many accomplishments, and to commend the superb service he provided the Air Force, the Congress and our Nation.

General Wood entered the Air Force through the Reserve Officer Training Corps program at the University of Washington, Seattle. He served in various operational and staff assignments including duty as an F-16 pilot, AT-38 instructor pilot, F-16 weapons instructor and squadron operations officer. A command pilot, the general has more than 3,300 flying hours in the F-4, T-33, AT-38 and F-16, including 49 combat missions during Operation Desert Storm.

Throughout his distinguished career, General Wood’s exceptional leadership skills were always evident to both superiors and subordinates as he repeatedly appreciated his character and command positions. He served as F-16 Operations Officer and Commander of the 10th Tactical Fighter Squadron at Hahn Air Base, Germany; and as Squadron Commander of the 39th Fighter Squadron at Mountain Home Air Force Base in Idaho. He was subsequently selected as Chief of Joint Training Teams at Headquarters, U.S. Atlantic Command, in Norfolk, Virginia. Following this assignment, General Wood was chosen as Commander of the 8th Operations Group in Kadena Air Base, South Korea; and later as Commander of the 35th Fighter Wing at Misawa Air Base, Japan.

General Wood is best known to us, however, because of his two Air Force assignments involving liaison to the Congress. Many here will remember that from June 1997 until November 1998, General Wood was assigned as Chief, House Liaison Office, of the Office of the Secretary of the Air Force. He excelled in this position, bringing qualities of integrity and professionalism that greatly enhanced relations between the Air Force and the Congress. He was selected in May 2000 to return as Deputy Director of Air Force Legislative Liaison for the Secretary of the Air Force.

In his many years of working with the Congress, General Wood has provided a clear and credible voice for the Air Force while representing its many programs on the Hill, consistently providing accurate, concise and timely information. His integrity, professionalism and expertise enabled him to develop and maintain an exceptional relationship with the Congress. The key to his success, I believe, was his deep understanding of Congressional processes and priorities and his unflinching advocacy of programs essential to the Air Force and to our nation.

I am very pleased that General Wood has been nominated for his second star and I am sure that the Senate will soon concur in that promotion. I offer my sincere congratulations to General Wood for his new assignment as Commander of the Air Warfare Center. On behalf of the Congress and our great Nation, I thank General Wood and his entire family for the commitment and sacrifices that they have made throughout his military career. I know I speak for all of my colleagues in expressing my heartfelt appreciation to General Wood for a job well done. He is a credit to both the Air Force and the United States. We wish our friend the best of luck in his new command.

HONORES DOLORES HUERTA

Mr. KENNEDY. Mr. President, few people have done as much for America’s workers as Dolores Huerta. She is a preeminent labor and civil rights leader who has worked tirelessly and skillfully to enhance and improve the working conditions for farm workers and their families for more than 40 years. She is the heart and soul—and the muscle—of the farm worker labor movement. And I join those in lauding her for all she has accomplished. No injustice and no wrong is too big or too small for Dolores’ attention. And we are all so proud of all she does so well.

Born in Dawson, NM, on April 10, 1930, Dolores Huerta was raised, in Stockton, CA, in the San Joaquin Valley. Growing up, she saw first-hand the poverty that local farm workers endured and the dignity that her mother showed in providing free food and housing to local farm workers.

Dolores earned a teaching degree from Stockton College, but she left the profession because she could not stand to see her students the children of farm workers come to school hungry and without shoes. Convinced that she could be more helpful to their children and families, she founded the Stockton Chapter of the Community Service Organization in 1955, a Latino association to educate and assist these families.

In 1962, Dolores Huerta joined Cesar Chavez in founding the National Farm Workers Association which eventually became the famous United Farm Workers Organizing Committee.

As a co-founder of UFWOC, Ms. Huerta’s efforts have led to wide-ranging reforms for farm workers and their families. For example, Ms. Huerta negotiated a contract which established the first health and benefit plan for farm workers. In addition, her consumer boycotts resulted in the enactment of the Agricultural Labor Relations Act, the first United States law that granted workers to collectively bargain for better working conditions. Ms. Huerta also fought hard against toxic pesticides which were destructive to farm workers and the environment, and negotiated agreements to ensure that dangerous pesticides were not used in the fields.

Ms. Huerta has already been recognized by many for the groundbreaking work that she has done. She has received several honorary doctorate degrees and was honored as one of the “100 Most Important Women of the 20th Century.” In addition, Ms. Huerta was recently named one of six Women Sustaining the American Spirit. We here in the Senate thank Ms. Huerta for her passion and commitment to children, women and farm worker families. All workers deserve fair treatment and safe working conditions. The American people are better off today because of all the hard work that has been done, and we have every reason to be able to offer her this tribute from the United States Senate.

THE FARM BILL

Mr. HATCH. Mr. President, I rise to discuss the recent enactment of H.R. 2646, the Farm Security and Rural Investment Act of 2002, and to explain why I made the very difficult decision to vote against it. I wish to express my sincere thanks to the members of the House and Senate Agriculture Committees and the conferees for their very hard work in producing this farm bill. I have no doubt that their aim was the good of America’s farmers and the good of rural America.

There are a number of important provisions in the farm bill that will have a positive impact on our family farms. I am pleased that significantly more funding will go to conservation programs and to helping livestock producers and feedlot operators to better protect the environment. I am especially proud of language included in the farm bill that
will restore a modest and carefully constructed wool program for our sheep industry. The new wool payment is crafted to provide some assistance during difficult times but not so much that the wool market will become distorted. I think the wool payment program is crafted for avoiding farmers with a good safety net.

I wish I could say that the other crop support programs in H.R. 2646 were also well-crafted, but I cannot. I was a strong supporter of the previous farm bill, or the Fair Act. The Fair Act attempted to free our farmers from the heavy hand of government and restore to our farmers the benefits of the free market. The alternative is to protect our farmers from market forces and, in the name of encouraging a world system of free and fair trade, allow our competitors to squeeze U.S. agriculture products. I believe that too many of the programs in H.R. 2646 also serve to protect our most inefficient farmers from the free market, and not to help the farmers. I believe that competitive markets are keenly aware of this, and with the current weak economy, I and many farmers are alarmed by our recent shift toward protectionism. I fear the effects of this shift will hurt farmers. Doors to foreign markets that have been opened to our farmers may now close, the possibility for new markets may be quashed, and a greater number of future agricultural trade issues will be decided by the World Trade Organization, not by our trade negotiators.

An additional consideration for me in deciding to oppose H.R. 2646, was the alarming escalation of the cost of the bill. My understanding was that it would take about $100 billion to keep the current programs running for our farmers. On that basis, we added an additional $73.5 billion to help meet the needs of our farmers. That is a big increase, but I think our farmers deserve the additional help. I would feel better about spending this extra money, though, if I believed that it would benefit our agricultural industry rather than work against it. I would also feel better about the extra spending if the original $173.5 billion had not mysteriously risen to a budget busting $190 billion.

I know the farmers of Utah. They are prudent businessmen who simply want a fair shake. They do not want to go on the government dole, they do not want to close foreign markets, and they do not want to add to our budget deficit. Unfortunately for the farmers of Utah, the farm bill that has recently been signed into law does all of the above. And yet, all this money and all these programs do strangely little for the farmers themselves. A full-throttle 20 percent of all these programs will go to only 10 percent of our nation’s largest farms. This is a particularly grotesque and embarrassing aspect of H.R. 2646. If these largest farms are so efficient, why do they need this level of welfare?

Where are the economies of scale that should make the largest farms the strongest?

I voted on the floor of the Senate, along with 65 of my colleagues, to add a reasonable limitation on the size of payments the largest farms could receive under this farm bill. Although two-thirds of the Senate agreed on these payment limitations, the final conference report came back to us stripped of this important provision.

I wish we had a farm bill to which I could have given my blessing, but frankly, H.R. 2646 did not deserve my blessing. I am pleased that Utah’s commodity troops and livestock producers in general will receive important funding for conservation measures, and that our crop growers will gain some certainty from the enactment of a farm bill, but I fear there may be a heavy price to pay in the long run for our agricultural industry—a price that could have been avoided with a little more prudence and restraint on the part of the legislators and the farm organizations who helped to develop this bill.

I hope that Utah’s farmers can understand why I needed to vote against this farm bill. I cherish the farmers of Utah. I consider them the finest citizens our nation has. There is no group that works harder, that is more patriotic, or that is more morally strong than the farmers of Utah. I have often believed that to do all I can to support our farmers in the way that I believe they want to be supported, and I think my record reflects that this is what I have attempted to do over the years. I believe that the farmers I represent understand this.

**Tuna Imports from the Philippines**

Mr. SARBANES. Mr. President, I rise today to express my concerns about a provision in the Andean Trade Preference Act, ATPA, that will have serious adverse, unintended consequences on United States initiatives in the Philippines and our relationship with the Philippine government.

Both the House and Senate versions of the ATPA would allow canned tuna from the Andean region to enter the United States duty-free, while maintaining the current tariff rates for all other countries. The legislation specifically directs the trade preference to Andean countries to help them compete. However,谈判 counter-cyclical programs them-

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An additional consideration for me in deciding to oppose H.R. 2646, was the alarming escalation of the cost of the bill. My understanding was that it would take about $100 billion to keep the current programs running for our farmers. On that basis, we added an additional $73.5 billion to help meet the needs of our farmers. That is a big increase, but I think our farmers deserve the additional help. I would feel better about spending this extra money, though, if I believed that it would benefit our agricultural industry rather than work against it. I would also feel better about the extra spending if the original $173.5 billion had not mysteriously risen to a budget busting $190 billion.

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Both the House and Senate versions of the ATPA would allow canned tuna from the Andean region to enter the United States duty-free, while maintaining the current tariff rates for all other countries. The legislation specifically directs the trade preference to Andean countries to help them compete. However, negotiations over the ATPA provision will be costly. The United States will have to pay the additional duties on the canned tuna imported from Andean countries. Moreover, it is the economy of Mindanao, where the entire tuna-canning industry is located, that would be especially hard hit. It is on this southernmost island that the poverty level is acute and terrorist activity is concentrated; a number of civilians have been kidnapped or murdered there by Abu Sayef, an extremist Islamic group.

The Philippine government estimates that canned tuna imports from the Andean region to enter duty-free; the Senate version extends duty-free treatment to Andean countries to the extent equal to 20 percent of the preceding calendar year’s domestic production excluding production in American Samoa. For the Philippines, however, the House and Senate versions have the same effect. Philippine tuna is sold generically; purchasers of this tuna are the most price-sensitive, and they would gravitate to the cheaper, duty-free product.

Loss of these sales would mean, effectively, the collapse of the tuna market. The major suppliers to the U.S. canned tuna market are just six countries: Thailand, 60 percent; the Philippines, 18 percent; Indonesia, 12 percent; Papua New Guinea, 4 percent; Ecuador and Malaysia, 2 percent each. Of the six, Ecuador is the only one of the six that would benefit from the proposed trade preference, to the sharp detriment of the Philippines. The Philippine government estimates that the implementation of the ATPA provision would affect 24,000 workers directly, and another 150,000 indirectly. Moreover, it is the economy of Mindanao, where the entire tuna-canning industry is located, that would be especially hard hit. It is on this southernmost island that the poverty level is acute and terrorist activity is concentrated; a number of civilians have been kidnapped or murdered there by Abu Sayef, an extremist Islamic group, and two Americans are currently being held there.

The implications of this legislation will almost certainly undercut the Philippine government’s efforts in Mindanao. It will undercut U.S. efforts
as well, since the U.S. government through USAID has provided over $20 million in fiscal year 2001 and fiscal year 2002 in ESF for economic development in Mindanao, and the fiscal year 2003 budget request includes a further $20 million. ATPA would seriously compromise these investments.

It will of course be argued that the ATPA provision will strengthen the Andean economies and enable them to better resist terrorist encroachments. But efforts to strengthen those economies should not come at the cost of making anti-terrorist efforts in the Philippines more difficult. Surely that is not the intent, but it could well be an unintentional but highly regrettable consequence of the legislation.

Given the likelihood of grave, harmful consequences for the Philippines, I urge my colleagues to work toward a constructive solution to the problem posed by the ATPA provision that would derive free entry to canned tuna from the Andean countries. I ask unanimous consent to have printed in the RECORD the discussion of this issue which appears in today’s New York Times.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York times via Dow Jones, May 21, 2002]

QUANDARY ON TRADE

By KEVIN BRADY

GENERAL SANTOS CITY, THE PHILIPPINES, May 16, 2002—How should the United States set its tariffs and trade rules, globally or country-by-country?

It is no idle academic debate to the tuna fishermen of this knockabout port city on the south coast of Mindanao, nor to sugar cutters in the Caribbean or garment workers in Pakistan. Faraway changes in American fine print can have very real, sometimes unintended consequences.

A move in Congress to extend trade preferences to Andean nations, in part to help wean their economies off coca production, could lead to the layoff of thousands of fishermen, as well as several other regional groupings. In Pakistan, official sources of any such trade preferences to Andean nations, in part to help wean their economies off coca production, could lead to the layoff of thousands of fishermen, as well as several other regional groupings. In Pakistan, officials have struggled to win a larger quota for textile shipments to the United States as a reward for Islamabad’s help during the conflict in Afghanistan. And in the Caribbean, the emergence of any especially pro-American government brings a request for a larger quota to ship sugar to the high-priced, highly protected American market.

By returning to the pre-1922 practice of awarding preferential trade treatment to certain countries and regions, often for political rather than economic reasons, Washington now finds itself constantly badgered for trade concessions by whatever friendly nation it may be given to favor.

This is the problem that most “favored nation” status was supposed to solve. When countries won that status—as nearly all of America’s trading partners did in recent decades—they were assured that their exports would get the same tariff treatment as any other and that generally, concessions awarded to one country would be accorded to all.

After the ruinous bilateral trade competition in Europe in the 1930’s, the United States backed a global adoption of the same approach, leading in the decades after World War II to the international trade rules enshrined in the General Agreement on Tariffs and Trade and the creation of the World Trade Organization.

The history of trade negotiations basically was that, because of the bilateral special deals that inevitably made other nations unhappy, we came around to most-favored-nation treatment and GATT negotiations,” said William Cline, a senior economist at the Institute for International Economics in Washington.

Up through the 1960’s, most economists criticized the Andean concessions as just as bad as bilateral deals. Beyond making winners of some countries and losers of others, regional blocs can be bad for global efficiency, by prompting importers to favor a higher-cost producer within the bloc over a lower-cost producer outside whose goods are still subject to high tariffs and quotas.

Global trade agreements minimize such drawbacks, because these days very few countries remain outside them. But global a tiny tuna industry. But tuna from other countries is subject to duty of up to 35 percent, creating a big incentive for Mexico to build up its tuna fleet, despite the high labor and fuel costs for the long journeys to where the tuna swim.

Several smaller Central American and Caribbean nations are also small tuna fleets; three years ago they agreed to phase out tuna duties for them on the same timetable.

To the Andean nations of South America, these concessions posed a serious threat—that preferential access to the United States would soon make big new competitors out of Mexico and Central America. The United States had lowered tariffs on many products from Andean nations like Ecuador and Colombia in 1981, but canned tuna was not one of them. When concessions came up for renewal last year, the Andean nations, supported by Starkist, demanded that they be expanded to include canned tuna.

Ecuador has a huge tuna fishing fleet, and Colombia a smaller one; both countries are eager to expand into the United States market. Though both countries do not depend on narcotics trafficking, that persuaded the House of Representatives to approve a bill earlier this year that would immediately eliminate duties. That was not enough; producers in the Philippines now are warning, because of the hardship it would create in this poor, Muslim and sometimes rebellious part of the country, where terrorists are believed to be active. “We understand you want to do this because of narcotics,” said Manuel A. Roxas II, the country’s secretary of trade and industry, “but terrorism is just as important.”

Washington has been on notice for some time that this kind of chain reaction of anger and demands for relief was likely to develop in countries influenced by the United States Tariff Commission forewarned that special deals for some countries “would lead to claims from states outside the agreement which, if granted, defeat the purpose of the treaties, and which, if not granted, occasion the preferring of a charge of disloyalty to treaty obligations.”

VOTE EXPLANATION

Mr. TORRICELLI. Mr. President, I inform the Senate that because of an unavoidable delay, I was unable to arrive in the Senate for a morning vote held on May 22, 2002. Had I been present, I would have voted as set forth below. My vote would not have affected the outcome.

On the motion to invoke cloture on the Baucus Substitute Amendment 3401 to H.R. 3009, the Andean Trade Act, I would have voted against cloture. The only provision of the Andean Trade Act that I opposed is the ATPA provision that would give duty-free entry to canned tuna from the Andean countries.

Surely that is not the intent, but it would give duty-free entry to canned tuna from the Andean countries.

I would like to describe a terrible crime that occurred February 13, 1992 in Davenport, IA. Two gay men and two of their friends were beaten with baseball bats and metal pipes. The assailants, a group of six men and two women, yelled anti-gay slurs during the attack.

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 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.

Now it is the Philippines’ turn to feel threatened. Letting Ecuador and Colombia, but not the Philippines, ship tuna to the United States duty free would be both unfair and unwise, officials in Manila are warning, because of the hardship it would create in this poor, Muslim and sometimes rebellious part of the country, where terrorists are believed to be active. “We understand you want to do this because of narcotics,” said Manuel A. Roxas II, the country’s secretary of trade and industry, “but terrorism is just as important.”

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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.

...
EAST TIMOR’S INDEPENDENCE

Mr. TORRICELLI. Mr. President, I would like to extend my warmest welcome to the newest democracy to join the family of nations. This week, after a long and arduous struggle, the nation of East Timor officially celebrated its independence from Indonesia.

This has been a long and hard fought process for the people of East Timor. For 300 years, they were a colony of Portugal. Then upon the end of colonial rule in 1975, and a brief period of independence, East Timor was annexed to Indonesia.

In August of 1999, the people of East Timor voted in favor of independence from Indonesia. This historic moment regrettably set off a tragic wave of violence that left much of the country in devastation. While the people of East Timor have come a great distance since that moment, there is still much rebuilding and healing to do.

In January of 2000, the United Nations Commission of Inquiry into East Timor concluded that the terror, destruction and displacement of people that occurred would not have been possible without the involvement of the Indonesian military during August of 1999. During that same period, some 250,000 East Timorese fled to West Timor, while there are still 55,000 refugees who have not been repatriated.

For the people of East Timor to move forward and have positive relations with their Indonesian neighbors, it is vital that these findings be investigated and those who are found guilty of committing crimes against humanity be brought to justice. The Indonesian government has taken an important step in this matter by establishing an ad hoc Human Rights Court for East Timor, however, this court has its own short-comings. By limiting the scope of inquires to atrocities alleged after the August referendum, it has affected the prosecution of high-level military officials who are believed to have masterminded the violence. Without the ability to investigate and bring to justice those involved in human rights abuses throughout East Timor’s time as part of Indonesia, those who have suffered will be unable to move forward in their lives.

While we cannot forget the injustices of the past, this week is also a time to look to the future. East Timor has the opportunity to build a vibrant and prosperous nation. The task of developing a thriving democracy is an ongoing process. It requires a respect for the rule of law and the ability to share differing opinions. I am confident that the people of East Timor will meet these challenges as they have the others before them; and they have taken a positive step by voting to sign the United Nations Declaration of Human Rights as their legislature’s first act.

What makes our work possible is the fact that the people of East Timor must take for themselves, the United States and our fellow democracies will still play a vital role in the hopes of East Timorese. Given the level of destruction, it is important that the United States and other nations continue foreign aid in an effort to enable the East Timorese to provide vital services such as education, shelter, and healthcare to their people. Also, democratic institutions as the government of East Timor undertakes the responsibilities of full sovereignty. These and vital role in the ability of East Timor to mature as an established nation.

Lastly, this momentous occasion would not have been possible without the perseverance of the people of East Timor and supportive non-governmental organizations such as the East Timor Action Network, and I commend them on their efforts. The people of East Timor have endured much to gain their freedom, and I wish them the best in their newfound independence.

PARKINSON’S DISEASE

Mr. HARKIN. Mr. President, today I chaired a hearing on Parkinson’s Disease. It has been an honor to chair an important hearing on this vital issue with the help of the task force on Human Services and Education Appropriations Subcommittee. I was profoundly touched by the victims of this disease who came to testify and by the many, many victims, families and advocates who are doing their best to put a human face on this horrible disease. As a Congress, we can’t take the time to listen to every story but I ask unanimous consent that one little girl’s story be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LETTER FROM MAYA FIELDER

My name is Maya Fielder and I am 9 years old. I live in Palo Alto, California and I am in the 4th grade at Escondido School.

When I was a little baby my mom found out she had Parkinson’s Disease. I was with my mom, but I don’t really remember when she was diagnosed. I do remember going to the doctor told her she had a bad disease that gets worse and worse and doesn’t have a cure. I know that now there are lots of things I can’t do with my Mom and sometimes I feel bad instead of her taking care of me.

I learned that Parkinson’s Disease is when your brain doesn’t produce enough dopamine. Dopamine is important because it tells your body how to move. My Mom’s body tremors and she can’t write things down or if she does on can read it, not even her. She gets dizzy and she can’t even walk. She gets tired pretty easily too. She rides her scooter around the house (I’m not allowed to ride in the house though). And sometimes she can’t even walk until her medicine starts working. She takes tons of pills every day but the medicine or the disease causes more problems for her so my Mom tries new medicines and different things a lot to feel well.

Our whole family works hard to find a cure for Parkinson’s. My mom talks about Parkinson’s to the newspapers or on the news whenever someone comes my name or picture is shown too! We had a charity art show at our house and Uncle Dan’s art raised a lot of money. I even sold a painting and all the money went to Parkinson’s research. My mom said that if researchers got enough money from Congress and from regular people that they could find a cure in 5 or 10 years. That would be good because I won’t be a grown-up yet and my Mom will get better and we could go ice skating together.

But now we have a big problem. I heard President Bush say that all cloning research has to stop. My Mom was really upset because if scientists could clone people in Congress want to stop researchers from finding a cure for Parkinson’s and lots of other diseases that make millions of people sick. I don’t get it.

One part of the Pledge of Allegiance says “Liberty and Justice for all”. I don’t think the government is giving us much liberty or justice at all.

People are scared of the kind of cloning that would make new people (reproductive cloning). But what’s so scary about finding a cure for my Mom? That kind of cloning is called therapeutic cloning and doesn’t make people or kittens or anything like that—it would just help my Mom’s brain work again like it is supposed to.

I think that the people who make the laws should make rules so scientists won’t do bad things with research. But can’t they still be allowed to do the good research? My mom said the Brownback bill that is being voted on Congress soon wouldn’t allow scientists to do the good kind of research that would help her. She also said that the law wants to put people like her in jail if they try to get cured. That’s just dumb! My Mom isn’t doing anything wrong by just trying to feel well.

I thought I might want to be a scientist when I grow up but I don’t think so any more. I just want to find a cure for my Mom.

I guess I’ll become the President of the United States so that I can make good laws that help people and cure diseases. I’ll let scientists do their work and make all kinds of new discoveries.

I know that this isn’t the most important thing for everyone. But I think that if someone in your family was sick and you were worried, that you would do everything you could to help them get better. You wouldn’t make laws so that a cure would not be found and you wouldn’t put them in jail.

Help find a cure. Help my Mom and everyone else that needs one instead of making it harder. I’m doing as much as I can do to help my Mom and other people too (when I’m not in school or doing my violin, but Mommy says that helps her too). This is really important to a lot of people. Thank you.

ADDITIONAL STATEMENTS

TRIBUTE TO DIANE CALLAWAY

Mr. BIDEN. Mr. President, I am pleased to note for the record this morning the election of a proven leader in my State to serve in national office.

Diane J. Callaway has worked in the School District for 28 years. In the course of her career, Mrs. Callaway has been active in professional associations at the local, state and national level, serving in virtually every leadership position, both elected and appointed. It came as no surprise to me that Diane Callaway received Delaware’s first Educational Office Professional of the Year award.
In 1990, Mrs. Callaway earned a Professional Standards Program certificate and distinction as a Certified Educational Office Employee, CEOE, from the National Association of Educational Office Professionals. She served two terms as the NAEO’s Mid-Atlantic Area Director, and currently serves on the Association’s Board of Directors Executive Committee. Mrs. Callaway has been elected to serve as President of the NAEO for 2002–2003.

As a Delaware resident, we are very proud of Diane Callaway proud of her success, proud of the prominent role she is playing at the national level, and most of all, proud of her tremendous contribution to the quality of our schools. We congratulate her on her election, and we thank her for her service to us all.

THE LEGACY OF FLOYD BOLDRIDGE

Mr. BROWNBACK. Mr. President, today, I rise to recognize the legacy of a true Kansan, Floyd Boldridge. Mr. Boldridge was a life-long farmer and family man. During his life, he was loved by not only his family but by the community of Atchison, Kansas as well. During his funeral, La Rochelle Young, of my staff read a tribute to her uncle, Floyd Boldridge. As we prepare to honor our loved ones during the upcoming Memorial Day holiday, I think it is a fitting tribute to Mr. Boldridge to enter his tribute into the record of the United States Senate. I join with La Rochelle and Mr. Boldridge’s ten children, Gloria Wallingford, Virginia Carol Harvey, Shirley Gooch, Betty King, Thelma Hibler, Leonard Boldridge, Dennis Boldridge, Brenda Nettles, Annette Boldridge and Eric Harvey.

I ask that Mr. Boldridge’s tribute be printed in the RECORD.

The tribute follows:

THE LEGACY OF FLOYD BOLDRIDGE

(By La Rochelle Murray, Niece of Floyd Boldridge)

January 31, 2000

A legacy of love, of family, of commitment and of integrity can be said of the man who many called father, grandfather, uncle, coach, in, brother, friend, bull and baby boy. Floyd Boldridge was the youngest of six rambunctious boys. And as the “baby” of the family, he was loved and cherished in many ways. In fact, one of the brothers’ favorite past times was bouncing “baby boy” on the bed and then lovingly watch him bounce on the floor. Perhaps, this is where Uncle Floyd developed his sparkling personality, his infectious laughter that could penetrate any person or situation, and the incredible bond between his brothers and his fierce commitment to his family and friends.

As a young man, Uncle Floyd grew up in a spirit that not only took pride in the teachings of Christ, honesty and hard work but also took extreme pride in the Boldridge name as well. This was shown throughout Uncle Floyd’s life. In many large families, each son possessed a special gift—one that was different from the other brothers. However, instead of dwelling on the others’ gift, each brother nurtured and cultivated his gift in order to combine their gifts with one another and sustain themselves.

During an interview, Uncle Floyd was once asked about his thoughts concerning The Legend of The Holy Land. His response was one that was simplistic yet profound. He said that he did not recall feeling the effects of the depression because he and his brothers never wanted for anything. They pooled their resources together, which allowed them to be self-sufficient and continued living comfortably during one of the darkest times in our nation’s history. Uncle Floyd learned other lessons that he learned from his brothers was that which sculpted him into the energetic, fierce and loyal, loving man that we all came to know as Uncle Floyd, we were all his family—remember today.

During the early years of Uncle Floyd’s life, his passion and zeal for life was transformed to his ever-growing family. Everyone who knew Uncle Floyd knew that he was very proud of his children. His love for his family surpassed everything in his life and will continue to live on in the lives of his children and grandchildren. There were many facets to Uncle Floyd’s life but none compared to the love of his children.

For example, when his daughter, Tammy, brought her husband, Don, to meet her father for the first time, Uncle Floyd positioned himself so that his five-foot seven-inch frame was directly in front of Don, who is six feet three inches tall, was on a flat portion of land. Once this was achieved, Don was eye level with Uncle Floyd. It wasn’t until later that Don realized what had happened because he was so intimidated by Tammy’s father.

Uncle Floyd also had a passion for peace and happiness between everyone. He was never one to cause conflict or allow conflict to be in his presence. He had a vivacious personality that allowed him to realize what life was a series of challenges and having a negative or defeatist attitude would only make one’s life miserable. Instead, he choose to look to God first for understanding and then actively engage in positive actions.

Although Uncle Floyd was a peaceful and loving man, he was also known for his enormous strength. The nickname “Bull” and like Sampson, everyone who tried to overpower him received an often surprising and sometimes painful result. For example, one of my Uncle Floyd’s nephews, Marvin, decided to test his uncle’s strength at work. Marvin made the bad decision to grab Uncle Floyd’s arms. Not only did Marvin say that grabbing Uncle Floyd was like grabbing a hunk of steel, but remembers being turned upside down in the process. All Marvin recalls of that moment was his father yelling, “Bull!!!”

My father, Walter D. Murray, also remembers his first introduction to Uncle Floyd. He had heard how much Uncle Floyd had cherished the lives of his children and grandchildren. He had heard how Uncle Floyd’s strength and though that he would show him what strength really was. So, when he shook Uncle Floyd’s hand, he squeezed with all of his strength and found that not only did Uncle Floyd match his strength but surpassed his strength so much so that after almost falling to his knees, he had to ask Uncle Floyd to release his hand.

Indeed Uncle Floyd loved life and lived his life to the fullest and in doing so blessed our lives immeasurably. So what can be said of his legacy? Uncle Floyd had a profound legacy of love for God, his Son, Jesus Christ and the Holy Spirit, peace among ourselves and love for our fellow human. Like many other families, Uncle Floyd had many friends as well as we would treat ourselves. That is why he cherished his trips to the Holy Land.

Uncle Floyd loved to share every aspect of his trips to the Holy Land including Jerusalem and Bethlehem. It was on one of these trips that he turned to his daughter, Betty, and said, “I am seeing with these eyes what my father read to me from the Bible many years ago.”

Uncle Floyd was a steadfast, deeply religious man who loved Christ and the Church. In fact many nights, Uncle Floyd could be found in the kitchen of Campbell Chapel Afrikan Methodist Episcopal Church where he was a life-long faithful member, cooking his famous cabbage or my personal favorite, fried corn. And many of Uncle Floyd’s friends will remember the times he would fix after a hunting trip or even if they just chose to drop in and visit him at his home.

Uncle Floyd also left us with the legacy of his family—remember today.

DEATH OF STEVEN PATRICK LOVATO

Mr. BINGAMON. Mr. President, I rise today to pay tribute to the life of Steven Patrick Lovato, an Emergency Medical Technician who was killed in the line of duty while responding to a 911 call on March 16, 2002 in his hometown of Roswell.

Steve received his initial EMT training in Las Cruces, NM and then joined the American Medical Response team in Roswell in 1996. During the course of his service in Roswell, he was a company petty officer and assistant instructor. Last year he was awarded AMR’s Vision and Guiding Principles Award for his responsiveness to patients. He was also recently selected as a company mentor to help teach and develop other EMT’s.

Steve was known for his passion for emergency medicine and his unfailing desire to help others. He often commented about how much he loved going to work and serving his community. Steve is survived by his wife Josephine, his ten-year-old son Alex, and his parents, Lawrence and Rosie Lovato, all of Roswell. I would like to extend my condolences to Steve’s family. Steve’s sacrifice is the ultimate sacrifice, and his family is as well, and I join with them in mourning his death.

COMMENDING OKLAHOMA STUDENTS

Mr. INHOFE. Mr. President, I would like to briefly comment on an excep-
of Oklahoma. Recently, a group of students from Tahlequah High School in Tahlequah, OK, participated in the national finals of “We The People... The Citizens and the Constitution.” These students traveled here to Washington, DC for the final competition after excelling in the preliminary rounds.

This contest is held for students who have a remarkable knowledge of American history. The group includes Chris Augerhole, J.R. Baker, Chad Blish, Ryan Casper, Taylor Gibson, Carlton Heard, Cobin Heard, Zach Israel, Doug Kirk, Helena Loose, Lucie Newman, Tim Pace, Rebecca Walker, Derek Whaler, Brandon Zellner and their teacher Norma Boren.

These young Oklahomans demonstrated their ability to articulate the ideals of American government while taking part in a simulated congressional hearing.

I commend students for their outstanding achievement.●

In recognition of Hadassah’s 90th Anniversary

● Mr. TORRICELLI. Mr. President, I rise today in recognition of Hadassah, the Women’s Zionist Organization of America as they celebrate their 90th anniversary. Hadassah is a non-profit volunteer women’s organization dedicated to health care, education, and advocacy. Originally created to bring modern health care to the sick and suffering inhabitants of Palestine, Hadassah has grown into a thriving international organization actively engaged in issues that affect the health and livelihood of Jewish people throughout the United States and Israel.

Founded in 1912, Hadassah retains the passion and timeless values of its founder, Henrietta Szold, Jewish scholar and activist, who was dedicated to Judaism, Zionism, and the American ideal.

In Israel, the Hadassah Medical Organization, HMO, runs two hospitals, five schools of health sciences, research facilities, and a community health center. With support from over 300,000 Hadassah members worldwide, HMO offers expert treatment and tender care to more than half a million people in Israel each year.

In the United States, Hadassah enhances the quality of American and Jewish life through its education and Zionist youth programs. It promotes health awareness and provides personal enrichment and growth for its members.

In a year long celebration, Hadassah will commemorate its 90 years of service. To mark this occasion, I would like to applaud Hadassah and its members for their efforts to improve the lives of all the people they serve.●

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 President referred to 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.)

MESSAGES FROM THE HOUSE

At 12:35 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 488. An act for the relief of Barbara Makuch.
H.R. 487. An act for the relief of Eugene Makuch.
H.R. 1877. An act 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.
H.R. 3375. An act to provide compensation for the United States citizens who were victims of the bombing of United States embassies in East Africa on August 7, 1998, on the same basis as compensation is provided to victims of the terrorist-related aircraft crashes on September 11, 2001.
H.R. 3833. An act to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps prevent children from being exposed to harmful material on the Internet, and for other purposes.
H.R. 3994. An act to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.
H.R. 4215. An act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.
H.R. 4251. An act to improve small business advocacy, and for other purposes.
H.R. 4514. An act 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.
H.R. 4592. An act to name the chapel located in the national cemetery in Los Angeles, California, as the “Bob Hope Veterans Chapel.”
H.R. 4626. An act to amend the Internal Revenue Code of 1986 to accelerate the marriage penalty relief in the standard deduction and to modify the work opportunity credit and the welfare-to-work credit.
H.R. 4762. An act to extend the authority of the Export-Import Bank.
H.R. 4876. An act to modify the work opportunity credit and the welfare-to-work credit; to the Committee on Finance.
The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 405. Concurrent resolution commemorating the independence of East Timor and commending the President for promptly establishing diplomatic relations with East Timor; to the Committee on Foreign Relations.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2338. A bill to amend the Fair Labor Standards act of 1938 to provide for an increase in the Federal minimum wage.

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–7182. A communication from the Comptroller of the Currency, Administrator of National Credit Union Administration, pursuant to law, the report of a rule entitled "Electronic Activities" (RIN1557–AB76) received on May 22, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–7183. A communication from the Chief of the Regulations Branch, Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to the Customs Regulations: Reusable Shipping Devices Arriving from Canada and Mexico" (TD 02–28) received on May 22, 2002; to the Committee on Finance.

EC–7184. A communication from the Regulatory Specialist, Executive Secretariat, Office of Hearings and Appeals, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Trust Management Reform: Prebate of Indian Trust Estates" (RIN1090–AA79) received on May 22, 2002; to the Committee on Indian Affairs.

EC–7185. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oregon Regulatory Program" (OK–029–FOR) received on May 22, 2002; to the Committee on Energy and Natural Resources.

EC–7186. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of the Office of the Inspector General for the period October 1, 2002 through March 31, 2002; to the Committee on Governmental Affairs.

EC–7187. A communication from the Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, the 2002 Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–7188. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerance" (FRL6834–4) received on May 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7189. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Tolerance Exemptions for Polymers" (FRL6834–2) received on May 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7190. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Generic Maximum Achievable Control Technology" (FRL7215–7) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7201. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Rubber Tire Manufacturing" (FRL7214–8) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7202. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Cellulose Products Manufacturing" (FRL7214–4) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7203. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Efluent Limitation Guidelines and New Source Performances Standards for the Construction and Development Category; Proposed Rule" (FRL7217–1) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7204. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Efluent Limitation Guidelines and New Source Performances Standards for the Construction and Development Category; Proposed Rule" (FRL7217–1) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7205. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Efluent Limitation Guidelines and New Source Performances Standards for the Construction and Development Category; Proposed Rule" (FRL7217–1) received on May 22, 2002; to the Committee on Environment and Public Works.

EC–7206. A communication from the Acting Director, Financial Management and Assurance, General Accounting Office, transmitting, pursuant to law, the Capitol Preservation Fund's Fiscal Year 2000 Financial Statements; to the Committee on Rules and Administration.

EC–7207. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the Federal Deposit Insurance Corporation Funds' 2001 and 2000 Financial Statements; to the Committee on Banking, Housing, and Urban Affairs.

EC–7208. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Securities Exchange Act of 1934 Rule 6h–1; Cash Settlement and Regulation Regarding Reporting for Security Futures Products" (RIN3235–AI24) received on May 22, 2002; to the Committee on Banking, Housing, and Urban Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with amendments:

S. 361: A bill to establish age limitations for pilots. (Rept. No. 107–127)

By Mr. BYRD, from the Committee on Appropriations, without amendment:
EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services:

Army nominations beginning Col. Michael A. Dunn and ending Col. Eric B. Schoomaker, which nominations were received by the Senate and appeared in the Congressional Record on April 22, 2002.

Army nominations beginning Brigadier General Alan D. Bell and ending Colonel James L. Snyder, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the Records on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary’s desk for the information of Senators.

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

Army nominations beginning Garry F. Atkins and ending Daryl L. Spencer, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2001.

Army nominations beginning Michael T. Bradfield and ending Richard R. Young, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2002.

Army nominations beginning Shahn Bobbitt and ending Barbara Locksham, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Marine Corps nominations of Michael J. Colburn.

Marine Corps nominations of William P. McClane.

Marine Corps nominations beginning Neil G. Anderson and ending Wesley L. Woolf, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Marine Corps nominations beginning John F. Ahern and ending Larry E. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on April 29, 2002.

Navy nominations of James E. Russell.

Navy nomination of Lydia R. Robertson.

Air Force nominations beginning Don W. Pitts.

Marine Corps nominations of Wade V. Deliberto.

Navy nomination of Marc J. Glorioso.

Navy nominations beginning Jack S. Pierce and ending Thomas R. Webber, which nominations were received by the Senate and appeared in the Congressional Record on May 2, 2002.

Army nomination of Christian E. DeGraff.

Army nomination of Ches H. Garner.

Army nomination of David S. Oeschger.

Marine Corps nominations beginning John J. Jackson and ending Richard L. West, which nominations were received by the Senate and appeared in the Congressional Record on May 8, 2002.

Marine Corps nomination of Mark D. Tolkin.

Marine Corps nomination of Robert T. Maxey.

Marine Corps nomination of Charles G. Grow.

Army nominations beginning Mark C. Dugger and ending James E. Mountain, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning David L. Comfort and ending Patrick K. Wyman, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Joseph R. Boehm and ending Gabriel J. Torres, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Michael F. Danning and ending Charles E. Parham, Jr., which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Anthony M. Brooker and ending Jesse Mcrae, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Stefan Grabas and ending Charles L. Thrift, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Alfonzo H. Mays and ending John D. Paulin, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Jody D. Paulson and ending Ellen F. Tippett, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Marine Corps nominations beginning Deborah A. Pereira and ending Joyce V. Woods, which nominations were received by the Senate and appeared in the Congressional Record on May 13, 2002.

Navy nominations of Gregory K. Copeland.

Navy nomination of Stephen G. Krawczyk.

By Mr. LEVIN: for the Committee on Governmental Affairs.

Robert R. Rigsby, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

Paul A. Quander, Jr., of the District of Columbia, to be Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency for a term of six years.

Todd Waltherr Dillard, of Maryland, to be United States Marshal for the Superior Court of the District of Columbia for the term of four years.

Nominations was reported with recommendation that it be confirmed subject to the nominee’s commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nomination 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. KENNEDY (for himself, Mr. AKAKA, Mr. BAUCUS, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mrs. CLINTON, Mr. CORZINE, Mr. DASCHLE, Mr. DAYTON, Mr. DODD, Mr. DURBIN, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. HARKIN, Mr. INOUYE, Mr. JOHNS, Mr. KERRY, Mr. KOHL, Ms. LANDREI, Mr. LIEBERMAN, Mr. LEAHY, Mr. LEVIN, Ms. MUKULSKI, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, Ms. STABENOW, Mr. TORRICELLI, Mr. VITTER, Mr. WALTERS, Mr. WILLIAMS, and Mr. WRANGLER):

S. 2384. A bill to extend the temporary suspension of duty on segment Red 206; to the Committee on Finance.

By Mr. REED (for himself and Mr. CHAFEE):

S. 2383. A bill to extend the temporary suspension of duty on segment Red 206; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. DEWINE):

S. 2384. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DOMENICI (for himself, Mr. BIDEN, Mr. JOHN, Mr. LANDRIEU, Mr. HAGEL, Mr. HARKIN, Mr. MUKULSKI, and Ms. MUKULSKI):

S. 2384. A bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes; to the Committee on Armed Services.

By Mr. THURMOND:

S. 2381. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Ms. SNOWE):

S. 2387. A bill to amend title XVIII of the Social Security Act to provide for fair payment under the Medicare program for hospital outpatient department prospective payment system; to the Committee on Finance.
By Mr. BINGAMAN (for himself and Mr. WELLSTONE):

S. 2548. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. WELLSTONE, Mr. ENZI, and Mr. KENNY):

S. 2549. A bill to ensure that child employees of traveling sales crews are protected under the Fair Labor Standards Act of 1938; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MCCAIN (for himself and Mr. DORGAN):


By Mr. BYRD:

S. 2551. An original bill making supplemental appropriations for further recovery and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. SNOWE (for herself, Mr. BAUCUS, and Mr. BINGAMAN):

S. 2552. A bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to needy families to obtain post-secondary or longer duration vocational education; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2553. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTTER):

S. 2554. A resolution expressing the sense of the Senate concerning the 2002 World Cup and co-hosts Republic of Korea and Japan; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself and Mr. BRKAUX):

S. Con. Res. 118. A concurrent resolution to express the sense of the Congress regarding dyspraxia; to the Committee on Health, Education, Labor, and Pensions.

ADDITIONAL COSPONSORS

S. 603

At the request of Mr. LIEBERMAN, the name of the Senator from Illinois (Mr. DURBin) was added as a cosponsor 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. 677

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 786

At the request of Mr. DURBIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 786, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

S. 812

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 966

At the request of Mr. DORGAN, the name of the Senator from Missouri (Mrs. CARNANAH) was added as a cosponsor of S. 966, a bill to amend the National Telecommunications and Information Administration Organization Act to encourage deployment of broadband service to rural America.

S. 1156

At the request of Mr. SMITH of Oregon, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1156, a bill to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

S. 1271

At the request of Mr. Voinovich, the name of the Senator from Missouri (Mrs. Carnahan) was added as a cosponsor of S. 1271, a bill to amend chapter 35 of title 44, United States Code, governing the reboarding of certain vessels to allow the President to contract with private maritime carriers to provide the transportation of personnel and supplies for the armed forces, and for other purposes.

S. 1399

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1399, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIA's, and for other purposes.

At the request of Mr. CAMPBELL, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1399, supra.

S. 1399

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 1399, a bill to amend the Internal Revenue Code of 1986 to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the names of the Senator from Vermont (Mr. JEPSEN) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1538

At the request of Mr. BINGAMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1538, a bill to provide disadvantaged children with access to dental services.

S. 1678

At the request of Mr. MURRAY, her name was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official duty in determining the exclusion of gain from the sale of such residence.

S. 1742

At the request of Ms. CANTWELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1742, a bill to provide greater access to affordable pharmacueticals.

S. 1767

At the request of Mr. KENNEDY, the names of the Senator from Mississippi (Mr. COCHRAN), the Senator from New York (Mrs. CLINTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1767, a bill to amend title 38, United States Code, to provide that certain service in the American Field Service ambulance corps shall be considered active duty for the purposes of all laws administered by the Secretory of Veterans Affairs, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Massachusetts (Mr. KERRY) 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. 1967

At the request of Mr. FEIST, his name was added as a cosponsor of S. 1967, a bill to promote charitable giving, and for other purposes.

S. 1967

At the request of Mr. KERRY, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision
services under part B of the medicare program.

S. 2194
At the request of Mr. McCONNELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2194, a bill to hold accountable the Palestine Liberation Organization and the Palestinian Authority, and for other purposes.

S. 2213
At the request of Mr. SESSIONS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 2213, a bill to amend the Internal Revenue Code of 1986, to exclude from gross income certain overseas pay of members of the Armed Forces of the United States.

S. 2217
At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2317, a bill to provide for fire safety standards for cigarettes, and for other purposes.

S. 2239
At the request of Mr. BREAUX, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2229, a bill to improve seaport security.

S. 2488
At the request of Mr. BROWNBACK, the name of the Senator from Texas (Mr. GARAM) was added as a cosponsor of S. 2498, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 2513
At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2513, a bill to assess the extent of the backlog in DNA analysis of rape kit samples, and to improve investigations and prosecution of sexual assault cases with DNA evidence.

S. 2529
At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2529, a bill to amend title XVIII of the Social Security Act to improve the medicare incentive payment program.

S. 2534
At the request of Mr. BIDEN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 2534, a bill to reduce crime and prevent terrorism at America’s seaports.

S. 2537
At the request of Mr. DORGAN, the names of the Senator from California (Mrs. BOXER) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 2537, a bill to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes.

S. 2570
At the request of Mr. WELLSTONE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. J. Res. 37, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Centers for Medicare & Medicaid Services within the Department of Health and Human Services relating to modification of the medicare upper payment limit for non-State government owned or operated hospitals published in the Federal Register on January 18, 2002, and submitted to the Senate on March 15, 2002.

S. Res. 105
At the request of Mr. GRASSLEY, the name of the Senator from Connecticut (Mr. LIEBERMAN) 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 name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. Res. 258, a resolution urging the President to dissolve its “martyrs” fund and to refuse to support terrorism in any way.

S. Con. Res. 105
At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Con. Res. 165, a concurrent resolution expressing the sense of Congress that the Nation should take additional steps to ensure the prevention of teen pregnancy by engaging in measures to educate teenagers and why they should stop and think about the negative consequences before engaging in premature sexual activity.

S. Con. Res. 110
At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) 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.

S. Con. Res. 135
At the request of Mr. KENNEDY, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Minnesota (Mr. WELLSTONE), the Senator from New York (Mrs. CLINTON), the Senator from California (Mrs. BOXER), and the Senator from Nevada (Mrs. FEINSTEIN) were added as cosponsors of S. Con. Res. 115, a concurrent resolution expressing the sense of the Congress that all workers deserve fair treatment and safe working conditions, and honoring Dolores Huerta for her commitment to the improvement of working conditions for children, women, and farm worker families.

AMENDMENT NO. 3420
At the request of Mr. LEVIN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of amendment No. 3420 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3447
At the request of Mr. BYRD, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of amendment No. 3447 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3448
At the request of Mr. BYRD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Michigan (Mr. LEVIN) were added as co-sponsors of amendment No. 3448 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3449
At the request of Mr. BYRD, the names of the Senator from Minnesota (Mr. DAYTON) and the Senator from Michigan (Mr. LEVIN) were added as co-sponsors of amendment No. 3449 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3452
At the request of Mr. BYRD, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from North Dakota (Mr. DORGAN) were added as co-sponsors of amendment No. 3452 proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3500
At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a co-sponsor of amendment No. 3500 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.

AMENDMENT NO. 3503
At the request of Mr. LEVIN, the name of the Senator from West Virginia (Mr. BYRD) was added as a co-sponsor of amendment No. 3503 intended to be proposed to H.R. 3009, a bill to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes.
At the request of Mr. Levin, the name of the Senator from West Virginia (Mr. BYRD) was added as a co-sponsor of amendment No. 3504 intended to be proposed to H.R. 3009, a bill to amend the Andean Trade Preference Act, to delete the additional trade benefits under that Act, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. TORRICELLI):

S. 2539. A bill to prohibit the use of taxpayer funds to advocate a position that is inconsistent with existing Supreme Court precedent with respect to the Second amendment; to the Committee on the Judiciary.

Mr. CORZINE. Mr. President, today I am introducing legislation to prohibit the use of taxpayer funds to advocate a position on the meaning of the Second Amendment that is inconsistent with existing Supreme Court precedent, as expressed in the Supreme Court case of United States v. Miller.

The legislation responds to the Bush Administration's recent filing of two unprecedented briefs to the United States Supreme Court, which argued that the Second Amendment establishes an individual right to possess firearms. In taking this position, the Justice Department directly contradicted the well-established precedents of the Supreme Court, as expressed in the seminal case of United States v. Miller. In that 1939 case, the Supreme Court found that the Second Amendment did not establish a private right of individuals to possess firearms, but rather was intended to ensure the effectiveness of groups of citizen-soldiers known at the time as the Militia.

The Court in United States v. Miller explained the historical background to the Second Amendment and issued its ruling clearly and unambiguously. That ruling has never been reversed, and the Court has followed it in every subsequent related case. Similarly, the precedent in United States v. Miller has been followed by every Justice Department over the past several decades, including the Justice Departments of Presidents Ronald Reagan, Richard Nixon and George H.W. Bush.

'As the Second Amendment should not be a partisan issue. In fact, it should not be a political issue. It is a legal and constitutional issue. And the law on this question has been clearly established by the highest court in the land in case after case for a period of many decades.

Unfortunately, instead of following the law, as Attorney General promised to do during his confirmation hearing, the Bush Administration and the Justice Department have used their authority to file briefs as a means of pursuing an ideological agenda. This is not the administration's constitutional position, it is a misuse of taxpayer dollars. Congress should not have to pass a law to ensure that the Executive Branch complies with constitutional law. This responsibility flows from Congress's obligation to preserve, protect and defend the Constitution. It also flows from our obligation to ensure that taxpayer dollars are not misuse. The American people should not be forced to pay taxes to support an unreasonable interpretation of the Second Amendment that is not only inconsistent with constitutional law, but that threatens to undermine gun safety legislation and to save lives.

In 1998, more than 30,000 Americans died from firearm-related deaths. That is almost as many as the number of Americans who died in the entire Korean War. In my view, there is much that Congress needs to do to reduce these deaths, including enacting reasonable gun safety legislation. Yet if the Bush Administration prevails in its effort to rewrite the Second Amendment, such laws could well be undermined. The end result would be more death and more families losing loved ones to the scourge of gun violence.

In fact, I would note that one week after the Bush Administration filed their briefs, lawyers for accused American Taliban terrorist John Walker Lindh used the Administration's arguments to urge dismissal of the gun charge filed against him. Now, I hope and trust that the courts will quickly reject this line of argument. But why would the Bush Administration want to strengthen the position of criminals and alleged terrorists like John Walker Lindh in the first place?

I have asked the Congressional Research Service whether there are any constitutional precedents that would bar the Congress from adopting this legislation, and the answer was "no." I also asked the Senate Judiciary Committee for Congress prohibiting the use of taxpayer dollars to advocate positions with which Congress disagrees. For example, Congress for many years prohibited the Justice Department from using appropriated money to overturn certain rules under our antitrust laws. This responded to the filing of a brief in the Supreme Court by the Justice Department urging a revision of its precedents on resale price maintenance, and the legislation effectively blocked the Department from filing similar briefs.

In conclusion, we should not allow taxpayer dollars to be used to misrepresent the meaning of the Second Amendment on behalf of a partisan, political agenda. We should defend the Constitution against such ideological attacks. We should protect taxpayers from being forced to subsidize ideological gambits. And we must ensure that the Constitution is not misused to undermine gun safety legislation that could save the lives of many innocent Americans.

I hope my colleagues will support the bill, and I ask unanimous consent that this be printed in the RECORD, along with some related materials about this matter.

There being no objection, the additional material was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON THE USE OF FUNDS. Appropriations to any agency of the United States Government or any other agency may be used to file any brief or to otherwise advocate before any judicial or administrative body any position with respect to the interpretation of the Second Amendment to the Constitution that is inconsistent with existing Supreme Court precedent, as expressed in United States v. Miller (307 U.S. 174 (1939)).

[From the New York Times, May 12, 2002]

A FAULTY RETHINKING OF THE 2ND AMENDMENT

(By Jack Rakove)

STANFORD, CA.—The Bush administration has found a constitutional right it wants to expand. Attorney General John D. Ashcroft attracted only mild interest a year ago when he told the National Rifle Association, "The text and original intent of the Second Amendment clearly protect the right of individuals to keep and bear firearms."

Now, briefs just filed by Solicitor General Theodore Olson in two cases currently being appealed to the Supreme Court indicate that Mr. Ashcroft's personnel opinion has become that of the United States government. This posture represents an astonishing challenge to the long-settled doctrine that the right to bear arms is closely tied to membership in the militia. It is no secret that controversy about the meaning of the amendment has escalated in recent years as evidence grew that a significant portion of the American electorate favored the regulation of firearms, the N.R.A. and its allies insisted ever more vehemently that the private right to possess arms is a constitutional absolute. This opinion, once seen as marginal, has become an article of faith on the right, and Republican politicians have in turn had to acknowledge its force.

The two cases under appeal do not offer an ideal test of the administration's new views. One concerns a man charged with violating a federal statute prohibiting individuals under domestic violence restraining orders from carrying guns; the other involves a man convicted of owning machine guns, which is illegal under federal law. In both cases, the defendants cite the Second Amendment as protecting their right to have the firearms. The majority fact that may explain why Mr. Olson is using these cases as vehicles to announce the administration's constitutional position while urging the Supreme Court not to accept the appeal.

The court last examined this issue in 1993 in United States v. Miller. There it held that...
interprets the Second Amendment to guarantee a private right to possess firearms. The Miller case, though it did not fully explore the constitutional meaning of the right to keep arms, did suggest that the framers were thinking of an individual right to own arms. The relevant proposals offered by the state ratification conventions of 1787-88 made clear that the militia was to be a private, voluntary association of adult men for the purpose of training state forces in the event of war. It is by now a well-known commonplace that the framers used the word militia in a voluntary, private capacity to mean all adult men, and that the right to keeping arms would remain subject to the control of state law. The Miller case, though it did not fully explore the constitutional meaning of the right to keep arms, did suggest that the framers were thinking of an individual right to own arms.

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choices in Los Alamos. The housing market is even tighter because of the loss of about 400 housing units through the devastating Cerro Grande Fire. Los Alamos has a population of about 18,000 people.

When we have Federal programs to help low and moderate income Americans find good housing, in Los Alamos these programs are ineffective due to the current practice of averaging Los Alamos County and Santa Fe County incomes in the Metropolitan Statistical Area, MSA. This is harmful to Los Alamos residents, where the median income is about $82,000 because the Federal programs use the MSA median income of about $85,000 to determine participation. Eighty percent of median income is a standard measure.

Santa Fe’s median income of about $40,000 thus becomes a significant factor for a Los Alamos teacher, fireman, or policeman seeking subsidized Federal assistance. Their incomes in Los Alamos are deemed to be too high to qualify for housing because 80 percent of the $85,000 is used as the maximum allowed for assistance. Thus, $82,000 becomes the effective ceiling for assistance, when the actual 80 percent ceiling figure for Los Alamos incomes is about $65,000. This makes a huge difference in a high-priced and competitive market. The result is that developers are discouraged from applying for tax credits and other assistance programs because the prevailing income does not qualify to live in their new or remodeled housing projects.

The Los Alamos County Manager reports that not a single County employee is eligible for housing created by the Low Income Housing Tax Credits. He, like many residents and the LANL recruiting effort, remain concerned that the limited housing supply has raised rents and sales prices. Los Alamos County is also landlocked by Federal government land ownership.

There is a desperate need for affordable housing at a time when, once again, our nation is calling upon LANL representatives of the United States of America in Congress assembled.

SECTION 1. LOW-INCOME FAMILIES DEFINITION.

Section 3(b)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b)(2)) is amended—

(1) by inserting “and for Los Alamos County in the State of New Mexico,” after “State of New York,”

(2) by inserting “Los Alamos,” after “does not include Westchester”;

(3) by inserting “Los Alamos,” after “portion included”;

(4) by inserting before the period at the end the following: “; and Los Alamos County, New Mexico, in the Santa Fe metropolitan area.”

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. SESSIONS, and Mr. GRASSLEY):

S. 2540. Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

This bill is the culmination of efforts by the Department of Justice to craft legislation that will crack down on the most serious identity thefts in the Nation, and I am pleased to be working with the Justice Department on this legislation. In fact, Attorney General Gonzales has emphasized that combating identity theft is a top priority for the Administration.

This legislation will make it easier for prosecutors to target those identity thieves who, as is so often the case, steal an identity for the purpose of committing one or more other crimes. Many serious crimes, even including terrorism, are aided by stolen identities.

For instance, Attorney General Gonzales recently announced that Attorney General Ashcroft and I announced this bill together earlier this month.

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This legislation will make it easier for prosecutors to target those identity thieves who, as is so often the case, steal an identity for the purpose of committing one or more other crimes. Many serious crimes, even including terrorism, are aided by stolen identities.
First, the bill adds the word "possesses" to current law, in order to allow law enforcement to target individuals who possess the identity documents of another person with the intent to commit a crime. Current Federal law prohibits the transfer, use, or sale of false identification documents, but does not specifically ban the possession of those documents with the intent to commit a crime. So if law enforcement discovers a stash of identity documents with the clear intent to use those documents to commit or facilitate a crime, the person who possesses those documents will now be subject to prosecution.

Second, the legislation amends current law to make it clear that if a person uses a false identity "in connection with" another Federal crime, and the intent of the underlying Federal crime is proven, then the intent to use the false identity to commit that crime need not be separately proved. This simply makes the job of the prosecution easier at the individual level of conviction of a Federal crime and use a false identity in collection with that Crime.

This legislation also increases the maximum penalty for identity theft under current law from three years to five years.

And finally, the legislation we introduce today is meant to beef up the law in terms of what happens after an identity theft takes place. In seriously enhancing the penalties for identity thieves who commit other Federal crimes, we mean to send a strong signal to all those who would commit this increasingly popular crime that the relatively free ride they have experienced in recent years is over. No longer will prosecutors decline to take identity theft seriously. Nor will many thieves get off with just a slap on the wrist, if they are prosecuted at all. Under this legislation, penalties will be severe, prosecution will be more likely, and cases against identity thieves will be easier to prove.

Every day in this country serious criminals and criminal organizations are stealing and falsifying identities with the purpose of doing serious harm to common citizens, government officials, or even our Nation itself. It is time we did something about it, and this bill is an important step in that process.

I urge my colleagues to support this bill, and I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

8. 2541
Be it enacted by the Senate and House of Representitives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.
This Act may be cited as the "Identity Theft Penalty Enhancement Act of 2002".

SEC. 2. AGGRAVATED IDENTITY THEFT.
(a) In General.—Chapter 47 of title 18, United States Code, as added by adding after section 1028, the following:

"§ 1028A. Aggravated identity theft
"(a) OFFENSES.—
"(1) In General.—Whoever, during and in relation to any felony violation enumerated in subsection (c), knowingly transfers, possess, or uses, without lawful authority, a means of identification of another person, knowing or having reasonable grounds to believe that such transfer, possession, or use was for such felony, be sentenced to a term of imprisonment of 2 years.
"(2) TERRORISM OFFENSE.—Whoever, during and in relation to any felony violation enumerated in section 2339(d)(5)(B), knowingly transfers, possesses, or uses, without lawful authority, a means of identification of another person, knowing or having reasonable grounds to believe that such transfer, possession, or use was for such felony, be sentenced to a term of imprisonment of 2 years.

(b) CONSECUTIVE SENTENCE.—Notwithstanding any other provision of law—
"(1) a court shall not place on probation any person convicted of a violation of this section;
"(2) except as provided in paragraph (4), no term of imprisonment imposed on a person under this section shall run concurrently with any other term of imprisonment imposed on the person under any other provision of law, including any term of imprisonment imposed for the felony during which the means of identification was transferred, possessed, or used;
"(3) in determining any term of imprisonment to be imposed for the felony during which the means of identification was transferred, possessed, or used, a court shall not in any way reduce the term to be imposed for such crime so as to compensate for, or otherwise take into account, any separate term of imprisonment imposed or to be imposed for a violation of this section; and
"(4) a term of imprisonment imposed on a person for a violation of this section may, in the discretion of the court, run concurrently, in whole or in part, only with another term of imprisonment that is imposed by the court at the same time on that person for an additional violation of this section, provided that such discretion shall be exercised in accordance with any applicable guidelines and statementsIssued by the Sentencing Commission pursuant to section 994 of title 28.

(c) DEFINITION.—For purposes of this section, the term "felony violation enumerated in subsection (c)" means any offense that is a felony violation of—
"(1) section 686 (relating to theft from employee benefit plans);
"(2) section 911 (relating to false personation of citizenship);
"(3) section 222(a)(6) (relating to false statements in connection with the acquisition of a firearm);
"(4) any provision contained in this chapter (relating to fraud and false statements), other than this section or section 1028(a)(7);".
"(5) any provision contained in chapter 63 (relating to mail, bank, and wire fraud);
"(6) any provision contained in chapter 69 (relating to national security and international terrorism);
"(7) any provision contained in chapter 75 (relating to passports and visas);
"(8) section 523 of the Gramm-Leach-Bliley Act (15 U.S.C. 6823) (relating to obtaining customer information by false pretenses);
"(9) section 243 or 256 of the Immigration and Nationality Act (8 U.S.C. 1253 and 1306) (relating to willfully failing to leave the United States after deportation and creating a counterfeit alien registration card);
"(10) any provision contained in chapter 8 of title II of the Immigration and Nationality Act (8 U.S.C. 1321 et seq.) (relating to various immigration offenses); or
"(11) section 228, 1107(b), or 1128(b) of the Social Security Act (42 U.S.C. 1396a(aa) (relating to false statements relating to programs under the Act)."

(b) AMENDMENT TO CHAPTER ANALYSIS.—The table of sections for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following new item:

"§ 1028A. Aggravated identity theft."

SEC. 3. AMENDMENTS TO EXISTING IDENT
THEFT PROVISIONS.
Section 1028 of title 18, United States Code, is amended—
"(1) in subsection (a)(7)—
"(A) by striking "transfers" and inserting "transfers, possesses, or uses;"
"(B) by striking "abets," and inserting "abets, or in connection with;";

May 22, 2002
By Ms. CANTWELL:  
S. 2542. A bill to amend title XVIII of the Social Security Act to establish a Medicare demonstration project under which incentive payments are provided in certain areas in order to stabilize, maintain, or increase access to primary care services for individuals enrolled under part B of such title; to the Committee on Finance.

Ms. CANTWELL. Mr. President, I rise today to introduce the Medicare Incentive Access Act of 2002. I am pleased that Congressman RICK LARSEN will introduce companion legislation in the House of Representatives.

As my colleagues may be hearing, Medicare beneficiaries across the country are reporting increasing difficulty finding a physician willing to accept their Medicare coverage. In fact, according to the American Medical Association, nearly 30 percent of family physicians nationwide are not accepting new Medicare patients, and 57 percent of Washington State physicians are limiting the number or dropping all Medicare patients from their practices.

There is no doubt that we need to reform Medicare, and I am particularly concerned with the Medicare physician fee schedule, CMS.

Unfortunately, there seems to be a prevailing idea that government programs should automatically pay less than private insurers for the same quality care. I am especially concerned that providers serving a disproportionate number of Medicare and Medicaid patients are facing unsustainable fee reductions.

In its March 2002 report, the Medicare Payment Advisory Commission, MedPAC, the independent Federal body that advises Congress on Medicare payment issues, weighed in on the current Medicare reimbursement rate debate.

MedPAC observes that ‘provider entry and exit data provide information regarding adequacy of the current level of payments.’

Keeping in mind that MedPAC’s goal is to ensure that Medicare’s payment rates cover the costs that efficient providers would incur in beneficiaries’ care, it is especially important that MedPAC asserts that ‘evidence of widespread access or quality problems for beneficiaries may indicate that Medicare’s payment rates are too low.’ In fact, MedPAC surveyed physicians nationwide, and found that 45 percent said that reimbursement levels for their Medicare fee-for-service patients are a very serious problem.

Every day I hear from my constituents that they are facing increasing difficulty in getting primary care services, and from physicians who can no longer afford to take on new Medicare patients.

One woman in Steilacoom, WA, contacted me about her daughter, a quadriplegic, who was recently informed that the doctor who has been treating him for a number of years will no longer be able to take Medicare patients.

Another woman from Lynden, WA, told me that her doctor is leaving his practice due to low Medicare reimbursements, her 89-year-old father has also found one who would take a new Medicare patient.

A HPSA can be a distinct geographic area, such as a county, or a specific population group within the area, such as the low-income. However, in many shortage locations, access to care is a problem for only part of the population. For example, while most residents of a city may have access to care, the elderly or poor may not. And while population HPSA designations measure access problems for Medicaid and low-income patients, migrant workers, and the homeless, there is no designation that identifies or addresses Medicare-related demographics. My bill changes that.

The bill I am introducing today, the Medicare Incentive Access Act, will create a new Medicare Health Professional Shortage Area, HPSA, through a three-year, five-state HHS/Medicare demonstration project. Primary care doctors in an area designated as a Medicare HPSA will receive an automatic 40 percent bonus on all of their Medicare billings.

I believe it is vitally important that the federal government systematically examine different provider incentive programs in order to stabilize, maintain, and increase quality, efficient primary care services for Medicare beneficiaries. I want this demonstration program to examine how we can specifically preserve beneficiary access to primary care providers. The demonstration project will also examine what level of incentives is necessary to prevent future access problems.

I want to point out that while current law prohibits multiple HPSA designations, the demonstration project will not affect current HPSA designations needed for other programs, such as Community Health Centers.

There is an abundance of excellent research currently underway at the six Federal rural health research centers on all Medicare provider reimbursement issues. These research centers are already set up for demonstration analysis with the one that is mine.

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I want to point out that while current law prohibits multiple HPSA designations, the demonstration project will not affect current HPSA designations needed for other programs, such as Community Health Centers. In addition, physicians in states participating in the Medicare HPSA demonstration project will not be able also to receive payments under the Medicare Incentive Access Act. The program pays a ten percent bonus on geographic shortage areas. As I mentioned earlier, geographic shortage areas actually have nothing to do with measuring Medicare-related access issues.

The bill I am introducing today, the Medicare Incentive Access Act, will create a new Medicare Health Professional Shortage Area, HPSA, through a three-year, five-state HHS/Medicare demonstration project. Primary care doctors in an area designated as a Medicare HPSA will receive an automatic 40 percent bonus on all of their Medicare billings.

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I also want to thank Vince Schueler and Laura Olexa of the Office of Community and Rural Health and the Washington Department of Health, for providing invaluable assistance in understanding rural health problems, the
Federal HPSA designation, and access barriers for Medicare beneficiaries, especially in rural areas of the State. After we began discussing this problem, they went out of their way to do additional surveys in rural counties to measure and report the access to primary care physicians for both Medicaid and Medicare patients.

Finally, I want to thank the Washington State Medical Association and Len Eddinger for their advice and assistance on this issue. I am delighted that they endorsed this legislation, and I ask unanimous consent that its letter of support be added in the record at the end of my statement.

The fact of the matter is that there is a crisis at hand regarding Medicare benefits, and Medicare payments, and as a country, we simply have not invested as we should in health care. I sincerely believe that all individuals should have access to quality and affordable medical care including the ability to visit doctors whom they trust. It will do the country little good to provide guaranteed health care for the elderly and disabled if physicians are unwilling to work with Medicare patients because of inadequate payment schedules.

I believe the bill I am introducing today, the Medicare Incentive Act, is a good approach to examining these very important issues. I encourage my colleagues to take a look at this bill, and to join me in cosponsoring it.

I ask unanimous consent that a letter of support be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON STATE MEDICAL ASSOCIATION,
May 13, 2002.

Hon. Maria Cantwell,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR CANTWELL: On behalf of the 8,800 members of the Washington State Medical Association, please accept my sincere thanks for all the work you are doing to improve the Medicare program.

The financial condition of the health care delivery system in Washington State is as poor as I have seen in my nearly 25 years of practice. As I travel the state and speak with my colleagues, it has become clear that something dramatic and sustainable must be done to ensure the long viability of Medicare and Medicaid.

At our March Executive Committee meeting, we had an opportunity to discuss the draft of your proposed legislation to develop demonstration projects to enhance physician reimbursement within established Medicare Health Professional Shortage Areas. We view the approach as extremely creative and well worth the time and effort of investigation. Our hopes for successful implementation of this scenario will lead to incentives across the entire physician community.

Senator, there is no doubt that declining reimbursements for Medicare and Medicaid programs are putting enormous stress on medical practices and causing physicians to limit patients who are eligible for these programs. I look forward to working with you and your staff to alleviate this pressing social problem.

Please let us know what we can do to help by contacting Len Eddinger, WSMA’s Director of Public Policy, in the Olympia office of the WSMA at (360) 352-1848 or e-mail: len@wsma.org.

Sincerely,

SAMUEL W. CULLISON, MD.,
President.

By Mr. Levin (for himself and Mr. DeWine):

S. 2544. A bill to amend the Federal Water Pollution Control Act to authorize the Administrator of the Environmental Protection Agency to make grants for remediation of sediment contamination in areas of concern, to authorize assistance for research and development of innovative technologies for such remediation, and for other purposes; to the Committee on Environment and Public Works.

Mr. Levin. Mr. President, the General Accounting Office has recently completed a study on the cleanup of Contaminated Areas in the Great Lakes. While it is no surprise to those of us who live in the Great Lakes region, GAO found that there has been “slow progress of cleanup efforts.”

For those of you who live outside the Great Lakes area, areas of concern are sites in the Great Lakes that do not meet the water quality goals established by the United States and Canada in the Great Lakes Water Quality Agreement. The primary reason that these areas fail to meet water quality goals is often disregarded by the states and EPA. The fact of the matter is that there are contaminated sediments, a result of the industrialization of the mid-west. In order to meet the water quality goals, the Great Lakes Water Quality Agreement binds us to an identified cleanup process focused around Remedial Action Plans, RAPs.

RAPs define the environmental problem, evaluate remedial measures, and identify a process for moving forward with cleanup. The RAP process relies on States and the public, with the federal government being the lead agency, to enforce the cleanup. The areas of concern are sites in the Great Lakes that do not meet water quality goals. Many years ago, the United States and Canada identified 44 AOCs in the Great Lakes and agreed to a cleanup process.

In my home State of Ohio, there are four AOCs, the Maumee River, the Ash tabula River, the Black River, and the Cuyahoga River. The cumulative effects of fish and wildlife reproductive problems and deformities, algal blooms, restrictions on drinking water consumption, and beach closings. These environmental problems need to be addressed as quickly as possible.

Unfortunately, cleanup has been very slow. The GAO report found that the Environmental Protection Agency, EPA, has failed to take the oversight responsibility. Federal funding levels declined steadily over the years, and States have abandoned the cleanup process.

These results are disturbing to say the least. This is why Senator Levin and I, as Co-Chairs of the Senate Great Lakes Task Force, are introducing a bill today that would authorize $50 million per year in grants to States for the cleanup of Areas of Concern. Cleanup plans include monitoring contaminated sites, remediation, and preventing further contamination. This legislation would authorize the EPA to conduct research and development of innovative approaches, technologies, and practices for the remediation of sediment in the Great Lakes and would authorize the Great Lakes National Program Office to carry out a public information grant program to provide information about the contaminated sediments, as well as activities to clean-up the site. Finally, as the GAO report recommends, our bill would require the EPA to submit a report to
Congress on the actions, time periods, and resources that are necessary for the EPA to oversee the Remedial Action Plans at Areas of Concern.

I urge my colleagues to support this legislation and honor an international commitment to protect a truly great natural resource. We must honor our commitment to future generations and do all we can to protect the Lakes for our children and grandchildren. We owe it to them.

By Mr. DOMENICI (for himself, Mr. BIDEN, Mr. LUGAR, Ms. LANDRIEU, Mr. HAGEL, Mr. BINGMAN, Mr. MURKOWSKI, and Ms. MUKULSKI).

S. 2545. A bill to extend and improve United States programs on the proliferation of nuclear materials, and for other purposes; to the Committee on Armed Services.

Mr. DOMENICI. Mr. President, I rise to introduce a new bill, the Nuclear Nonproliferation Act of 2002. Senators BIDEN, LUGAR, LANDRIEU, HAGEL, MURKOWSKI and BINGMAN—the junior Senator from my State—join me in cosponsoring this important piece of legislation.

The end of the Soviet Union in 1991 started a chain of events, which in the long term can lead to vastly improved global stability. Concerns about global confrontations were greatly reduced after that event.

But with that event, the Soviet system of guards, guns, and a highly regimented society that had effectively controlled their weapons of mass destruction, along with the materials and expertise to create them, was significantly weakened. Even today, with Russia's economy well on the road to recovery, there's still plenty of room for concerns about the security of these Russian assets.

The tragic events of September 11 brought the United States into the world of international terrorism, a world from which we had been very sheltered. Even with the successes of the subsequent war on terrorism, there's still ample reason for concern that the forces of Al Qaeda and other international terrorists are seeking other avenues to disrupt peaceful societies around the world.

In some sense, the events of September 11 set a new gruesome standard against which our adversaries may measure their future successes. There should be no question that these groups would use weapons of mass destruction if they could acquire them and deliver them here or to countless other international locations.

One of our strongest allies in the current war on terrorism has been the Russian Federation. Assistance from the Russians and other states of the former Soviet Union has been vital in many aspects of the conflict in Afghanistan.

President Putin and President Bush have forged a strong working relationship, and the current summit meeting is another measure of interest in increased cooperation. As this new bill seeks to strengthen our nonproliferation programs, it provides many options for actions to be conducted through joint partnerships between the Russian Federation and the United States that build on this increased cooperative spirit.

The Nunn-Lugar program of 1991 and the Nunn-Lugar-Domenici legislation of 1996 provided vital support for cooperative programs to reduce the risks of weapons proliferation. This new bill builds on that progress and strengthens our efforts to further reduce those threats.

The report by Howard Baker and Lloyd Cutler is one of the most comprehensive calls for increased attention to these risks. That report, which was written well before September 11, and many others have suggested additional actions that could and should be taken beyond the two original bills.

One of the most important realizations from September 11 concerns the global reach of the forces of terrorism. It's now clear that our nuclear nonproliferation programs should extend far beyond the states of the former Soviet Union.

This new bill expands and strengthens many of the programs established earlier, to further reduce threats to global peace. It expands the scope of several programs to world-wide coverage. It focuses on threats of a nuclear or radiological type, which fall within the expertise of the National Nuclear Security Administration of the Department of Energy.

It expands programs to include the safety and security of nuclear facilities and radioactive materials around the world. It recognizes that we are willing, and it is in our national interest, to enter into cooperative arrangements for threat reduction. It recognizes that devices that disperse radioactive materials, so-called "dirty bombs," can represent a real threat to modern societies.

Dirty bombs could be used as weapons of mass terror, property contamination. And economic disaster. We need better detection systems for the presence of dirty bombs that are appropriate for the wide range of delivery systems for such weapons, from trucks to boats to containers. And we need to be far better prepared to deal with the consequences of such an attack.

The new legislation includes provisions to accelerate and expand existing programs for disposition of fissile materials. These materials, of course, represent not only a concern with dirty bombs, but also the even larger threat of use in crude nuclear weapons.

It includes a program that should help accelerate the conversion of highly enriched uranium into forms unusable for weapons. It addresses one of the major concerns associated with this material, that both the United States in the Atoms for Peace program as well as the Soviet Union, provided highly enriched uranium to many countries as fuel for research reactors. That fuel represents a proliferation risk long-term.

It authorizes new programs for global management of nuclear materials, in cooperation with other nations and with the International Atomic Energy Agency. It recognizes that modern societies use radioactive materials as essential tools in many ways, and offers assistance in providing new controls on the most dangerous of these materials.

It suggests that many of the program elements involve non-cooperative cooperation with the Russian Federation and with other nations. In fact, it recognizes that the global nature of the current threats requires such cooperation, and provides authorizations for the Secretary of Energy and Secretary of State to offer significant help to other nations. In many cases, we cannot accomplish these programs without such cooperation.

This new bill includes provisions extending the first responder training programs, originally created under Nunn-Lugar-Domenici. These programs have already made real contributions.

In fact, the training provided under this program in New York City helped mitigate the catastrophe there on September 11. That program was authorized for only 5 years in the original legislation. This bill extends that authorization for another 5 years, for first responder preparation in various communities and cities of America.

The new bill requires annual reports demonstrating that all our nonproliferation programs are well coordinated and integrated. Countless reports have called for improved coordination of all federal nonproliferation programs. The original call for this coordination in the Nunn-Lugar-Domenici legislation was completely ignored by the Clinton administration.

The report requires an annual statement of the extent of coordination between federally funded and private activities. That is vital, because of the important work being done by private organizations, like the Nuclear Threat Initiative, that are providing critical assistance toward similar nonproliferation goals.

With this new bill, our programs to counter threats of nuclear and radiological terrorism will be significantly strengthened and risks to the United States and our international partners can be greatly reduced. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2545

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 "Nuclear Nonproliferation Act of 2002".
Congress makes the following findings:

(1) Whereas the focus on the security of radioactive materials before the events of September 11, 2001, was on fissile materials, it is now clear that the United States must expand its concerns to the safety and security of nuclear facilities, and the radioactive materials in use or stored at such facilities, the threats presented to both by nuclear terrorism, for use in radiological dispersal devices as well as in crude nuclear weapons. Such materials include all radioactive materials in the nuclear fuel cycle (such as nuclear waste and spent fuel) as well as industrial and medical radiation sources. Steps must be taken not only to prevent the acquisition of nuclear materials by terrorists but also to rapidly mitigate the consequences of the use of such devices and weapons on public health and safety, facilities, and the economy.

(2) The technical activities of United States efforts to combat radiological terrorism should be centered in the National Nuclear Security Administration because it has the nuclear expertise and specialized facilities and activities needed to develop new and improved protection and consequence mitigation technologies and systems that also bear the operational responsibility to deal with the threat of radiological terrorism.

(3) Fissile materials are a special class of materials that present a range of threats, from utilization in improvised nuclear devices to incorporation in radiological dispersal devices. The Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201; 50 U.S.C. 2301 et seq.) focused on cooperative programs with the former Soviet Union to control such materials. It is critical that these efforts continue and that efforts commence to develop a sustainable system by which improvements in such efforts are retained far into the future. Development of such a sustainable system must occur in partnership with the Russian Federation and the other states of the former Soviet Union.

(4) The Russian Federation and other states of the former Soviet Union are not the only locations of fissile materials around the world; other countries have potential threats from any of such materials should be expanded to other international partners. Programs, coordinated with the international Atomic Energy Agency and other international partners, should be initiated to optimize control of such materials.

(5) The Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons Pits in Kazakhstan is dated February 18, 1993 (the so-called “HEU deal”), represents an effective approach to reducing the stocks of the Russian Federation of highly enriched uranium (HEU). However, such stocks are much larger than contemplated in the Agreement, and many other nations also possess quantities of highly enriched uranium. It would be erroneous to modify all available highly enriched uranium into forms not suitable for weapons. Efforts toward such modification of highly enriched uranium could include: (1) programs to deal with research reactors fueled by highly enriched uranium, which were provided by the United States under the Atoms for Peace program; (2) the Atomic Energy Act of 1946 and similarly encouraged by the former Soviet Union.

SEC. 2. FINDINGS.

(6) Expansion of commercial nuclear power around the world will lead to increasing global stocks of reactor grade plutonium and fission products in spent fuel. If improperly handled, these materials could contribute to, or be diverted in the future, for nonproliferation and represent health and environmental risks. The international safeguards on such materials established through the International Atomic Energy Agency must be strengthened to deal with such concerns. The National Nuclear Security Administration is the appropriate Federal Agency to control such matters relating to the safeguard and management of nuclear materials. The United States, in cooperation with the Russian Federation and other international partners, should be expanded to other international partnerships, as well as in crude nuclear weapons. Such materials include all radioactive materials in the nuclear fuel cycle (such as nuclear waste and spent fuel) as well as industrial and medical radiation sources. Steps must be taken not only to prevent the acquisition of nuclear materials by terrorists but also to rapidly mitigate the consequences of the use of such devices and weapons on public health and safety, facilities, and the economy.

(7) Safety and security at nuclear facilities are inextricably linked. Damage to such facilities by sabotage or accident, or theft or diversion of nuclear materials at such facilities, will have substantial adverse consequences worldwide. It is in the United States national interest to assist countries that are concerned about the safety and security for their nuclear plants, facilities, and materials in providing proper safety and security for such plants, facilities, and materials, and in developing the international safety and security cultures that are required for the safe and secure use of nuclear energy for peaceful purposes. The National Nuclear Security Administration is the appropriate Federal agent for dealing with the technical aspects of providing for international nuclear safety and secure use of nuclear materials.

(8) The United States has provided sealed sources of nuclear materials to many countries through the AOO program for Peaceful Uses of Nuclear Energy, and the Atomic Energy Act of 1946. These sources remain property of the United States. A recent report of the Inspector General of the Department of Energy, entitled “Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries”, noted that a total of 2-3 kilograms of plutonium remain in 32 nations and that the Department cannot account fully for these sources. Many of these sources are small enough to present little risk, whereas others, and recipients could identify concerns requiring significant attention. In addition, the former Soviet Union supplied sealed sources of nuclear materials for peaceful purposes, including some to other countries. These sources contain a variety of radioactive materials and are often uncontrolled. Misuse of such radioactive sources is international, and a solution to the problem will require substantial cooperation between the United States, the European Union, the countries of the former Soviet Union, as well as international organizations such as the International Atomic Energy Agency. The National Nuclear Security Administration and Cooperation program on technology for protection from nuclear or radiological terrorism in the former states of the Soviet Union, including the

SEC. 3. TESTING OF PREPAREDNESS FOR EMERGENCIES INVOLVING NUCLEAR, RADIATIONAL, CHEMICAL, OR BIOLOGICAL WEAPONS.


(a) in subsection (a), by striking “of five successive fiscal years beginning with fiscal year 1997” and inserting “of fiscal years 1997 through 2013”;

(b) in subsection (b), by striking “of five successive fiscal years beginning with fiscal year 1997” and inserting “of fiscal years 1997 through 2013”;

(c) by striking the section heading and substituting “Construction of Extension with Designation of Attorney General as Lead Official.” for “Construction of Extension with Designation of Attorney General as Lead Official.”

(2) Program Elements.—In carrying out the program required by subsection (a), the Administrator shall—

(1) provide for the development of technologies to respond to threats or incidents involving nuclear or radiological terrorism, including technology for the detection, identification, assessment, control, and consequence management, and consequence mitigation of the dispersal of radiological materials or of nuclear terrorism;

(2) demonstrate applications of the technologies developed under paragraph (1), including joint demonstrations with the Office of Homeland Security and other appropriate Federal agencies;

(3) provide, where feasible, for the development of technology in cooperation with the Russian Federation and other appropriate entities to develop and demonstrate technologies to respond to potential threats from any of such materials existing in the United States or radiological terrorism in the former states of the Soviet Union, including the

SEC. 4. PROGRAM ON TECHNOLOGY FOR PROTECTION FROM NUCLEAR OR RADIOLOGICAL TERRORISM.

(a) Program Required.—(1) The Administrator of the National Nuclear Security Administration shall carry out a program on technology for protection from nuclear or radiological terrorism, including technology for the detection, identification, assessment, control, and consequence management, and consequence mitigation of the dispersal of radiological materials or of nuclear terrorism.

(b) Program Elements.—In carrying out the program required by subsection (a), the Administrator shall—

(1) provide for the development of technologies to respond to threats or incidents involving nuclear or radiological terrorism in the United States;

(2) demonstrate applications of the technologies developed under paragraph (1), including joint demonstrations with the Office of Homeland Security and other appropriate Federal agencies;

(3) provide, where feasible, for the development of technology in cooperation with the Russian Federation and other appropriate entities to develop and demonstrate technologies to respond to potential threats from any of such materials existing in the United States or radiological terrorism in the former states of the Soviet Union, including the
demonstration of technologies so developed; and
(4) provide, where feasible, assistance to other countries on matters relating to nuclear security or proliferation, including—
(A) the provision of technology and assistance on means of addressing nuclear or radiological incidents;
(B) the provision of assistance in developing means for the safe disposal of radioactive materials;
(C) in coordination with the Nuclear Regulatory Commission, the provision of assistance in developing the regulatory framework for licensing and developing programs for the protection and control of radioactive sources; and
(D) the provision of assistance in evaluating the radiological sources identified as not under current accounting programs in the report of the Inspector General of the Department of Energy entitled "Accounting for Sealed Sources of Nuclear Material Provided to Foreign Countries", and in identifying and controlling radiological sources that represent significant risks.
(c) REQUIREMENTS FOR INTERNATIONAL ELEMENTS OF PROGRAM.—(1) In carrying out activities under subsection (b) and (d) of section 415 of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 50 U.S.C. 2315).
(2) The Secretary shall give priority to the blending of highly enriched uranium from weapons, though highly enriched uranium from sources other than weapons may also be blended.
(d) PLAN FOR ACCELERATED CONVERSION OR RETURN OF WEAPONS-USABLE NUCLEAR MATERIALS.—(1) The Secretary shall develop and implement a plan to encourage and facilitate the conversion of all nuclear materials from weapons or weapons systems.
(2) The plan under paragraph (1) shall be closely coordinated with the International Atomic Energy Agency and other nations with weapons-grade plutonium to provide technical assistance and support to such nations.
(3) The plan shall include—
(A) an identification of vulnerabilities regarding radiological materials worldwide;
(B) the mitigation of vulnerabilities so identified through appropriate security enhancements; and
(C) an acceleration of efforts to recover and control so-called "orphaned" radiological sources.
(4) The provision of assistance under paragraph (3) shall be closely coordinated with ongoing efforts of the International Atomic Energy Agency for the same purpose.
(e) RADIOLOGICAL DISPERSAL DEVICE PROTECTION, CONTROL, AND ACCOUNTING.—(1) The Secretary may enter into one or more contracts for the purchase, transfer, and accounting of radiological dispersal devices.
(2) The Secretary is not required to blend highly enriched uranium purchased under paragraph (1)(A) in order to reduce the concentration of U-235 in such uranium to below 20 percent. Amounts authorized to be purchased to the United States; and
(3) the Secretary may encourage nations with highly enriched uranium to transfer such uranium to the Russian Federation for disposition under this section.
(R) The Secretary shall have the authority to enter into contracts for the purchase and sale of highly enriched uranium.
(5) CONTRACTS FOR BLENDING AND STORAGE OF HIGHLY ENRICHED URANIUM.—(1) As part of the program under subsection (a), the Secretary may encourage nations with highly enriched uranium to transfer such uranium to the Russian Federation for disposition under this section.
(2) The Secretary shall have the authority to enter into contracts for the purchase and sale of highly enriched uranium.
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(2) to store the blended material in the Russian Federation.
(b) LIMITATION ON RELEASE FOR SALE OF BLENDED URANIUM.—Uraniu...ed until the earlier of—
(1) January 1, 2014; or
(2) the date on which the Secretary certifies that such uranium is too small to be absorbed into the global market without undue disruption to the uranium mining industry in the United States.
(i) PROCEEDS OF SALE OF URANIUM BLENDED BY RUSSIA.—Upon the sale by the Russian Federation of uranium blended under this section to the Department of Energy, the Secretary may elect to receive from the proceeds of such sale an amount not to exceed 75 percent of the costs incurred by the Department of Energy under subsections (b), (f), and (g).
(j) REPORT ON STATUS OF PROGRAM.—Not later than July 1, 2003, the Secretary shall submit to Congress a report on the status of the program carried out under the authority in subsection (a). The report shall include—
(1) a description of international interest in the program;
(2) schedules and operational details of the program; and
(3) recommendations for future funding for the program.
(k) DISPOSITION OF PLUTONIUM IN RUSSIA.—(1) The Secretary may assist the Russian Federation in any fiscal year with the plutonium disposition program of the Russian Federation (as established under the agreement referred to in paragraph (2)) if the President certifies to Congress at the beginning of such fiscal year that the United States and the Russian Federation have entered into a binding agreement on the disposition of the weapons-grade plutonium of the Russian Federation.
(2) The agreement referred to in this paragraph is the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Management and Disposition of Plutonium Designated As No Longer Required For Defense Purposes and Related Co-operation, signed August 29, 2000, and September 1, 2000.
(l) HIGHLY ENRICHED URANIUM DEFINED.—In this section, the term ‘highly enriched uranium’ means uranium with a concentration of U-235 of 20 percent or more.
(m) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:
(1) For fiscal year 2003—
(A) for activities under subsections (a) through (i), $100,000,000; and
(B) for activities under subsection (k), $200,000,000.
(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year for activities under subsection (a) through (i).
SEC. 7. STRENGTHENED INTERNATIONAL SAFE GUARDING OF NUCLEAR MATERIALS AND SAFETY FOR NUCLEAR OPERATIONS.
(a) REPORT ON OPTIONS FOR INTERNATIONAL PROGRAM ON NONPROLIFERATION RESISTANT NUCLEAR TECHNOLOGIES.—(1) Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to Congress a report on options for an international program to develop strengthened safeguards for all nuclear materials and safety for nuclear operations.
(b) Joint Programs with Russia on Nonproliferation Resistant Nuclear Technologies.—The Administrator shall consult with the Office of Nuclear Energy Science and Technology of the Department of Energy under subsection (a) and programs under (b).
(c) PARTICIPATION OF OFFICE OF NUCLEAR ENERGY SCIENCE.—The Administrator shall, in consultation with the Office of Nuclear Energy Science and Technology of the Department of Energy, work with the Russian Federation and the International Atomic Energy Agency.
(d) PARTICIPATION OF INTERNATIONAL TECH NICAL EXPERTS.—In developing options under subsection (a), the Administrator shall, in consultation with the International Atomic Energy Agency, convene and consult with an appropriate group of international technical experts on the development of various options for technologies to provide strengthened safeguards for nuclear materials and safety for nuclear operations, including the implementation of such options.
(e) ASSISTANCE REGARDING HOSTILE INSIDERS AND AIRCRAFT IMPACTS.—(1) The Secretary of Energy may, utilizing appropriate expertise of the Department of Energy, provide assistance abroad to the Russian Federation on the interdiction of hostile insiders at such facilities in order to prevent incidents arising from the disablement of the vital systems of such facilities.
(2) The Secretary may carry out a joint program with the Russian Federation and other countries to address and mitigate concerns on the protection of nuclear facilities in such countries.
(f) ASSISTANCE TO IAEA IN STRENGTHENING INTERNATIONAL NUCLEAR SAFEGUARDS.—The Secretary may expand and accelerate the programs of the Department of Energy to support the International Atomic Energy Agency in strengthening international nuclear safeguards.
(g) AUTHORIZATION OF APPROPRIATIONS.—(1) There is hereby authorized to be appropriated for the Department of Energy to carry out activities under this section amounts as follows:
(A) For fiscal year 2003—
(i) for activities under subsections (a) through (e), $20,000,000, of which $5,000,000 shall be available for sabotage protection for nuclear power plants and other nuclear facilities abroad.
(ii) for activities under subsection (f), $30,000,000.
(2) For each fiscal year after fiscal year 2003, such sums as may be necessary in such fiscal year.
SEC. 8. EXPORT CONTROL PROGRAMS.—(A) AUTHORITY TO PURSUE OPTIONS FOR STRENGTHENING EXPORT CONTROL PROGRAMS.—The Secretary of Energy may pursue in the former Soviet Union and other regions of concern, particularly in the Middle East, and the Far East, options for accelerating programs that assist countries in such regions in improving their domestic export control practices.
(B) Joint Programs with Russia on Export Control.—The Secretary shall work with the Russian Federation, including serial production enterprises and countries, to provide assistance to the Russian Federation, including serial production enterprises and countries, in improving their domestic export control practices.
(C) Joint Programs with the International Atomic Energy Agency.—(1) The Secretary may enter into a joint program with the International Atomic Energy Agency.
(2) Such a joint program may include the transfer of nuclear materials safeguards at facilities in the Russian Federation to assure that such program is meeting applicable goals for nuclear materials protection, control, and accounting.
(3) The joint program may be modified to ensure that the Russian Federation is meeting applicable goals for nuclear materials protection, control, and accounting.
(D) JOINT PROGRAMS WITH RUSSIA ON PRO LIFERATION RESISTANT NUCLEAR TECHNOLOGIES.—The Secretary shall cooperate with the Russian Federation to develop a joint program to develop technologies to provide strengthened safeguards for nuclear materials and safety for nuclear operations, including the implementation of such options.
(E) JOINT PROGRAMS WITH RUSSIA ON NONPROLIFERATION RESISTANT NUCLEAR TECHNOLOGIES.—The Secretary may enter into a joint program with the Russian Federation to develop technologies to provide strengthened safeguards for nuclear materials and safety for nuclear operations, including the implementation of such options.
(F) JOINT PROGRAMS WITH RUSSIA ON NONPROLIFERATION RESISTANT NUCLEAR TECHNOLOGIES.—The Secretary shall work with the Russian Federation to develop technologies to provide strengthened safeguards for nuclear materials and safety for nuclear operations, including the implementation of such options.
(G) JOINT PROGRAMS WITH RUSSIA ON NONPROLIFERATION RESISTANT NUCLEAR TECHNOLOGIES.—The Secretary shall work with the Russian Federation to develop technologies to provide strengthened safeguards for nuclear materials and safety for nuclear operations, including the implementation of such options.
SEC. 9. IMPROVEMENTS TO NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING PROGRAM OF THE RUSSIAN FEDERATION.
(a) REVISED FOCUS FOR PROGRAM.—(1) The Secretary of Energy shall work cooperatively with the Russian Federation to identify and implement the Joint Action Plan for the Protection, Control, and Accounting programs of the Russian Federation to strengthen and expand the nuclear fuel cycle safeguards at facilities in the Russian Federation in order to assist the Russian Federation in achieving, as soon as practicable but no later than January 1, 2012, an internationally acceptable safeguards system for the nuclear materials of the Russian Federation that is supported solely by the Russian Federation.
(b) FUNDING FOR PROGRAM.—The Secretary shall work with the Russian Federation, including applicable institutes in Russia, to pursue acceleration of the nuclear materials protection, control, and accounting programs at nuclear defense facilities in the Russian Federation.
(c) TRANSPARENCY OF PROGRAM.—(1) The Secretary shall work with the Russian Federation to identify various alternatives to provide the United States adequate transparency in the nuclear fuel cycle safeguards at facilities in the Russian Federation.
(2) The Secretary shall cooperate with the Russian Federation to develop technologies to provide strengthened safeguards for nuclear materials and safety for nuclear operations, including the implementation of such options.
(d) SENSE OF CONGRESS.—In furtherance of the activities required under this section, it is the sense of Congress that the Secretary should—
(A) improve the partnership with the Russian Ministry of Atomic Energy in order to enhance the pace and effectiveness of nuclear materials safeguards at facilities in the Russian Federation, including serial production enterprises and nuclear facilities abroad;
(B) work with the International Atomic Energy Agency to develop technologies to provide strengthened safeguards for nuclear materials and safety for nuclear operations, including the implementation of such options.
SEC. 10. COMPREHENSIVE ANNUAL REPORT TO CONGRESS OF ALL UNITED STATES NONPROLIFERATION ACTIVITIES.
the plan.'

and objectives similar to the objectives of the plan; 

in such year on joint arrangements required under subsection (a) or (a) during the preceding year.

Each report under paragraph (1) shall include—

(A) a discussion of any progress made during the year covered by such report in the matters of the plan required by subsection (a).

(B) a discussion of any consultations with foreign nations, and in particular the Russian Federation, during such year on joint programs to implement the plan.

(C) a discussion of any cooperation and coordination during such year in the implementation of the plan between the United States and private entities that share objectives similar to the objectives of the plan; and

(D) any recommendations that the President considers appropriate regarding modifications, regulations, or administration or organization of any Federal department or agency, in order to improve the effectiveness of any programs carried out during such year in the implementation of the plan.

SEC. 11. UTILIZATION OF DEPARTMENT OF ENERGY NATIONAL LABORATORIES AND SITES IN SUPPORT OF ANTITERRORISM ACTIVITIES.

(a) AGENCIES AS JOINT SPONSORS OF LABORATORIES FOR WORK ON ANTITERRORISM.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on antiterrorism activities at a Department of Energy national laboratory shall be a joint sponsor, under a multiple agency sponsorship arrangement required under subsection (a) or (b).

(b) AGENCIES AS JOINT SPONSORS OF SITES FOR WORK ON ANTITERRORISM.—Each department or agency of the Federal Government, or of a State or local government, that carries out work on antiterrorism activities at a Department site shall be a joint sponsor, under a multiple agency sponsorship arrangement required under subsection (a) or (b).

(c) PRIMARY SPONSORSHIP.—The Department of Energy shall be the primary sponsor under a multiple agency sponsorship arrangement required under subsection (a) or (b).

(d) WORK.—(1) The Administrator for Nuclear Security shall act as the lead agent in coordinating the submittal to a Department national laboratory or site of requests for work on antiterrorism matters by departments and agencies that are joint sponsors of such national laboratory or center, as the case may be, under this section.

(2) The work performed by a national laboratory or site under this section shall provide funds for work of such center or site, as the case may be, under this section under the same terms and conditions as apply to the primary sponsor of such center or site under section 303 of the National Nuclear Security Administration Act of 1999 (42 U.S.C. 2133a) or of such site to the extent such section applies to such site under section 303 of such Act or under the internal research and development center by reason of subsection (b).

The total amount of funds provided a national laboratory or site under this subsection by joint sponsors other than the Department of Energy shall not exceed an amount equal to 25 percent of the total funds provided to such center or site, as the case may be, in such fiscal year from all sources.

Mr. BIDEN. Mr. President, the world is a dangerous place, and the United States is not immune to those dangers. In just the last few days, we have heard warnings that suicide bombers will mount attacks in the United States and that terrorist groups will inevitably obtain weapons of mass destruction from rogue states.

My own personal concern is that rogue states or terrorist groups may obtain nuclear weapons, or the means to produce them, from the former Soviet Union, where less-than-adequate security and under-employed weapons scientists coexist with the world's largest stockpile of excess fissile material. We know that both rogues and terrorists are attempting to exploit the instability in that region in order to gain weapons of mass destruction.

Some Russians have been caught stealing radioactive, or even fissile, material. And witnesses at two Foreign Relations Committee hearings warned that even modestly capable terrorists could convert stolen highly enriched uranium into enormously destructive improvised nuclear devices.

But I do not share the view that proliferation of nuclear weapons is inevitable. The United States has had real successes in nuclear nonproliferation and there is reason to think that we can build on that record.

Thanks to the Nunn-Lugar Cooperative Threat Reduction program, the countries of Belarus, Kazakhstan and Ukraine gave up their nuclear weapons. Thanks to the Materials Protection, Control and Accounting program, many Russian facilities have improved their security for fissile material. Thanks to our fissile material disposition programs, the United States and Russia will dismantle 34 metric tons of excess plutonium, and Russia will downblended 500 metric tons of high-enriched uranium into low-enriched fuel for nuclear power reactors.

Thanks to several U.S. programs, thousands of under-employed weapons scientists in the former Soviet Union have obtained at least part-time employment in new, socially useful endeavors.

These programs point the way to how we can speed up the day when rogue states and terrorists will find the doors to them when they seek dangerous materials or technology from the former Soviet Union. The administration told many months to review these programs last year, but that review led to the absolutely correct conclusions that the programs are vital to our national security, and nearly all of them should be expanded. The problem now is that we are still not doing nearly enough. The President's budget request for fiscal year 2003 would maintain our nonproliferation assistance programs but not significantly increase them.

The Nuclear Nonproliferation Act of 2002 takes important steps to expand these programs, and I am proud to co-sponsor this legislation. Senator DOMENICI has been a champion of this legislation.

The Nuclear Nonproliferation Act of 2002 will lead to greater levels of effectiveness. For example, it authorizes $40 million for a new research, development, and demonstration program to help respond to nuclear or radiological terrorism. Some of these funds would also help other nations to better regulate the protection and control of radiological sources, to prevent any diversion to terrorists. Some of the funds will go to new technologies to detect radioactive and fissile materials being smuggled into the United States. And some will support work with the International Atomic Energy Agency to improve international safeguards for nuclear materials and operations.

It also authorizes $20 million to accelerate and expand current programs to blend down highly enriched uranium (HEU) into reactor-grade material which cannot explode and to dispose of it. This provision also allows for the disposition of HEU purchased from other countries.

It authorizes $20 million for work with the international community to develop options for a global program for international safeguards for nuclear safety and proliferation-resistant nuclear technologies. This includes efforts to improve sabotage protection for nuclear power plants and other nuclear facilities.

These are sensible proposals, and very sensibly priced when one considers the magnitude of the threat that they address. Former Senator Howard Baker and former White House Counsel LUGAR and BINGAMAN from the Armed Services Committee, and Senator MURkowski, who has paid particular attention to Russian nuclear problems.

The Nuclear Nonproliferation Act of 2002 will lead to greater levels of effectiveness, I believe, of achievement—in several areas. For example, it authorizes $40 million for a new research, development, and demonstration program to help respond to nuclear or radiological terrorism. Some of these funds would help other nations to better regulate the protection and control of radiological sources, to prevent any diversion to terrorists. Some of the funds will go to new technologies to detect radioactive and fissile materials being smuggled into the United States. And some will support work with the International Atomic Energy Agency to improve international safeguards for nuclear materials and operations.
deserve the support of all of us, and they will help build a safer world for our children and grandchildren.

By Mr. THURMOND. S. 2546. A bill to amend title 49, United States Code, to establish a program for Federal flight deck officers, and for other purposes; to the Committee on Armed Services.

Mr. THURMOND. Mr. President, I rise today to express my disappointment in the decision announced yesterday by the Department of Transportation against allowing airline pilots to carry firearms during the performance of their duties. Today I am introducing legislation which would overturn that decision and require the Transportation Security Administration to establish a program to permit pilots to defend their aircraft against acts of criminal violence or air piracy. This legislation will provide a critical last line of defense to secure commercial aircraft.

This bill I am introducing today is identical to a bill in the House of Representatives, H.R. 4635, introduced by Mr. Young of Alaska and Mr. Mica of Florida. Legislation requiring the Under Secretary of Transportation for Security to establish a program not later than 90 days after the date of enactment to deputize qualified volunteer pilots as Federal law enforcement officers to defend the cockpits of commercial aircraft in flight against acts of criminal violence or air piracy. Pilots who are deputized will be known as ‘Federal Flight Deck Officers’ and will be authorized to carry a firearm and use force, including deadly force, against an individual in defense of an aircraft.

Under the bill, a qualified pilot is a pilot that is employed by an air carrier, has demonstrated to the satisfaction of the Under Secretary fitness to be a Federal Flight Deck Officer, and has been the subject of an employment investigation, including a criminal history record check.

Not later than 120 days after the date of enactment, the Under Secretary shall deputize 500 qualified pilots who are former military or law enforcement personnel. Not later than 24 months after the date of enactment, the Under Secretary shall deputize any qualified pilot. The Federal Government will provide training, supervision and equipment at no expense to the pilot or air carrier. Pilots participating in this program will not be eligible to receive compensation for services. The legislation protects volunteer pilots and their employers against liability from damages resulting from participation in the program.

The Department of Transportation has taken important steps to improve the security of our airports and protect the flying public. However, September 11 demonstrated our enemies will stop at nothing to inflict harm on Americans and destroy our way of life. Our response must be equally as determined and resolute. We must not take half measures or engage in wishful thinking. We must not refrain from utilizing every tool we possess. We must enable those who pilot commercial passenger aircraft to defend against acts of criminal violence or air piracy.

S. 2546

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 ‘Arming Pilots Against Terrorism Act’.

SEC. 2. FEDERAL FLIGHT DECK OFFICER PROGRAM.

(a) IN GENERAL.—Subchapter I of chapter 449 of title 49, United States Code, is amended by adding at the end the following:

"44921. Federal flight deck officer program"

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Under Secretary of Transportation for Security shall establish a program to deputize qualified volunteer pilots of passenger aircraft as Federal law enforcement officers to defend the flight decks of aircraft of air carriers engaged in air transportation or intrastate air transportation against acts of criminal violence or air piracy. Such officers shall be known as ‘Federal flight deck officers’. The program shall be administered in connection with the Federal air marshal program.

(b) QUALIFIED PILOT.—Under the program, a qualified pilot is a pilot of an aircraft engaged in air transportation or intrastate air transportation who—

(1) is employed by an air carrier;
(2) has demonstrated to the satisfaction of the Under Secretary fitness to be a Federal flight deck officer under the program; and
(3) has been the subject of an employment investigation (including a criminal history record check) under section 44921(a)(1).

(c) TRAINING, SUPERVISION, AND EQUIPMENT.—The Under Secretary of Transportation for Security shall provide training, supervision, and equipment necessary for a qualified pilot to be a Federal flight deck officer under this program.

(d) DEPUTIZATION.—

(1) IN GENERAL.—The Under Secretary shall deputize a Federal flight deck officer under this section, any qualified pilot who submits to the Under Secretary a request to be such an officer.

(2) INITIAL DEPUTIZATION.—Not later than 120 days after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot who is a former military or law enforcement personnel as Federal flight deck officers under this section.

(3) FULL IMPLEMENTATION.—Not later than 24 months after the date of enactment of this section, the Under Secretary shall deputize any qualified pilot as a Federal flight deck officer under this section.

(e) COMPENSATION.—Pilots participating in the program under this section shall not be eligible for compensation from the Federal Government for services provided as a Federal flight deck officer.

(1) AUTHORITY TO CARRY FIREARMS.—The Under Secretary shall authorize a Federal flight deck officer under this program to carry a firearm while engaged in providing air transportation or intrastate air transportation against acts of criminal violence or air piracy.

(2) LIABILITY OF FEDERAL FLIGHT DECK OFFICERS.—A Federal flight deck officer shall not be liable for damages in any action brought in a Federal or State court arising out of the air carrier employing a pilot of an aircraft who is a Federal flight deck officer under this section or out of the acts or omissions of the pilot in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

(3) AUTHORITY TO CARRY FIREARMS.—Notwithstanding section 44921(d), a Federal flight deck officer may use force (including lethal force) against an individual in the defense of an aircraft in air transportation or intrastate air transportation if the officer reasonably believes that the security of the aircraft is at risk.

(4) LIMITATION ON LIABILITY.—(i) LIABILITY OF AIR CARRIERS.—An air carrier shall not be liable in any action brought in a Federal or State court against a Federal flight deck officer under this section or out of the acts or omissions of the pilot in defending an aircraft of the air carrier against acts of criminal violence or air piracy.

(5) AUTHORITY TO CARRY FIREARMS.—The term ‘pilot’ means an individual responsible for the operation of aircraft.

(6) CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—The analysis for such chapter is amended by inserting after the item relating to section 44920 the following:

"44921. Federal flight deck officer program."

(2) EMPLOYMENT INVESTIGATIONS.—Section 44920(a)(1)(B) is amended—

(A) by altering clause (iii) with clause (ii);
(B) by striking ‘and’ at the end of clause (iii);
(C) by altering the period at the end of clause (iv) with ‘and’; and
(D) by adding at the end the following:

‘(v) qualified pilots who are deputized as Federal flight deck officers under section 44921.’

(3) FLEET DECK SECURITY.—Section 128 of the Aviation and Transportation Security Act (Public Law 107–71) is repealed.

By Mr. BINGAMAN (for himself and Ms. SNOWE).

S. 2547. A bill to amend title XVIII of the Social Security Act to provide for fair payments under the Medicare hospital outpatient department prospective payment system; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with Senator Snowe to introduce legislation entitled the ‘Medicare Hospital Outpatient Department Fair Payment Act of 2002’ to improve Medicare payments for hospital outpatient department services.

According to the Medicare Payment Advisory Commission, or MedPAC, in its report to Congress this past March, ‘We estimate that the aggregate Medicare margin for outpatient services

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will be −16.3 percent in 2002. Unfortunately, while the Medicare outpatient prospective payment system, or OPPS, was created to give providers incentives to deliver quality outpatient care and services in an efficient manner, OPPS reimbursement rates have been set artificially below what is costs hospitals to care for Medicare patients. That is an unsustainable burden for our Nation’s hospitals.

This problem is especially acute in rural areas according to the Medicare Payment Advisory Commission’s June 2001 report entitled “Report to Congress: Medicare in Rural America.” Outpatient costs represent 21.8 percent of total Medicare costs in rural hospitals compared to 16.1 percent in urban hospitals. As MedPAC concludes, “Given their greater reliance on Medicare and on outpatient services within Medicare, rural hospitals have more at stake than their urban counterparts in the move to the outpatient FPS.”

In addition, Medicare’s payment policy of paying less than cost creates inappropriate incentives for providers to provide services in the setting that receives the most favorable payment rather than the one best suited for the patient. Medicare policy should seek, as best as possible, to pay appropriate amounts to ensure access to care for Medicare beneficiaries in appropriate settings, whether in inpatient hospitals, outpatient care, ambulatory surgical centers, or physician offices.

To provide just one example, the following are the current payment rates for mammography in either a outpatient hospital setting of a physician’s office; for unilateral diagnostic mammography, the OPPS payment is $30.54 compared to $38.01 in a physician’s office; for bilateral diagnostic mammography, the OPPS payment is $30.54 compared to an even higher $46.06 in a physician’s office; for unilateral diagnostic mammography OPPS payment just increased to $75.00 compared to $71.31 in a physician’s office; and finally, for bilateral digital mammography, the OPPS payment is $75.00 compared to $88.33 in a physician’s office.

Why does Medicare pay between 24 percent to 54 percent more for a diagnostic mammography in a physician’s office than in an outpatient hospital setting? Such disparities are unjustified and they are even worse for other Medicare services.

To address these problems, the “Medicare Hospital Outpatient Fair Payment Act of 2002” would: increase extremely underfunded emergency room and clinic ambulatory payment classifications, or APC, payment rates in the OPPS system by 10 percent and require an increase in overall outpatient department payments to be adjusted to 90 percent of overall costs, from the current 84 percent; and improve “folded-in” payments for designated eye and ear specialty hospitals.

The first provision would increase funding overall through the outpatient hospital system from 84 percent of cost to 90 percent of cost, still 10 percent less than the hospitals spend in delivering necessary services. With special focus and priority on payments for emergency room and clinic payments, prevention services, cancer services, and to reduce the disparity between Medicare, payments in outpatient and alternative settings.

The extension of the transitional corridors or hold harmless payments to rural, cancer hospitals, and children’s hospitals addresses the particular problems those hospitals face with the OPPS system and adds designated eye and ear specialty hospitals. With regard to rural hospitals, MedPAC recommended that due to the higher unit costs and a greater percentage of care delivered in rural outpatient settings, the transition corridor be expanded to rural hospitals. “Report to the Congress: Medicare in Rural America.” that the data “supports the need for the existing hold-harmless policy” for rural hospitals.

Without the transitional corridor payment protection, rural hospitals would be expected to be significant losers, according to MedPAC data. As MedPAC states, “Small rural hospitals were protected to more negatively affected, with those under 50 beds losing the most; $2.6 million. Mid-sized rural hospitals, losing 8.5 percent and those with 50–99 beds losing 2.7 percent.” Even with the transitional corridor and hold-harmless payments, rural hospitals are still projected to have negative margins of 13.7 percent with respect to outpatient care.

The legislation also addresses problems created by the Balanced Budget Refinement Act of 1999, or BBRA, which established temporary additional Medicare payments for transitional pass-through payments, for certain innovative medical devices, drugs, and biologics. By establishing the pass-through payments, Congress ensured Medicare beneficiaries would have access to the latest medical technologies. These pass-through payments were capped at 2.5 percent of total outpatient payments prior to 2004, and the Centers for Medicare and Medicaid Services, or CMS, is required by law to make a proportional reduction for all pass-through payments if that cap is exceeded.

In March 2002, CMS announced a reduction in pass-through payments of 63.6 percent. This reduction means that a pass-through payment of $1,000 is reduced to just $99. Again, hospitals cannot continue to provide needed services to beneficiaries with reductions of such a magnitude.

To prevent an even greater reduction in pass-through payments, CMS “folds-in” a significant portion of costs of these new technologies into the base APCs. However, because the law requires that these changes are made in a budget-neutral manner, this resulted in a substantial reduction in payments for standard outpatient services, which do not rely upon high-tech medical devices. In 2002, incorporating 75 percent of device costs into the APCs led to a budget-neutrality adjustment of −7.2 percent. Even with the substantial reduction in the OPPS fee schedule amounts.

As MedPAC notes, “If pass-through items are overused and overpaid, APCs that include these technologies will be relatively overpaid while the APCs that do not will be underpaid. This process also will have inappropriate distributional effects among hospitals if some hospitals provide more services that use pass-through technologies than others.” For example, rural hospitals tend to provide a greater proportion of more basic Services, emergency care services, and fewer services that require advanced technology, according to MedPAC. These are the services particularly hard hit by the budget neutrality provision, and yet, they are certainly not any less expensive than they were last year.

To address these problems with Medicare’s pass-through payment system, the legislation would: limit the pro-rata reduction in pass-through to 20 percent; and limit the budget neutrality adjustment to no more than 2.0 percent annually.

For New Mexico, the importance of this legislation cannot be overstated. In 2000, New Mexico had over 3.1 million outpatient visits by Medicare beneficiaries for important health concerns. This includes essential services such as diagnostic tests, clinic visits, emergency care, treatment, chemotherapy, and surgery. In addition, according to estimates from the American Hospital Association, the impact of this legislation to New Mexico hospitals would be an increase in Medicare payments between $18 and $59 million over the next five years.

For an industry attempting to survive cuts to payments from the private sector, Medicare and Medicaid, while also dealing with the Nation’s highest percentage of uninsured patients in the country, this legislation is both timely and necessary. It is unjustifiable for Medicare to continue to pay just 84 percent of the cost of care of Medicare beneficiaries.

The bottom line is that this bipartisan legislation will ensure our nation’s hospitals a more rationale, fair, and equitable payment system for services delivered to Medicare beneficiaries in an outpatient setting.

I ask unanimous consent for the text of the bill and a copy of a letter to support from AHA to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2457

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 "Medicare Hospital Outpatient Department Fair Payment Act of 2002".
(b) TITLE.—The title of this Act is as follows:
Sec. 1. Short title; table of contents.
Sec. 2. Ensuring adequate OPD fee schedule amounts for clinic and emergency visits.
Sec. 3. Limitation of pro rata reductions to pass-through payments.
Sec. 4. Clarifying application of OPD fee schedule increase factor.
Sec. 5. Limitation on budget neutrality adjustment for annual revisions to system components.
Sec. 6. Outlier payments.
Sec. 7. Adjustment to limit decline in pay.
Sec. 8. Special increase in certain relative payment weights.
Sec. 9. Permanent extension of provider-based status.

SEC. 2. ENSURING ADEQUATE OPD FEE SCHEDULE AMOUNTS FOR CLINIC AND EMERGENCY VISITS.
(a) IN GENERAL.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395t) is amended—
(1) in paragraph (3)(C)(ii), by striking "(8)(B)" and inserting "(11)(B) and (13)(A)(i)"; and
(2) in paragraph (4)(B), by striking "clause (iii)"
and inserting "clause (iv)".

(b) IN GENERAL.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395t) is amended—
(1) in paragraph (2)(F), (3)(C)(iii), (9)(B), or paragraph (13)(B) for such year (but for such amendments made by subsection (a) (9)(A)), the conversion factor calculated under such subparagraph (B) shall—
(ii) for services furnished in a year beginning after December 31, 2002, the conversion factor computed under this subparagraph for the previous year (or in the case of 2003, for the previous 9 months) increased by the OPD fee schedule increase factor under paragraph (3)(D) for such year involved.

(c) DETERMINATION OF RELATIVE PAYMENT WEIGHTS.—For purposes of subparagraph (A)(ii), the relative payment weight determined under this subparagraph for a covered OPD service that is classified within such a group is—
(i) for services furnished on or after April 1, 2002, and before January 1, 2003, the relative payment weight established under subparagraph (A)(i), and
(ii) for services furnished in a year beginning after January 1, 2003—
(D) for ambulance classification group 0601 (relating to mid-level clinic visits), or a successor to such group, the relative payment weight established for such group in the final rule referred to in clause (i); and
(E) other ambulatory patient classification groups described in subparagraph (D), the relative payment weight established or revised under paragraph (2)(C) or (9)(A), respectively, for such group for such year (but without regard to any budget neutrality adjustment made pursuant to this subparagraph).

(d) SHORT TITLE.—This Act may be cited as the "Medicare Hospital Outpatient Department Fair Payment Act of 2002".

(e) TABLE OF CONTENTS.—The table of contents of this Act is as follows:
Sec. 1. Short title; table of contents.
Sec. 2. Ensuring adequate OPD fee schedule amounts for clinic and emergency visits.
Sec. 3. Limitation of pro rata reductions to pass-through payments.
Sec. 4. Clarifying application of OPD fee schedule increase factor.
Sec. 5. Limitation on budget neutrality adjustment for annual revisions to system components.
Sec. 6. Outlier payments.
Sec. 7. Adjustment to limit decline in pay.
Sec. 8. Special increase in certain relative payment weights.
Sec. 9. Permanent extension of provider-based status.
with 2002, the OPPD fee schedule increase factor for a year shall take effect on January 1 of such year, and nothing in this subsection shall be construed as authorizing the Secretary to delay the date on which such increase factor takes effect by reason of any delay in implementing the revisions authorized by paragraph (9)(A) for such year or for any other reason.

SEC. 5. LIMITATION ON BUDGET NEUTRALITY ADJUSTMENT FOR ANNUAL REVISIONS TO THE OPPS.

Section 1833(t)(4)(B) of the Social Security Act (42 U.S.C. 1395t(c)(4)(B)), as amended by section 4(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173), is amended—

(a) in clause (i), by striking ‘‘If the Secretary’’ and inserting ‘‘Subject to clause (iii), the Secretary’’; and

(b) by adding at the end the following new clause:

‘‘(iii) LIMITATION ON ADJUSTMENT.—For years after 2001, the budget neutrality adjustment under this subparagraph may not reduce the payments that would otherwise be made under this part for this subparagraph by more than 2.0 percent.’’

SEC. 6. OUTLIER PAYMENTS.

Section 1833(t)(5) of the Social Security Act (42 U.S.C. 1395t(c)(5)) is amended—

(1) in subparagraph (C)—

(A) by striking ‘‘(i)’’ and inserting ‘‘(ii)’’;

(B) in clause (ii), by striking ‘‘the applicable percentage’’ and inserting ‘‘an excess of one percent’’; and

(C) by inserting ‘‘the term ‘applicable percentage’ that is not less than the applicable minimum percentage that is greater than the applicable maximum’’;

and

(2) by striking clause (ii) and inserting the following new clause:

‘‘(ii) FLEXIBILITY.—The Secretary shall have the flexibility to not reduce the payment for any covered OPPS payment that was made on or after January 1, 2002, by more than the amount of the excess of one percent over the applicable percentage, for services classified within the group.

SEC. 7. ADJUSTMENT TO LIMIT DECREASE IN PAYMENTS.

Section 1833(t)(7) of the Social Security Act (42 U.S.C. 1395t(c)(7)) is amended—

(1) in the heading, by striking ‘‘TRANSITIONAL AUTHORITY’’ and inserting ‘‘FLEXIBILITY’’; and

(2) in subparagraph (D)—

(A) in the heading, by striking ‘‘Before 2003’’ and inserting ‘‘Before 2002’’;

(B) in the matter preceding clause (i), by striking ‘‘for covered OPPS services furnished before January 1, 2002.’’

SEC. 8. SPECIAL INCREASE IN CERTAIN RELATIVE PAYMENT WEIGHTS.

Section 1833(t) of the Social Security Act (42 U.S.C. 1395t(c)(7)(C)) is amended—

(1) in paragraph (3)(D)(i), as amended by section 2(a)(3)(B), by striking ‘‘or paragraph (13)(C)’’ and inserting ‘‘paragraph (13)(C), or paragraph (13)(D)’’;

(2) in paragraph (9)(B)(1)(A), as amended by section 2(a)(4), by striking ‘‘determined without regard to expenditures made by reason of the increase’’ and inserting ‘‘determined without regard to expenditures made by reason of the increase incurred in furnishing such services, for services classified within the group established or revised under paragraph (2)(C) or (9)(A), respectively, above the weight that would otherwise apply to such services’’; and

(3) in paragraph (12)(C), by striking ‘‘paragraph (6)’’ and inserting ‘‘paragraph (9) (including adjustments authorized by paragraph (14))’’;

and

(4) by redesignating paragraph (14) (as redesignated by section 2(a)(5)) as paragraph (15) and by inserting after paragraph (15) the following new paragraph:

‘‘(14) REQUIREMENT TO INCREASE RELATIVE PAYMENT WEIGHTS IN CERTAIN CIRCUMSTANCES.—

(A) IN GENERAL.—Notwithstanding the methodologies specified for determining relative payment weights in paragraph (2)(C) and (9)(A), for years beginning with 2002, the Secretary shall, as part of the revisions required by paragraph (9)(A), increase the relative payment weight for covered OPPS services, second to cancer services, third to services for which the Medicare OPPS fee schedule amount that would otherwise apply to such services is based on data from any source and is not limited to data appropriate for estimating the costs incurred by hospitals in furnishing such services.

(B) PRIORITIES.—For purposes of providing for increases under paragraph (A), the Secretary shall give priority first to preventive services, second to cancer services, third to services for which the Medicare OPPS fee schedule amount that would otherwise apply to such services is based on data from any source and is not limited to data appropriate for estimating the costs incurred by hospitals in furnishing such services.

(C) DATA.—The Secretary may base the relative payment weight for any covered OPPS services classified within the group on data from any source and is not limited to data appropriate for estimating the costs incurred by hospitals in furnishing such services.

(D) ANNUAL REVISIONS.—Notwithstanding the application of the percentage specified under subparagraph (A), the Secretary shall provide for increases under such subparagraph for each year so that the estimated amount of additional expenditures attributable to adjustments under such subparagraph is less than $1,000,000,000 in such year.’’

SEC. 9. PERMANENT EXTENSION OF PROVIDER-BASED STATUS.

Paragraphs (1) and (2) of section 401(a) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (113 Stat. 2763A-506), as enacted into law by section 3(a)(6) of Public Law 108-199, are each amended by striking ‘‘until October 1, 2002’’.

AMERICAN HOSPITAL ASSOCIATION,

Dear Senator Bingaman:

On behalf of our nearly 5,000 hospital, health care system, network and other health care provider members, the American Hospital Association is writing to express our strong support for the Medicare Hospital Outpatient Fair Payment Act of 2002 that you have introduced with Sen. Olympia Snowe (R-ME). We believe this bill is an essential component to ensuring that America’s Medicare patients receive quality care and outcomes, and have equal access to the latest medical technologies.

As hospital care continues to shift to the outpatient setting, it is imperative that Congress begins to address the complex operational issues and payment inequities created by the outpatient prospective payment system (OPPS). While the OPPS was created to give providers incentives to deliver quality care in an efficient manner, outpatient payment rates were set at a level substantially below the costs hospitals incur caring for Medicare patients. Medicare currently pays hospitals only 84 cents for every dollar of outpatient care provided.

Your comprehensive legislation would address problems in the OPPS by extending and enhancing provisions that ensure patient care is not disrupted as hospitals transition into OPPS. We applaud your leadership on this important issue and support swift enactment of this legislation. We look forward to working with you further on this issue.

Sincerely,

Rick Pollack, Executive Vice President

Ms. SNOWE, Ms. President,

I am pleased to join with my colleague and good friend Senator Bingaman to introduce the Medicare Hospital Outpatient Fair Payment Act of 2002. We are introducing this bill because of the critical importance of outpatient health care services and the devastating impact that the substantial reduction in Medicare payments for outpatient services will have on the delivery of care. Our legislation will increase payment rates for outpatient care to levels that will ensure appropriate access to outpatient care for our Nation’s seniors. In addition, since the implementation of the new outpatient prospective payment system in August 2000, it has become clear that the OPPS is not acting as a level playing field, and this legislation proposes important reforms that will make the system work better for Medicare and for our Nation’s seniors.

Our Nation’s seniors rely upon outpatient care delivered through the Medicare program. This is the result of trends in medical care that will continue to place a greater emphasis on
the outpatient setting. According to Medpac, the number of outpatient visits increased 73 percent during the 1990s and nearly 5 percent in 2001 alone. New technologies and advances in medicine have made it possible for more and more care to be provided on an outpatient basis, which eliminates the need for an overnight hospital stay. This reduces the cost of care and gets the patient home sooner where recovery can begin. This trend will continue and underscores the importance of having an appropriate Medicare payment system for outpatient care.

Without these vitally needed changes in the Medicare outpatient payment system, our medical care infrastructure will suffer and patient care will be harmed. This March, the Medicare Payment Advisory Commission, Medpac, estimated that the aggregate margin for outpatient services would be minus 16.3 percent in 2002.

Congress created temporary additional payments for specialty hospitals or transitional “pass-through” payments, for certain innovative medical devices, drugs and biologicals in the Balanced Budget Reconciliation Act, BBRA, of 1999. By establishing the pass-through pool, Congress ensured that patients and beneficiaries would have access to the latest medical technologies. These pass-through payments were capped at 2.5 percent of total outpatient payments prior to 2004, and the Centers for Medicare & Medicaid Services, CMS, is required by law to make a proportional reduction for all pass-through payments if that cap is exceeded. In March 2002, CMS announced a dramatic reduction in pass-through payments of 63.6 percent.

CMS took steps to avoid even greater reductions in the pass through payments by incorporating 75 percent of device costs into the base ambulatory payment classification, APC, amounts. Due to a Congressionally mandated requirement, CMS was required to make this adjustment on a budget neutral basis, with no recognition for the impact of this shift in payment. As a result, Medicare payments were shifted from low-tech services to high-tech services. In addition, incorporating 75 percent of device costs into the APCs led to a budget neutrality adjustment of minus 7.2 percent, causing a substantial reduction in the OPPS fee schedule amounts for 2002.

The payments that resulted from actions Congress took in the BBRA are greater than intended when it was first enacted. It is clear that corrections to the system are needed. Ironically, if these problems with outpatient payments are not corrected, hospitals will be forced to admit patients into the hospital for treatment that could have been provided more efficiently on an outpatient basis.

To address these problems, we are introducing the Medicare Hospital Outpatient Fair Payment Act of 2002. This comprehensive legislation would address problems within the current Medicare hospital outpatient payment system. Specifically, it would address the problems outlined here by: increasing extremely underfunded emergency room and clinic ambulatory payment classifications, APC, rates by 10 percent and requiring an increase in overall payment to 90 percent of overall costs, still 10 percent less than hospitals spend in delivering necessary outpatient care, but an improvement on the current payment of just 84 percent of costs; limiting the pro rata reductions on payments to 20 percent; and limiting the budget neutrality adjustment to no more than 2.0 percent.

Furthermore, the bill improves and extends transitional corridor payments to rural hospitals, cancer hospitals, and children’s hospitals, and extends the provision to designated eye and ear specialty hospitals.

We believe these changes are necessary if we are to preserve the quality of care that seniors expect and deserve. Our Nation’s seniors rely upon the health care services provided in the outpatient setting and we invite our colleagues on both sides of the aisle to join us in this effort.

By Mr. BINGAMAN (for himself and Mr. wellstone): S. 2948. A bill to amend the temporary assistance to needy families program under part A of title IV of the Social Security Act to improve the provision of education and job training under that program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Education Works Act.

In 1996, legislation was passed which made major changes to our welfare laws. Since then, we know that the welfare rolls in most States have dramatically decreased. Reforming welfare is not just about reducing welfare rolls; welfare reform must ultimately be about helping poor individuals achieve self-sufficiency. While many have left welfare for work during the past several years, too many have been left behind because they don’t have a high school degree, have little or no work history, have health problems, are in abusive relationships, or are dealing with other circumstances that make it difficult to work. In addition, those who have secured work are working at low wages with limited benefits. These parents experience little earning growth over time, because there are limited opportunities for mobility for those with low skill levels. As we move forward with the reauthorization process, we must do more to support state efforts to help these people find work and to ensure that all individuals leaving welfare are moving to employment that will provide long-term financial independence. The Education Works Act will help.

We know that the welfare programs that have been most successful in helping parents work and earn more over the long run are those that have focused on employment but made substantial use of education and training, together with job search and other employment services. In addition, studies find that helping low-income parents increase their skills pays off in the labor market, particularly through participation in vocational training and postsecondary education and training.

Yet, less than one percent of Federal TANF funds were spent on education and training in 2000 and only five percent of TANF recipients participated in these activities in the same year. This is due in large part to the fact that the ’96 law discouraged States from allowing welfare recipients to participate in education and training programs. Specifically, the law limits the extent to which education activities count toward Federal work participation requirements by eliminating the 30 percent cap on how many individuals can participate in training and capping how many individuals can receive these services.

The Education Works Act would change this by: clarifying that States have the flexibility to allow participation in postsecondary, vocational English as a Second Language, and basic adult education programs by TANF recipients as part of the TANF requirements; giving States the flexibility to determine how long each participant may participate in education and training activities while receiving benefits; giving States the flexibility to provide childcare and transportation support; and providing States with cash benefits, to parents and not toll the 5 year time limit for these individuals if they are participating in a full-time education program that will lead to work and long-term independence; and eliminating the 30 percent cap on the number of TANF recipients that can participate in education and training programs in fulfillment of their work requirements.

These are not radical changes. They do not discourage work but rather enable it.

It is important to note that of the 21 States that have operated under TANF waivers since 1996, 18 of them had waivers of the requirements we are talking about here. Delaware, Indiana, Montana, Tennessee, Texas, Utah, Vermont and Oregon name a few. The other 32 States should be given the same flexibility.

In my home State, we have recognized the important role that education and training, including postsecondary education, can play in helping some welfare recipients to improve their skills so that they can get off welfare and stay off welfare. In our State, we already have an “Education Works” program in place. But this program is limited to only 400 participants statewide, because the limitations in the TANF program make it impossible to increase their skills and provide job training.

This just doesn’t make sense to me. We should give States the flexibility they need to implement the
types of programs that they believe work best. We should hold them accountable for decreasing caseloads over time and, more importantly, demonstrating that those leaving welfare are economically self-sufficient, but we should let them decide how to reach those goals. The Educational Works Act would allow them to do just that. I urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2550

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 “Education Works Act of 2002.”

SEC. 2. COUNTING EDUCATION AND TRAINING AS WORK. Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended to read as follows:

“(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

“(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

“(15) PROMOTIONAL AGREEMENT.—The term ‘promotional agreement’ means a contract, or other arrangement with a boxer, under which the manager undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is acting as an agent for a boxer.

“(11) MATCHMAKER.—The term ‘matchmaker’ means a person that proposes, selects, and arranges the boxers to participate in professional boxing matches.

“(12) PHYSICIAN.—The term ‘physician’ means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action.

“(13) PROFESSIONAL BOXING MATCH.—The term ‘professional boxing match’ means a boxing contest held in the United States between individuals for professional compensation. The term ‘professional boxing match’ does not include a boxing contest that is sponsored by a duly recognized amateur sports organization, as approved by the Administration.

“(14) PROMOTER.—The term ‘promoter’ means the person primarily responsible for organizing, promoting, and producing a professional boxing match. The term ‘promoter’ does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

“(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

“(B) there is no other person primarily responsible for promoting the boxing match.

“(15) PROMOTIONAL AGREEMENT.—The term ‘promotional agreement’ means a contract between a promoter and a boxer under which the promoter grants to the boxer the exclusive right to participate in professional boxing matches and all professional boxing matches requiring the boxer’s services.

“(A) a prescribed period of time; or

“(B) a prescribed number of professional boxing matches.

“(16) STATE.—The term ‘State’ means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of
the United States, including the Virgin Islands.

"(17) EFFECTIVE DATE OF THE CONTRACT.—The term "effective date of the contract" means the date on which a boxer becomes legally bound by the contract.

"(18) SANCTIONING ORGANIZATION.—The term "sanctioning organization" means an organization other than a boxing commission that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States.

"(A) between boxers who are residents of different States; or

"(B) that are advertised, otherwise promoted, or televised (including closed circuit television) in interstate commerce.

"(19) SUSPENSION.—The term "suspension" includes within its meaning the revocation of a boxing license.

"(20) TRIBAL ORGANIZATION.—The term "tribal organization" has the same meaning as in section 3(2) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)).

"(21) UNITED STATES BOXING ADMINISTRATION.—The terms "United States Boxing Administration" means the United States Boxing Administration established by section 202.

"(b) CONFORMING AMENDMENT.—Section 21 (15 U.S.C. 6307) is amended to read as follows:

"SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, an Indian tribe shall establish a boxing commission—

"(1) to regulate professional boxing matches held within the jurisdiction of the tribe; and

"(2) to carry out that regulation or enter into a contract with a boxing commission to carry out that regulation.

"(b) STANDARDS AND LICENSING.—If a tribal organization regulates professional boxing matches pursuant to subsection (a), the tribal organization shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements established by the sanctioning organization that are at least as restrictive as—

"(1) the otherwise applicable standards and requirements of a State in which the Indian lands are located; or

"(2) the most recently published version of the recommended regulatory guidelines published by the United States Boxing Administration.

"(c) APPEALS.—If a tribal organization regulated by subsection (a) of section 103(b) adopts a rule or license that is a material deviation from the standards and requirements of section (a), the affected boxer or licensee may appeal the rule or license pursuant to subsection (b) of section 103.

"(d) PROCEDURE.—A tribal organization regulated by subsection (a) of section 103 shall provide for a procedure to review questions of law or procedure presented by a boxer or licensee, in accordance with requirements established by the United States Boxing Administration, make a hearing and health and safety disclosure to a boxer when an identification card to that boxer is requested, and provide an opportunity to that person to present evidence.

"(e) APPEALS.—A tribe that is acted upon in an appeal procedure pursuant to subsection (d) of section 103 shall provide a decision within 45 days.

"SEC. 104. MATCHES IN JURISDICTIONS WITHOUT COMMISSIONS.

(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended as follows:

"SEC. 4. BOXING MATCHES IN JURISDICTIONS WITHOUT BOXING COMMISSIONS.

"(a) IN GENERAL.—No person may arrange, promote, distribute, or otherwise engage in professional boxing in a State or on Indian land unless the match—

"(1) is approved by the United States Boxing Administration; and

"(2) is supervised by a boxing commission that is a member of the Association of Boxing Commissions.

"(b) PRESUMPTION.—For purposes of subsection (a), the Administration shall be presumed to have approved any match other than—

"(1) a match with respect to which the Administration has notified the supervising boxing commission that it does not approve;

"(2) a match advertised to the public as a championship match; or

"(3) a match scheduled to last 10 rounds or more.

"(c) NOTIFICATION; ASSURANCES.—Each promoter who intends to hold a professional boxing match in a State that does not have a boxing commission shall, not later than 14 days before the date of the match, provide in writing to the Administration and the supervising boxing commission, assurances that all applicable requirements of this Act with respect to that professional boxing match shall be—

"(A) adopted or promulgated by the tribal organization regulating professional boxing in that State; and

"(B) observed and followed by the tribal organization regulating professional boxing in that State.

"(d) APPEALS.—If a tribal organization regulated by subsection (a) of section 103 does not approve a professional boxing match pursuant to subsection (a)(2) of section 103, the Administration may appeal if the tribal organization regulating that match has not acted within 7 days of the Administration's notice that it will not grant approval.

"(e) CHAMPIONSHIP MATCHES.—If a match advertised as a championship match, the Administration shall be entitled to a review by the Administration of the match.

"SEC. 105. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6304) is amended—

"(1) by striking "requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers: and inserting "requirements:; and

"(2) by adding at the end of paragraph (1) the following:

"The examination shall include testing for infectious diseases in accordance with standards established by the Administration.

"(3) by striking paragraph (2) and inserting the following:

"Available in the second sentence of subsection (c) and inserting "shall, at a minimum,:; and

"(4) by adding at the end of subsection (c)(1) the following:

"(d) COPY OF REGISTRATION TO BE SENT TO USBA.—A boxing commission shall furnish a copy of each registration received under subsection (a) to the United States Boxing Administration.
(2) by striking "will assess" in paragraph (1) and inserting "has assessed, or will assess,"; and
(3) by striking "will receive" in paragraph (2) and inserting "has received, or will receive,.".

SEC. 113. REQUIRED DISCLOSURES BY PROMOTERS.
Section 13 (15 U.S.C. 6307e) is amended—
(1) by striking the matter in subsection (a) preceding paragraph (1) and inserting the following:
"(a) DISCLOSURES TO THE BOXING COMMISSIONS.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the boxing commission in the State responsible for regulating the match and the Administration—
(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and
(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.
(b) CONFIDENTIALITY.—The Administration shall establish confidentiality standards for the disclosure of personally identifiable information to sanctioning organizations that will—
(1) protect the health and safety of boxers by making relevant information available to the organizations for use but not public disclosure; and
(2) ensure that the privacy of the boxers is protected.
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SEC. 117. RECOGNITION OF TRIBAL LAW.
Section 22 (15 U.S.C. 6313) is amended—
(1) by inserting "or Tribal" in the section heading after "State"; and
(2) by inserting "or Indian tribe" after "State".

SEC. 118. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.
The Act is amended by adding at the end the following:

"TITLE II—UNITED STATES BOXING ADMINISTRATION"

"Sec. 201. Purpose.
"Sec. 203. Functions.
"Sec. 204. Licensing and registration of boxing personnel.
"Sec. 205. National registry of boxing personnel.
"Sec. 206. Consultation requirements.
"Sec. 207. Misconduct.
"Sec. 208. Noninterference with local boxing authorities.
"Sec. 209. Assistance from other agencies.
"Sec. 211. Authorization of appropriations.

"Sec. 201. PURPOSE.
"The purpose of this title is to protect the health and safety of boxers and to ensure fairness in the sport.

"Sec. 202. ESTABLISHMENT OF UNITED STATES BOXING ADMINISTRATION.
"(a) In General.—The United States Boxing Administration is established as an administration of the Department of Labor.

"(b) ADMINISTRATOR.—The Administration shall be headed by an Administrator, appointed by the President, by and with the advice and consent of the Senate.

"(c) QUALIFICATIONS.—The Administrator shall be—
(1) an individual with experience in a field directly related to professional sports; and
(2) selected on the basis of the individual’s training, experience, and qualifications and without regard to party affiliation.

"(d) USE OF NAME.—The Administration may not—
(1) promote boxing events or rank professional boxers; and
(2) provide technical assistance to, or authorize the use of the name of the Administration by, States and Indian tribes that do not comply with requirements of the Administration.

"(e) PROHIBITIONS.—The Administration may not—
(1) promote boxing events or rank professional boxers; and
(2) provide technical assistance to, or authorize the use of the name of the Administration by, States and Indian tribes that do not comply with requirements of the Administration.

"(f) Use of Name.—The Administration shall have the exclusive right to use the name ‘United States Boxing Administration’. Any person who, without the permission of the Administration, uses that name in any other exclusive mark, emblem, symbol, or insignia of the Administration for the purpose of inducing the sale of

"The Administrator of the United States Boxing Administration.")

"(g) ASSISTANT ADMINISTRATOR; GENERAL COUNSEL.—The Administration shall have an Assistant Administrator and a General Counsel, who shall be appointed by the Administrator. The Assistant Administrator shall—
(1) serve as Administrator in the absence of the Administrator or in the event of a vacancy in that office; and
(2) carry out such duties as the Administrator may assign.

"(h) STAFF.—The Administration shall have such additional staff as may be necessary to carry out the functions of the Administration.

"SEC. 203. FUNCTIONS.
(a) PRIMARY FUNCTION.—The primary function of the Administration is to protect the health, safety, and general interests of boxers consistent with the provisions of this Act.

"(b) SPECIFIC FUNCTIONS.—The Administrator shall—
(1) administer title I of this Act;
(2) except as otherwise determined by the Administration, oversee professional boxing matches in the United States;
(3) work with sanctioning organizations, the Association of Boxing Commissions, and the boxing commissions of the several States and tribal organizations—
(A) to improve the safety, integrity, and professionalism of boxing in the United States;
(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and
(C) to improve the status and standards of professional boxing in the United States;
(4) ensure, through the Attorney General, the Federal Trade Commission, and other appropriate officers and agencies of the Federal government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;
(5) review local boxing authority regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Administration under this title;
(6) serve as the coordinating body for all efforts by the United States and maintain uniform minimum health and safety standards for professional boxing;
(7) if the Administrator determines it to be appropriate, publish a newspaper, magazine, or other publication consistent with the purposes of the Administration;
(8) procure the temporary and intermitent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Administration determines to be reasonable; and
(9) take any other action that is necessary and proper to accomplish the purpose of this title consistent with the provisions of this title.
SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

"(a) LICENSING.—

"(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match, serve as a boxing manager, boxing promoter, sanctioning organization, or broadcast a professional boxing match except as provided in a license granted to that person under this subsection.

"(2) APPLICATION AND TERM.—

"(A) IN GENERAL.—The Administration shall—

"(i) establish an application procedure, form, and fee;

"(ii) establish appropriate standards for licenses granted under this section; and

"(iii) issue a license to any person who, as determined by the Administration, meets the standards established by the Administration under this title.

"(B) DURATION.—A license issued under this section shall be for a renewable—

"(i) 4-year term for a boxer; and

"(ii) 2-year term for any other person.

"(3) LIMITATIONS.—In setting and charging fees under paragraph (1), the Administration shall ensure that, to the maximum extent practicable—

"(A) club boxing is not adversely affected; and

"(B) professional boxing and promoters pay the largest portion of the fees.

"(4) COLLECTION.—Fees established under this paragraph shall be set at levels estimated, when set, to yield collections in any total amount that is not more than 10 percent of the total budget of the Administration for that fiscal year.

"(5) LIMITATIONS.—In setting and charging fees under paragraph (3), the Administration shall ensure that, to the maximum extent practicable—

"(A) club boxing is not adversely affected; and

"(B) professional boxing and promoters pay the largest portion of the fees.

"(6) COLLECTION.—Fees established under this subsection may be collected through local boxing authorities or in a manner determined appropriate by the Administration.

"(b) LICENSING FEES.—

"(1) AUTHORITY.—The Administration may prescribe and charge fees for the licensing of persons under this title. The Administration may adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Administration.

"(2) AMOUNTS.—The amounts of fees prescribed for a fiscal year under this subsection shall be set at levels estimated, when set, to yield collections in any total amount that is not more than 10 percent of the total budget of the Administration for that fiscal year.

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"(a) LICENSING FEES.—

"(1) AUTHORITY.—The Administration may prescribe and charge fees for the licensing of persons under this title. The Administration may adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Administration.

"(2) AMOUNTS.—The amounts of fees prescribed for a fiscal year under this subsection shall be set at levels estimated, when set, to yield collections in any total amount that is not more than 10 percent of the total budget of the Administration for that fiscal year.

"(3) LIMITATIONS.—In setting and charging fees under paragraph (1), the Administration shall ensure that, to the maximum extent practicable—

"(A) club boxing is not adversely affected; and

"(B) professional boxing and promoters pay the largest portion of the fees.
of the United States on behalf of the public interest in any case relating to professional boxing.

"(e) HEARINGS BY ADMINISTRATION.—Hearings conducted by the Administration under this title may be public and may be held before any officer of the Administration or before any State boxing commission. The Administration shall keep appropriate records of the hearings.

"SEC. 208. NONINTERFERENCE WITH LOCAL BOXING AUTHORITIES.

"(a) NONINTERFERENCE.—Nothing in this title prohibits any local boxing authority from exercising any of its powers, duties, or functions under the regulations or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this title.

"(b) MINIMUM STANDARDS.—Nothing in this title prohibits any local boxing authority from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Administration under this title.

"SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

"Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Administration for the conduct of the Administration, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee, for an event or an employment. While so detailed, an employee shall be paid for attendance at the event or employment, the rights and privileges of that employment.

"SEC. 210. REPORTS.

"(a) ANNUAL REPORT.—The Administration shall submit an annual report under this title to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include the following:

"(1) A detailed discussion of the activities of the Administration for the year covered by the report.

"(2) A description of the local boxing authority of each State and Indian tribe.

"(b) PUBLIC REPORT.—The Administration shall submit a public report, in its report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The report shall include the following:

"(1) A detailed discussion of the activities of the Administration for the year covered by the report.

"(2) A description of the local boxing authority of each State and Indian tribe.

"(3) An account of the amount of money, if any, that the Administration has paid to States or Indian tribes during the year.

"(c) FIRST ANNUAL REPORT ON THE ADMINISTRATION OF THIS TITLE.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

"SEC. 211. INITIAL IMPLEMENTATION.

"(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or any other professional activity in relation to a professional boxing match, if the person is licensed by a State or Indian tribe to perform that activity as of the date the regulations of the Administration take effect.

"(b) EXPIRATION.—The exemption under subsection (a) with respect to a license issued by a State or Indian tribe expires on the earlier of:

"(A) the date on which the license expires; or

"(B) the date that is 2 years after the date of the enactment of this Act.

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for the Administration for each fiscal year such sums as may be necessary for the Administration to perform its functions for that fiscal year.

"(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

"(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

"(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(3) shall remain available until expended.

"SEC. 119. EFFECTIVE DATE.

"(a) IN GENERAL.—The amendments made by this Act shall take effect one year after the date of enactment of this Act, except that the provisions of sections 202, 203, and 204 of title II of the Professional Boxing Safety Act of 1986, as added by section 118 of this Act, shall take effect on the date of enactment of this Act.

"By Ms. SNOWE (for herself, Mr. BAUCUS, and Mr. BINGAMAN):

S. 2552. A bill to amend part A of title IV of the Social Security Act to give States the option to create a program that allows individuals receiving temporary assistance to the needy to obtain post-secondary or longer duration vocational education.

Ms. SNOWE. Mr. President, I rise today to introduce the Pathways to Self-Sufficiency Act of 2002. I am pleased to be joined in introducing this important legislation by my colleagues Senators BAUCUS and BINGAMAN.

This legislation is based upon the highly esteemed Maine program called Parents as Scholars. This program, which uses State Maintenance of Effort, (MOE), dollars to pay TANF-like benefits to those participating in post-secondary education, is a proven success in my State and is a wonderful foundation for a national effort.

We all agree that the 1996 welfare reform effort changed the face of this Nation’s welfare system to focus it on work. To that end, I believe that this legislation is a temporary emphasis on “work first.” Like many of my colleagues, I agree that the shift in the focus from welfare to work was the right decision, and that work should be the top priority. However, for those TANF recipients who cannot find a good job that will put them on the road toward financial independence, education might well be the key to a successful future of self-sufficiency.

As we have seen in Maine that education plays a significant role in breaking the cycle of welfare and giving parents the skills necessary to find better paying jobs. And we all know that higher wages are the light at the end of the tunnel of public assistance. The Welfare to Self-Sufficiency Act of 2002 provides State with the option to allow individuals receiving Federal TANF assistance to obtain post-secondary or vocational education. This legislation would give States the ability to use Federal TANF dollars to give TANF recipients the skills they need for voca-tional or post-secondary education the same assistance as they would receive if they were working.

We all know that supports like income supplements, child care subsidies, and transportation assistance among others, are essential to a TANF recipient’s ability to make a successful transition to work. The same is true for those engaged in long-term educational endeavors. This assistance is especially necessary for those who are undertaking the challenge and the financial responsibility of post-secondary education, in the hopes of increasing their earning potential and employability. The goal of this program is to give participants the tools necessary to succeed into the future so that they can become, and remain, self-sufficient.

Choosing to go to college requires motivation, and graduating from college requires a great deal of commitment and work, even for someone who isn’t raising children and sustaining a family’s degree. PaS graduates are meeting challenges, and that’s even before taking into consideration the cost associated with obtaining a bachelor’s degree, with a four year program at the University of Maine currently costing about $20,000. This model would provide those TANF recipients who have the ability and the will to go to college the assistance they need to sustain their families while they get a degree.

The value of promoting access to education in this manner to get people off public assistance is proven by the success of Maine’s Parents as Scholars, PaS, program. Maine’s PaS graduates earn an average median wage of $11.71 per hour after graduation up from a median of $8.00 per hour prior to entering college. When compared to the $7.50 median hourly wage of welfare leavers in Maine who have not received a post-secondary degree, PaS graduates are earning, on average, $160 more per week. That translates into more than $8,000 per year—a significant difference.

Furthermore, the median grade point average for PaS participants while in college was 3.4 percent, and a full 90 percent of PaS participants’ GPA was over 3.0. These parents are giving their all to pull their families out of the cycle of welfare.

Recognizing that work is a priority under TANF, and building upon the successful Maine model, the Pathways to Self-Sufficiency Act requires that participants in post-secondary and vocational education be in work. During the first two years of their participation in these education programs, students must participate in a combination of class time, study time, employment or work experience totaling at least 24 hours per week. The same hourly requirement that the President proposes in his welfare reauthorization proposal.

During the second two years, for those enrolled in a four year program, those enrolled must work at least 15 hours in addition to class and study time, or engage in a combination of activities, including class and study
time, work or work experience, and training, for an average of 30 hours per week. And all the while, participants must maintain satisfactory academic progress as defined by their academic institution.

The bottom line is that if we expect parents to move from welfare to work and stay in the work force, we must give them the tools to find good jobs. For some people that means job training, for others that could mean dealing with the substance abuse or domestic violence, and for others, that might mean access to education that will secure them a good job and that will get them off and keep them off of welfare.

The experience of several Parents as Scholars graduates were recently captured in a publication produced by the Maine Equal Justice Partners, and their experiences are testament to the fact that this program is a critically important moveing towards self-sufficiency. In this report one PaS graduate said of her experience, “If it weren’t for ‘Parents as Scholars’ I would never have been able to attend college, afford child care, or put food on the table.”

I worked hard, I considered it lucky to be stuck in a low-wage job I hated, barely getting by . . . I can now give my children the future they deserve.”

Another said, “By earning my Bachelor’s degree, I have become self sufficient. I was a waitress previously and would never have been able to support my daughter and I on the tips that I earned. I would encourage anyone to better their education if possible.”

These are but a few comments from those who have benefited from access to post-secondary education. And, while these women have been able to attend college and pursue good jobs thanks to the good will and the support of the people of Maine, PaS has strained the State’s budget. Giving States the option to use Federal dollars to support these participants will make a tremendous difference in their ability to succeed in these programs which have proven results. In Maine, nearly 90 percent of working graduates have left TANF permanently, and isn’t that our ultimate goal?

I look forward to working with my colleagues to include legislation in the upcoming welfare reauthorization. It is a critical piece of the effort to move people from welfare to work permanently and it has been missing from the Federal program for too long.

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 2553. A bill to amend the Alaska Native Claims Settlement Act to provide equitable treatment of Alaska Native Vietnam Veterans, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation that will finally bring closure to the concerns of many Alaska Native veterans who served their country during the Vietnam war.

When the Alaska Native Claims Settlement Act, ANCSA, was signed into law by President Nixon in 1971, many Alaska Natives were serving in our military. Because of their service, many were unable to apply for Native land allotments under the Native Allotment Act, a program that was ended with the enactment of ANCSA. Alaska Natives who did not serve during the Vietnam conflict were able to apply for land under the Native Allotment Act but those who did serve had little chance to apply under the circumstances.

I think everyone here will agree that allowing these veterans the same advantages as those who did not serve in the military during the Vietnam conflict is only fair. The main problem is that when we first addressed this inequity in 1998, the terms we set were so restrictive that presently only 60 out of a possible 1,110 veterans who could qualify even have the chance of receiving an allotment. That is a paltry 5 percent of all that could have otherwise applied who are acceptable. My legislation addresses the restrictive terms we unknowingly set in the 1998 amendment in three ways:

First, my legislation will expand the military service dates of the program so that they coincide with the official dates of the Vietnam conflict. We ought not to complicate matters by using any dates other than those that the Veteran’s Administration has officially determined are within the Vietnam conflict era. Those dates are August 5, 1964 through May 7, 1975.

Secondly, my legislation will replace the current use and occupancy requirements with a simplified approval process, just like the one established under the Alaska National Interest Lands Conservation Act. By adopting the same legislative approval process that other allotment programs used, this legislation will avoid the lengthy delays, costly adjudications and burdensome requirements that Alaska Native veterans are currently facing. If we do not correct this particular problem now, many Alaska Native veterans will die before they ever have their applications approved. We cannot allow this to happen to them.

Finally, my legislation will extend the application deadline and expand the available land choices so that the Alaska Native veterans who could qualify for allotments will have the time and allotment options they need in order to participate.

I hope my colleagues will join me in making these simple, common sense changes so that this group of veterans can secure the land allotments they deserve.

 resolves by the Senate (the House of Representatives concurring), That it is the sense of Congress that:

(1) all Americans should be more informed about dyspraxia, its easily recognized symptoms, and proper treatment; and

(2) teachers, principals, and other educators should be encouraged to learn to recognize the symptoms of dyspraxia and similar disorders in the classroom so that these children will have a better chance of receiving early and effective treatment.

SENATE RESOLUTION 274—EXPRESSING THE SENSE OF THE SENATE CONCERNING THE 2002 WORLD CUP AND CO-HOSTS REPUBLIC OF KOREA AND JAPAN

Mr. DASCHLE (for himself and Mr. LOTTER) submitted the following resolution which was referred to the Committee on Foreign Relations:

S. Res. 274

Whereas the United States maintains vitally important alliances with Japan and the Republic of Korea; Whereas the Republic of Korea and Japan will co-host the 2002 Federation International Football Association (FIFA) World Cup in Korea and Japan; Whereas the 2002 FIFA World Cup will be the first World Cup to be co-hosted by two nations; Whereas the 2002 FIFA World Cup Korea/Japan will be the first FIFA World Cup to be held in Asia; Whereas for 72 years, the World Cup has symbolized the assemblage of nations to celebrate fair-play, sportsmanship, and diversity of cultures;
Whereas 32 nations, including the United States, have qualified to compete from May 31 through June 30 of 2002, and will send an estimated 1,500 coaches and athletes to the Republic of Korea, Japan, making this year’s World Cup the largest heretofore; Whereas Japan and the Republic of Korea have invested significant resources to host a successful World Cup; Therefore—

Resolved, That the Senate—

(1) appreciates and values the relationship between the United States and the Republic of Korea, and Japan; and

(2) commends 2002 FIFA World Cup organizers from Japan and the Republic of Korea for the significant preparations they have made for the successful World Cup; and

(3) recognizes and applauds the cooperation between the President of the Republic of Korea, Kim Dae-jung, and the Prime Minister of Japan, Junichiro Koizumi, in the hosting of the largest World Cup competition in the history of the sport.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3331. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table.

SA 3332. Mr. REED (for himself, Mr. Bingaman, Mr. Corzine, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3333. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3334. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3335. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3336. Mr. HARKIN submitted an amendment intended to be proposed by amendment SA 3401 to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3337. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3338. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3339. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3340. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3341. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3009, supra; which was ordered to lie on the table.

SA 3342. Mr. STEVENS (for himself 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 3343. Mr. LEVIN (for himself, Mr. Voynovich, and Mrs. Stabenow) proposed an amendment to amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3009) supra. Mr. Baucus (for himself and Mr. Grassley) moved to reconsider the previous vote and offered the following:—

TEXT OF AMENDMENTS

SA 3531. Mr. LOTT submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

FAIR WHEAT TRADE.

(a) Short title.—This section may be cited as the "Wheat Trade Fairness Act of 2002.

(b) Findings.—Congress finds the following:

(1) The Government of Canada grants the Canadian Wheat Board special monopoly rights and privileges which disadvantage United States wheat farmers and undermine the integrity of the trading system.

(2) The Canadian Wheat Board is able to take sales from United States farmers, because—

(A) it is insulated from commercial risks;

(B) it benefits from subsidies;

(C) it has a protected domestic market and special privileges;

(D) it has competitive advantages due to its monopoly control over a guaranteed supply of wheat.

(3) The Canadian Wheat Board is insulated from commercial risk because the Canadian Government guarantees its financial operations, including its borrowing and initial payments to farmers.

(4) The Canadian Wheat Board benefits from subsidies and special privileges, such as government-owned railcars, government-guaranteed debt, and below market borrowing costs.

(5) The Canadian Wheat Board has a competitive advantage due to its monopoly control over a guaranteed supply of wheat that Canadian farmers are required to sell to the Board, and monopoly control to export western Canadian wheat which allows the Canadian Wheat Board to enter into forward contracts without incurring commercial risks.

(6) Canada’s burdensome regulatory scheme controls the varieties of wheat that can be marketed and restricts imports of United States wheat.

(7) The wheat trade problem with Canada is longstanding and affects the entire United States wheat industry by displacing sales of United States wheat domestically and in foreign markets.

(8) The acts, policies, and practices of the Government of Canada and the Canadian Wheat Board are unreasonable and burden or restrict United States wheat commerce.

(9) In order to enter into the United States-Canada Free Trade Agreement, United States wheat producers have been continuously threatened by the unfair practices of the Canadian Wheat Board.

(10) The United States Department of Agriculture figures confirm that United States wheat farmers have faced with low prices as a result of the Canadian Wheat Board’s unfair pricing in domestic and foreign markets. United States wheat producers have experienced a steep decline in farm income, have increasing carryover stock, and face increasing indebtedness.

(c) Response to unfair trade practices by Canadian Wheat Board.—Since the United States Trade Representative made a positive finding that the practices of the Canadian Wheat Board involved subsidies, protected domestic market, and special privileges that disadvantage United States wheat farmers and infringe on the integrity of a competitive market, it is in the sense of the Congress that United States Trade Representative should pursue multiple avenues to seek relief for U.S. wheat farmers from unfair trade practices of the Government of Canada and the Canadian Wheat Board, including through:

(1) a thorough examination of a possible dispute settlement case against the Canadian Wheat Board in the World Trade Organization; (2) working with the North Dakota Wheat Commission and the U.S. wheat industry to examine the possibility of action under title VII of the Tariff Act of 1930 with respect to countervailing and antidumping duties against Canadian wheat; (3) in the newly launched round of the World Trade Organization, pursuing permanent reform of the Canadian Wheat Board through the development of new disciplines and rules on state trading enterprises that export agricultural goods which include—

(A) ending exclusive export rights to ensure private sector control of Canadian wheat markets controlled by single desk exporters;

(B) eliminating the use of government funds or guarantees to support or ensure the financial viability of single desk exporters; and

(C) establishing WTO requirements for national treatment of Canadian wheat exports, and other sales information for single desk exporters; and

(4) working with the U.S. wheat industry to identify specific impediments to U.S. wheat entering Canada and presenting these to the Canadians so as to ensure the possibility of fair, two-way trade.

SA 3532. Mr. REED (for himself, Mr. Bingaman, Mr. Corzine, and Mr. Kennedy) submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the word "SEC." and insert the following:

PROVISIONS RELATING TO SECONDARY WORKERS.

(a) Certain provisions not to apply.— Paragraph (1) and (3) of section 221 of the Trade Act of 1974, as amended by section 111, shall not take effect.

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(b) Definitions.—At the end of section 221, of the Trade Act of 1974, as amended by section 111, add the following new paragraphs:

(29) Downstream producer.—The term ‘downstream producer’ means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm or subdivision covered by a certification of eligibility under section 231. The term ‘supplier’ also includes a firm that provides services under contract to a firm or subdivision covered by such certification.

SA 3535. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted in new section 1143, add the following:

SEC. 1143. PROVISIONS RELATING TO SECONDARY WORKERS.

(a) Certain Provisions Not To Apply.—Paragraphs (1) and (2) of section 221 of the Trade Act of 1974, as amended by section 111, shall not take effect.

(b) Definitions.—At the end of section 221, of the Trade Act of 1974, as amended by section 111, add the following new paragraphs:

(29) Downstream producer.—The term ‘downstream producer’ means a firm that performs additional, value-added production processes, including a firm that performs final assembly, finishing, or packaging of articles produced by another firm.

(30) Supplier.—The term ‘supplier’ means a firm that produces component parts for, or articles considered to be a part of, the production process for articles produced by a firm or subdivision covered by a certification of eligibility under section 231. The term ‘supplier’ also includes a firm that provides services under contract to a firm or subdivision covered by such certification.

SA 3534. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert in lieu thereof the following:

‘‘Notwithstanding any other provision of this act, section 1143 of this Act shall not take effect.’’

SA 3535. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

Strike all in the amendment, and insert in lieu thereof the following:

‘‘Notwithstanding any other provision of this act, section 1143 of this Act shall not take effect.’’

SA 3536. Mr. HARKIN submitted an amendment intended to be proposed to amendment SA 3459 proposed by Mr. REID (for Mr. HARKIN) 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; which was ordered to lie on the table; as follows:

Strike all and insert the following:

(15) Worst forms of child labor.—The principal negotiating objectives of the United States regarding the worst forms of child labor are—

(A) to prevent distortions in the conduct of international trade caused by the use of the worst forms of child labor in or in processing articles considered to be a part, in the production of goods for export in international commerce; and

(B) to redress unfair and illegitimate competition based upon the use of the worst forms of child labor, in whole or in part, in the production of goods for export in international commerce, including through—

(i) promoting universal ratification and full compliance by all trading nations with ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor.

(ii) clarifying the right under Article XX(a) and (b) of GATT 1994 to enact and enforce national regulations that are necessary to protect public morals and to protect animal or plant life and health, including measures that limit or ban the importation of goods or services that are produced through the use of the worst forms of child labor;

(iii) ensuring that any multilateral or bilateral trade agreement that is entered into by the United States obligates all parties to such agreements to enact and enforce national laws that satisfy their international legal obligations to prevent the use of the worst forms of child labor, especially in the conduct of international trade; and

(iv) providing for strong enforcement of international and national laws that obligate all trading nations to prevent the use of the worst forms of child labor, especially in the conduct of international trade, through accessible, effective civil, administrative, and criminal enforcement mechanisms.

SA 3537. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

‘‘Strike Section 1143, and insert en lieu thereof the following:

SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUTBOUND MAIL.

The tariff Act of 1930 is amended by inserting after section 582 the following:

SEC. 582. EXAMINATION OF OUTBOUND MAIL.

(1) Examination.—

(A) In general.—For purposes of ensuring compliance with the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, require the United States Postal Service to hold, and not continue to transport, mail of domestic origin transmitted for foreign mail transmitted-the United States Postal Service for up to 15 days for the purpose of allowing the Customs Service to seek a warrant to search such mail.

(B) Provisions of law described.—The provisions of law described in this paragraph are the following:

(A) Section 8316 of title 31, United States Code (relating to reporting and importing monetary instruments).

(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 855) relating to exportation of controlled substances.

(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

(E) Section 36 of the Arms Export Control Act (22 U.S.C. 2778).


(G) Search of Mail Sealed Against Inspection and Other Mail.—Mail not sealed against inspection under the Postal laws and regulations of the United States, which bears a customs declaration, and mail with respect to which the sender or addressee has consented in writing to search, may be searched by a customs officer.

(H) Search of Mail Sealed Against Inspection.—(1) A Customs officer may require that the United States Postal Service hold, and not continue to transport, mail sealed against inspection under the postal laws and regulations of the United States, upon reasonable cause to suspect that such mail contains one or more of the following:

(I) Merchandise mailed in violation of section 1956 of title 18, United States Code.

(J) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

(K) A drug or other substance listed in schedule I, II, III, or IV in section 202 of the Controlled Substances Act (21 U.S.C. 812).

(L) National defense and related information transmitted in violation of any of sections 793 through 798 of title 18, United States Code.

(M) Merchandise mailed in violation of section 1715 or 1716 of title 18, United States Code.


(O) Merchandise mailed in violation of the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

(P) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

(Q) Merchandise subject to any other law enforced by the Customs Service.

SA 3538. Mr. CORZINE submitted an amendment intended to be proposed by him to the bill H.R. 3009, to extend the Andean Trade Preference Act, to grant additional trade benefits under that Act, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, insert the following:

‘‘Strike Section 1143, and insert en lieu thereof the following:’’
"SEC. 1143. BORDER SEARCH AUTHORITY FOR CERTAIN CONTRABAND IN OUT-BOUND MAIL.

The Tariff Act of 1930 is amended by inserting after section 582 the following:

"SEC. 583. EXAMINATION OF OUTBOUND MAIL.

(1) In general.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for import by the United States Postal Service that is being imported or exported by the United States Postal Service that weighs in excess of 5 pounds.

(2) Definitions of law described.—The provisions of law described in this paragraph are the following:

(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).


(F) Merchandise mailed in violation of the Tariff Act of 1930 is amended by inserting after section 582 the following:

"(a) EXAMINATION.—

(1) IN GENERAL.—For purposes of ensuring compliance with the Customs laws of the United States and other laws enforced by the Customs Service, including the provisions of law described in paragraph (2), a Customs officer may, subject to the provisions of this section, stop and search at the border, without a search warrant, mail of domestic origin transmitted for export by the United States Postal Service that weighs in excess of 5 pounds.

(2) Definitions of law described.—The provisions of law described in this paragraph are the following:

(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

(B) Sections 1461, 1463, 1465, and 1466 and chapter 110 of title 18, United States Code (relating to obscenity and child pornography).

(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to exportation of controlled substances).

(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).


(F) Merchandise mailed in violation of the Tariff Act of 1930 is amended by inserting after section 582 the following:

(1) Mail sealed against inspection under the postal laws and regulations of the United States weighing in excess of 5 pounds may be searched by a Customs officer, subject to paragraph (2), upon reasonable cause to suspect that the mail contains one or more of the following:

(A) Monetary instruments, as defined in section 1956 of title 18, United States Code.

(B) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

(C) A drug or other substance listed in section 793 through 796 of title 18, United States Code.

(D) Merchandise mailed in violation of the Arms Export Control Act (22 U.S.C. App. 1 et seq.).

(E) Merchandise mailed in violation of the Trading with the Enemy Act (50 U.S.C. App. 1 et seq.).

(F) A weapon of mass destruction, as defined in section 2332a(b) of title 18, United States Code.

(2) No person acting under authority of paragraph (1) shall read, or authorize any other person to read, any correspondence contained in mail sealed against inspection unless prior to so reading:

(A) A search warrant has been issued pursuant to Rule 41, Federal Rules of Criminal Procedure; or

(B) the sender or addressee has given written authorization for such reading.

(3) Mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds may be searched by a Customs officer.

(4) Mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds may be searched by a Customs officer.

(5) Mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds may be searched by a Customs officer.

(6) Mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds may be searched by a Customs officer.

(7) Mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds may be searched by a Customs officer.

(8) Mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds may be searched by a Customs officer.

(9) Mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds may be searched by a Customs officer.

(10) Mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds may be searched by a Customs officer.

(11) Mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds may be searched by a Customs officer.

(12) Mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds may be searched by a Customs officer.

(13) Mail sealed against inspection under the postal laws and regulations of the United States weighing less than 5 pounds may be searched by a Customs officer.
“(A) Section 5316 of title 31, United States Code (relating to reports on exporting and importing monetary instruments).

(B) Sections 1641, 1645, and 1666 and chapter 112 of title 18, United States Code (relating to obscenity and child pornography).

(C) Section 1003 of the Controlled Substances Import and Export Act (21 U.S.C. 953; relating to transportation of controlled substances).

(D) The Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.).

(E) Section 38 of the Arms Export Control Act (22 U.S.C. 2778).


(H) Section 110 of title 18, United States Code (relating to reports on exporting and importing merchandise).

(I) Merchandise mailed in violation of the Customs Service (50 U.S.C. 1701 et seq.).


(K) Merchandise subject to any other law enforced by the Customs Service.”

SA 3541. Mr. HATCH submitted an amendment intended to be proposed by him to the bill H.R. 3099, 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:

Notwithstanding any other provision of law, the amounts appropriated by section 3804(a) of the Balanced Budget Act of 1997-98, as amended (31 U.S.C. 1304(a)), shall be available for a lump-sum payment of $3.3 million to the European Community Dependent on the World Trade Organization dispute settlement report of 115(5) of the U.S. Copyright Act.

SA 3542. Mr. STEVENS (for himself and Mrs. MURRAY) submitted an amendment intended to be proposed by amendment SA 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3099) 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:

At the appropriate place insert the following:

Notwithstanding any other provision of law, the amounts appropriated by section 1304(a) of the Balanced Budget Act of 1997-98, as amended (31 U.S.C. 1304(a)), shall be available for a lump-sum payment of $3.3 million to the European Community Dependent on the World Trade Organization dispute settlement report of 115(5) of the U.S. Copyright Act.

SA 3543. Mr. LEVIN (for himself, Mr. Voinovich, and Ms. Stabenow) proposed an amendment to amend section 3401 proposed by Mr. Baucus (for himself and Mr. Grassley) to the bill (H.R. 3099) 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:

Notwithstanding any other provision of law, the amounts appropriated by section 1304(a) of the Balanced Budget Act of 1997-98, as amended (31 U.S.C. 1304(a)), shall be available for a lump-sum payment of $3.3 million to the European Community Dependent on the World Trade Organization dispute settlement report of 115(5) of the U.S. Copyright Act.

SA 3544. Mr. CAMPEL proposed an amendment to the bill S. 1644, to further the protection and recognition of veterans’ medals, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

Notwithstanding any other provision of law, the amounts appropriated by section 1304(a) of the Balanced Budget Act of 1997-98, as amended (31 U.S.C. 1304(a)), shall be available for a lump-sum payment of $3.3 million to the European Community Dependent on the World Trade Organization dispute settlement report of 115(5) of the U.S. Copyright Act.

SECTION 1. SHORT TITLE. This Act may be cited as the “Veterans’ Memorial Preservation and Recognition Act of 2002.”

SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS’ MEMORIALS.

(a) In General.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

“1389. Destruction of veterans’ memorials’

“(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument on public property commemorating the service of any person or persons in the armed forces of the United States shall be fined not more than 10 years, or both.

“(b) A circumstance described in this subsection is that—

“(1) in committing the offense described in subsection (a), the defendant travels or causes another to travel in interstate or foreign commerce, or uses the mail or an instrumentality of interstate or foreign commerce; or

“(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government.

“(c) CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS’ CEMETERIES.

(a) In General.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

“(b) APPLICABILITY.—Subsection (a) shall apply to an agreement entered into before, on, or after the date of the enactment of this Act.

SA 3545. Mr. REID (for Mr. Voinovich (for himself, Mr. Lieberman, Mr. Bunning, Mrs. Carnahan, Mr. Carper, Mr. Cleland, Mr. Conrad, Mr. Dayton, Mr. Jeffords, Mr. Perry, Mr. Leahy, Mrs. Linda (for Mr. Lincoln, Mr. Miller, Mr. Thompson, Mr. Bond, and Ms. Collins)) proposed an amendment to amend the bill H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paper- work requirements, to establish a task force to examine information collection and dissemination, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE. This Act may be cited as the “Small Business Paperwork Relief Act of 2002.”

SEC. 2. FACILITATION OF COMPLIANCE WITH FEDERAL PAPERWORK REQUIREMENTS.

(a) REQUIREMENTS APPLICABLE TO THE DIRECTOR OF OMB.—Section 3506(c) of title 44, United States Code (commonly referred to as the “Paperwork Reduction Act”), is amended—

“(1) in paragraph (4), by striking “; and” and inserting a semicolon;

“(2) in paragraph (5), by striking the period and inserting a semicolon and
SEC. 3. ESTABLISHMENT OF TASK FORCE ON INFORMATION COLLECTION AND DISSEMINATION.

(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended—

(1) in paragraph (2)(B), by striking ‘‘; and’’ and inserting a semicolon;

(2) in paragraph (3)(J), by striking the period and inserting ‘‘; and’’; and

(3) by adding at the end the following:

‘‘(4) make recommendations to improve the electronic dissemination of information collected under Federal requirements; and

(b) IN GENERAL.—

(1) the Director shall designate—

(A) of Federal and State reporting requirements; and

(B) more easily comply with those Federal, State, and local requirements.

(2) the chairpersons and ranking minority members of—

(A) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3520 and inserting the following:

‘‘3520. Establishment of task force on information collection and dissemination.

‘‘3521. Authorization of appropriations.’’

SEC. 4. REGULATORY ENFORCEMENT REPORTS.

(a) DEFINITION.—In this section, the term ‘‘agency’’ has the meaning given under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

(b) IN GENERAL.—

(1) INITIAL REPORT.—Not later than December 31, 2003, each agency shall submit an initial report to—

(A) the chairpersons and ranking minority members of—

(i) the Committee on Governmental Affairs and the Committee on Small Business and Entrepreneurship of the Senate; and

(ii) the Committee on Governmental Affairs and the Committee on Small Business of the House of Representatives;

(B) the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under section 30(b) of the Small Business Act (15 U.S.C. 657(b)).

(2) FINAL REPORT.—Not later than December 31, 2004, each agency shall submit a final report to the members and officer described in paragraph (1) with respect to—

(A) the implementation of the Congressional Review Act of 2001 (5 U.S.C. 801 et seq.); and

(B) any other matters relating to the application of the Congressional Review Act of 2001 (5 U.S.C. 801 et seq.).

(3) CONTENT.—The initial report under paragraph (1) shall include information with
respect to the 1-year period beginning on October 1, 2002, and the final report under paragraph (2) shall include information with respect to the 1-year period beginning on October 1, 2002, as follows:

(A) The number of enforcement actions in which a civil penalty is assessed.
(B) The number of enforcement actions in which a civil penalty is assessed against a small entity.
(C) The number of enforcement actions described under subparagraphs (A) and (B) in which a civil penalty is reduced or waived.
(D) The total monetary amount of the reductions or waivers referred to under subparagraph (C).

(4) DEFINITIONS IN REPORTS.—Each report under this subsection shall include definitions selected at the discretion of the reporting agency of the terms “enforcement actions”, “reduction or waiver”, and “small entity” as used in the report.

SA 3546. Mr. REID (for Mr. Voinovich) proposed an amendment to the bill H.R. 327, to amend chapter 35 of United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes; as follows:

Amend the title so as to read: “A bill to amend chapter 35 of United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, to establish a task force to examine information collection and dissemination, and for other purposes.”.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCER SCIENCE, AND TRANSPORTATION

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 22, 2002, at 9:30 a.m. on “Promoting Local Telecommunications Competition: The Means to Greater Broadband Deployment.”

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Wednesday, May 22, 2002, at 9:30 a.m. in SD–106. 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 GOVERNMENTAL AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, May 22, 2002, at 9:30 a.m. for a business meeting to consider pending business.

Legislation


2. S. 2530, A bill to amend the Inspector General Act of 1978 to establish police powers for certain Inspector General agents engaged in official duties and provide an oversight mechanism for the exercise of those powers.


4. Postal Office Naming Bills: (Contingent upon Subcommittee action.)

(a) S. 170. A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the “Teno Roncalio Post Office Building.”
(b) H.R. 3789. (House companion bill to S. 170) An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the “Teno Roncalio Post Office Building.”
(c) S. 1983. A bill to designate the facility of the United States Postal Service located at 201 Main Street in Lake Placid, New York, as the “John A. ‘Jack’ Shea Post Office Building.”
(d) S. 2217. A bill to designate the facility of the United States Postal Service located at 3101 West Sunflower Avenue in Santa Ana, California, as the “Hector G. Godinez Post Office Building.”
(e) H.R. 1368. (House companion bill to S. 2217) An act to designate the facility of the United States Postal Service located at 3101 West Sunflower Avenue in Santa Ana, California, as the “Hector G. Godinez Post Office Building.”
(f) S. 2433. A bill to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the “Clarence B. Craft Post Office Building.”
(g) H.R. 4486. (House companion bill to S. 2433) An act to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the “Clarence B. Craft Post Office Building.”
(h) H.R. 1374. An act to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the “Philip E. Ruppe Post Office Building.”
(i) H.R. 3960. An act to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the “Joseph W. Westmoreland Post Office Building.”

5. Other Matters: To authorize the issuance of a subpoena to the Executive Office of the President in connection with the Committee’s investigation regarding Enron Corp. The subpoena will seek documents relating to certain communications with or about Enron.

6. Nominations:

(a) Todd Waithler Dillard, to be United States Marshal for the Superior Court of the District of Columbia;
(b) Paul A. Quander, Jr., to be Director of the District of Columbia Court Services and Offender Supervision Agency;
(c) Robert R. Rigby, to be an Associate Judge of the Superior Court of the District of Columbia.

COMMITTEE ON INDIAN AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 22, 2002, at 10 a.m. in Room 405 of the Russell Senate Office Building to conduct a hearing on S. 1340, a bill to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands.

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

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a roundtable entitled “Unleashing the Power of Entrepreneurship: Stimulating Investment in America’s Small Businesses” on Wednesday, May 22, 2002, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 22, 2002 at 2:30 p.m. to hold a closed hearing on Intelligence Matters.

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

SUBCOMMITTEE ON CONSUMER AFFAIRS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Consumer Affairs be authorized to meet on Wednesday, May 22, 2002, at 1 p.m. on evaluation of the Federal regulation of boxing.

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

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on “Federal Cocaine Sentencing Policy” on Wednesday, May 22, 2002, at 10:30 a.m. in room 226 of the Dirksen Senate Office Building.

Witness List

Panel I: The Honorable Diana E. Murphy, Chair, United States Sentencing Commission, Washington, DC; and the Honorable Roscoe C. Howard, United States Attorney for the District of Columbia, Washington, DC.

Panel II: The Honorable Charles J. Hynes, District Attorney, Kings County, New York; Charles Schuster, Ph.D.,...
APPPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to P.L. 103–227, appoints the following individuals to the National Skill Standards Board:

Chair, on behalf of the President pro tempore, pursuant to P.L. 103–227, re-

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Sub-
committee on Science, Technology and Space be authorized to meet on Wednesday, May 22, 2002, at 2:30 p.m. on the Federal Research and Development Budget and National Science Foundation.

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

APPOINTMENTS

Mr. BAUCUS. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space be authorized to meet on Wednesday, May 22, 2002, at 2:30 p.m. on the Federal Research and Development Budget and National Science Foundation.

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

EXTENSION OF EXPORT-IMPORT BANK AUTHORITY

Mr. REID. I ask unanimous consent that the Senate proceed to H.R. 4782, recently received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4782) to extend the authority of the Export-Import Bank until June 14, 2002.

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

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

The bill (H.R. 4782) was read the third time and passed.

PERMISSION FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the bill.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4592) to name the chapel located in the national cemetery of Los Angeles, California, as the "Bob Hope Veterans Chapel."

There being no objection, the Senate proceeded to the immediate consideration of the bill.

Mr. REID. I ask consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and there be no intervening action or debate.

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

The bill (H.R. 4592) was read the third time and passed.

MEASURE READ THE FIRST TIME—S. 2538

Mr. REID. Mr. President, S. 2538, introduced today by Senators Kennedy and others, is at the desk. I ask for its first reading.

The legislative clerk read as follows:

A bill (S. 2538) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Mr. REID. I ask for its second reading but object to my own request on behalf of the Republican side.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

VETERANS' MEMORIAL PRESERVATION AND RECOGNITION ACT OF 2002

Mr. REID. I ask unanimous consent that the Senate proceed to the consideration of the Calendar No. 363, S. 1644.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1644) to further the protection and recognition of veterans' memorials, and for other purposes.

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

Mr. REID. I ask unanimous consent that the Campbell amendment in the nature of a substitute be agreed to and the bill as amended be read the third time, passed, the motion to reconsider be laid upon the table, and any statements relating to this bill be printed in the RECORD.

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

The amendment (No. 3544) was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Memorials Preservation and Recognition Act of 2002."

SEC. 2. CRIMINAL PENALTIES FOR DESTRUCTION OF VETERANS' MEMORIALS.

(a) In General.—Chapter 65 of title 18, United States Code, is amended by adding at the end the following:

"1369. Destruction of veterans' memorials

"(a) Whoever, in a circumstance described in subsection (b), willfully injures or destroys, or attempts to injure or destroy, any structure, plaque, statue, or other monument described in subsection (a), shall be fined not more than $10,000, imprisoned not more than 10 years, or both.

"(b) A circumstance described in this subsection is that—

"(1) in committing the offense described in subsection (a), other person in the armed forces of the United States shall be fined not more than $10,000, imprisoned not more than 10 years, or both.

"(2) the structure, plaque, statue, or other monument described in subsection (a) is located on property owned by, or under the jurisdiction of, the Federal Government."

(b) Clerical Amendment.—The table of sections at the beginning of chapter 65 of title 18, United States Code, is amended by adding at the end the following:

"1369. Destruction of veterans' memorials."

SEC. 3. HIGHWAY SIGNS RELATING TO VETERANS CEMETERIES.

(a) In General.—Notwithstanding the terms of any agreement entered into by the Secretary of Transportation and a State under section 109(d) or 402(a) of title 23, United States Code, a veterans cemetery shall be treated as a site for which a supplemental guide sign may be placed on any Federal-aid highway.

(b) Applicability.—Subsection (a) shall apply to an agreement entered into before, or after the date of the enactment of this Act.

The bill (S. 1644), as amended, was read the third time and passed.

SMALL BUSINESS PAPERWORK RELIEF ACT

Mr. REID. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be discharged from further consideration of H.R. 327, the Small Business Paperwork Relief Act, and that the Senate proceed to its consideration.

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

The clerk will report the bill by title.
The legislative clerk read as follows:

A bill (H.R. 327) to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small businesses with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining paperwork requirements applicable to small businesses.

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

Mr. REID. Mr. President, I understand that Senator VOINOVICH, Senator LIEBERMAN, and others have an amendment at the desk.

I ask unanimous consent that the amendment be referred to, the motion to reconsider be laid upon the table, the bill, as amended, be read three times and passed; that the motion to reconsider be laid upon the table; that the title amendment, which is at the desk, be agreed to; and that any statements relating thereto be printed in the RECORD, without any intervening action or debate.

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

The amendment (No. 3545) was agreed to.

The amendment (No. 3546) was agreed to, as follows:

Amend the title so as to read: "A bill to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements, and to establish a task force to examine the feasibility of streamlining information collection and dissemination, and for other purposes."

The bill (H.R. 327), as amended, was passed.

Mr. LIEBERMAN. Mr. President, I am very pleased to support final passage of H.R. 327, the Small Business Paperwork Relief Act of 2002, with an amendment in the nature of a substitute proposed by Senator VOINOVICH and Senators BOND, BUNNING, CARNAHAN, CARPER, CLELAND, COLLINS, CONRAD, DAYTON, JEFFORDS, KERRY, LIEBERMAN, MILLER, and THOMPSON. The Governmental Affairs Committee reported out S. 1271 on November 14, 2001, and the Senate passed the bill by unanimous consent on December 17, 2001. The House had earlier passed H.R. 327, and, following Senate action on S. 1271, I worked with Members of the Senate and the House—primarily, Senator VOINOVICH and Representatives BURTON, WAXMAN, OSE, and TIERNY—to try and resolve differences between the House and Senate bills. These discussions were successful, resulting in a bipartisan, bicameral agreement on consensus legislation, and Senator VOINOVICH and I and other Senators are offering this consensus legislation as an amendment in the nature of a substitute to H.R. 327 for final passage by the Senate.

I thank Senator VOINOVICH and his staff for their leadership and hard work on this legislation in the Senate, and also Representatives BURTON, WAXMAN, OSE, and TIERNY and their staffs for their leadership and hard work in the House and for working with us to reach consensus on this valuable legislation to help small businesses.

Senator VOINOVICH and I have prepared a section-by-section description of this consensus amendment, including a summary of the purposes and legislative history of this legislation, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD as follows:

H.R. 327—Consensus Amendment, Purposes and Summary, Section-by-Section Description, and Legislative History

I. Purpose and Summary

H.R. 327, as amended, helps small businesses. The bill contains several provisions to help small businesses understand and comply with Federal information-collection requirements, including a summary of how to streamline information-collection requirements for small businesses and how to strengthen the dissemination of information by the Federal Government, and directs that certain data be compiled about enforcement activities involving small entities. The legislative includes the following provisions to help small businesses:

- The Office of Management and Budget (OMB) will annually publish in the Federal Register and make available on the Internet a list of the compliance assistance resources available to small businesses.
- Each agency will establish a single point of contact within the agency to serve as liaison with small business concerns with respect to the collection of information and the control of paperwork.
- Each agency will make efforts to further reduce the number of information collection and dissemination burdens for very small business concerns with fewer than 25 employees.
- An interagency task force will be convened to study and recommend information collection requirements for small businesses and to strengthen dissemination of information by the Federal Government.

Section 2. Facilitation of compliance with federal paperwork requirements

Publication of list of compliance-assistance resources. Subsection (a) of section 2 of the bill adds a new paragraph to the Paperwork Reduction Act (PRA), at 44 U.S.C. § 3506(e)(4). The new paragraph (4) adds a new section to the PRA, at 44 U.S.C. § 3502(1), providing that, in addition to the requirements of the PRA regarding the reduction of information collection burdens for small business concerns generally, each agency must establish one point of contact to act as liaison between the agency and small business concerns.

Agency point of contact. Subsection (b) of section 2 of the bill adds a new subsection to the PRA, at 44 U.S.C. § 3506(e)(4), requiring that, with respect to the collection of information and the control of paperwork, each agency must establish one point of contact to act as liaison between the agency and small business concerns. The purpose of this subsection of the bill is to provide small businesses a resource to help them quickly and efficiently find the compliance assistance that they need.

Agency point of contact. Subsection (b) of section 2 of the bill adds a new subsection to the PRA, at 44 U.S.C. § 3506(e)(4), requiring that, with respect to the collection of information and the control of paperwork, each agency must establish one point of contact to act as liaison between the agency and small business concerns. The purpose of this subsection of the bill is to provide small businesses a resource to help them quickly and efficiently find the compliance assistance that they need.

Section 3. Establishment of task force on information collection and dissemination

Section 3(a) of the bill adds a new section to the PRA, at 44 U.S.C. § 3506(e)(4), entitled "Establishment of task force on information collection and dissemination."
Establishment of task force and statement of purposes. Subsection (a) of new 44 U.S.C. §3520 establishes a task force to study the feasibility of streamlining requirements with respect to small business concerns regarding collection of information and strengthening dissemination of information.

Selection of task force members. Subsection (b) of new 44 U.S.C. §3520 provides that the Director of OMB will determine the selection of individuals to serve on the task force. The Director of OMB will determine the number of representatives to be designated by each of the several departments and agencies listed in the bill (subject to the minimum requirements stated in the bill), and will also name two additional agencies to act as alternate representatives on the task force. The heads of those departments and agencies will select individuals to serve as members of the task force. The Director also will select a representative of the Director, who will convene and chair the task force.

Task force assignments. Paragraphs (1) through (6) of subsection (c) of new 44 U.S.C. §3520 direct the task force to do the following:

Paragraph (1)—Identify ways to integrate information collection and examine whether, and to what extent, it would be feasible and desirable to require agencies to consolidate reporting on a single report and to require the Director of OMB to publish a list of all collections of information applicable to small business concerns organized by North American Industry Classification System (NAICS) code, by industrial sector description, or in another manner by which small business concerns can more easily identify applicable requirements. Paragraph (2)—Examine whether, and to what extent, it would be feasible and beneficial to small businesses to the Director to publish a list of all collections of information applicable to small business concerns organized by North American Industry Classification System (NAICS) code, by industrial sector description, or in another manner by which small business concerns can more easily identify applicable requirements. Paragraph (3)—Examine the savings and develop recommendations for implementing automatic submission of the Federal Government, and (B) interactive reporting systems providing immediate feedback to the submitter to assure that data being submitted are appropriate. Paragraph (4)—Make recommendations to improve the electronic dissemination of information collected under Federal requirements. Paragraph (5)—Recommend a plan for the development of an interactive Internet-based system to allow each small business concern to submit information within and across agencies (without negatively impacting the effectiveness of underlying laws and regulations) in order to enable electronic discussions about required information—(A) to one point of contact in the agency, (B) in a single form, such as an electronic reporting system, or (C) with synchronized reporting for submissions having the same frequency, such as by allowing all quarterly reports to be submitted on the same date each quarter, allowing all annual reports to be submitted on the same date each year, etc.

Paragraph (6) reports the task force to submit its first report not later than one year after enactment of the bill and its second report not later than two years after enactment of the bill. The first report will be a report of the task force’s findings under paragraphs (1), (2), and (3) of subsection (c) of new 44 U.S.C. §3520, and the second report will be of the task force’s findings under paragraphs (4) and (5) of subsection (c) of new 44 U.S.C. §3520. (Those paragraphs (1) through (5) are summarized above.) The task force shall submit the final report to the Director of OMB, to certain committees of Congress identified in the bill, and to the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under 15 U.S.C. §657(b).

Termination of task force. Subsection (g) of new 44 U.S.C. §3520 provides that the task force shall terminate upon completion of its work.


Section 4. Regulatory enforcement reports

Section 4 of the bill requires that each agency submit an initial report and a final report on each of the following:

(A) The number of enforcement actions in which a civil penalty is assessed.

(B) The number of enforcement actions in which a civil penalty is assessed against a small entity.

(C) The number of enforcement actions described under items (A) and (B), above, in which the civil penalty is reduced or waived.

(D) The total monetary amount of the reductions or waivers referred to under item (C), above.

Each report shall include the definitions, selected at the discretion of the agency submitting the report, of the terms “enforcement actions,” “reduction or waiver,” and “small entity” as used in the report. This provision, recognizing that agencies have different policies on how they report enforcement activities and different ways of tracking these activities, seeks to avoid placing undue reporting burdens on agencies.

The initial report shall include information with respect to the 1-year period beginning on October 1, 2002, and shall be submitted no later than December 31, 2004. Each agency shall submit the initial report and the final report to certain committees of Congress identified in the bill and to the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under 15 U.S.C. §657(b).

For purposes of this section, the term “agency” has the meaning under 5 U.S.C. §551, which is the definition under the Administrative Procedures Act, and agencies as so defined are required to submit the reports under this section.

III. LEGISLATIVE HISTORY

H.R. 327 was introduced by Rep. Dan Burton on January 31, 2001, and was referred to the Committee on Government Reform and to the Committee on Small Business. The bill has 11 cosponsors. At the Government Reform Committee hearing, the bill was further referred to the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs.

On March 15, 2001, H.R. 327 was brought before the Committee of the Whole House and then before the House. A managers’ amendment in the nature of a substitute was agreed to by voice vote, and then H.R. 327, as so amended, was passed by a unanimous voice vote. On that same day, H.R. 327 was received in the Senate and referred to the Committee on Governmental Affairs.

A companion bill in the Senate, S. 1271, was introduced on January 31, 2001, by Senator Voinovich, for himself and Senators Lincoln and Leahy, and was referred to the Governmental Affairs Committee. The bill now has 13 additional cosponsors: Senators Conrad, Dayton, Jeffords, Kerry, Lieberman, Miller, and Thompson.

The Senate considered the Governmental Affairs Committee at its business meeting on November 14, 2001, where Senator Lieberman offered an amendment in the nature of a substitute, which included suggestions made by Senator Lieberman and others. The Committee adopted the amendment by voice vote and ordered the bill, as amended, favorably reported by voice vote.

On December 17, 2001, the Senate by unanimous consent agreed to a technical amendment to S. 1271 offered by Senator Lieberman and an additional amendment offered on behalf of Senator Kerry, and passed S. 1271 as so amended.

The Senate Committee of Conference, the bill now has 11 cosponsors. At the Governmental Affairs Committee hearing, the bill was further referred to the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs.

The Consensus Amendment requires that the Director of OMB publish annually a list of compliance assistance resources available to small businesses. This requirement was in S. 1271 but not in H.R. 327.

The Consensus Amendment, like H.R. 327, spells out a more detailed and extensive agenda for the task force than S. 1271 in the areas of electronic submission and dissemination of information. Also like H.R. 327, the Consensus Amendment requires the task force to issue two reports, one year after enactment and two years after enactment, whereas S. 1271 required only a single report one year after enactment.

The Consensus Amendment, like S. 1271, instructs the task force to examine the feasibility and helpfulness of publishing an annual report by the Director of OMB to inform the Congress identified in the bill, and to the Small Business and Agriculture Regulatory Enforcement Ombudsman designated under 15 U.S.C. §657(b).

For purposes of this section, the term “agency” has the meaning under 5 U.S.C. §551, which is the definition under the Administrative Procedures Act, and agencies as so defined are required to submit the reports under this section.

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The Consensus Amendment is based primarily on the provisions of H.R. 327, as it passed the House, and the provisions of S. 1271, as it passed the Senate. Bipartisan, bi-
The Consensus Amendment requires the task force to publish notice and to provide an opportunity for comment on each report in draft form, and to make provision in each report for the views of task force members and a summary of significant public comments. This provision is found in neither S. 1271 nor H.R. 327.

Like S. 1271, the Consensus Amendment includes a section requiring agencies to submit reports providing data about enforcement and penalty actions against both small entities and all entities. H.R. 327 contains no such provision. The section in the Consensus Amendment is based on S. 1271, but with modifications to clarify the agencies' reporting obligations and to avoid unnecessary burden on agencies. Whereas the reports under S. 1271 would have been due one year after enactment, and every two years thereafter, the Consensus Amendment provides lead time by establishing the first due date on December 31, 2003, and requires one further report due one year later. Also, the Consensus Amendment specifies the one-year reporting period to be covered by each report, and states that a small entity shall be deemed to be such an entity one year after it is formed, and every two years thereafter.

Mr. VOINOVICH. Mr. President, I am pleased that today the Senate has passed S. 1271, the Small Business Paperwork Relief Act of 2002.

As my colleagues know, small businesses are the backbone of our economy and significantly important to the fiscal health of the United States. Small businesses constitute more than 90 percent of this nation's employers, employ 53 percent of the private workforce, and create approximately 74 percent of this country's new jobs.

While on the whole, America's small businesses continue to succeed, the numerous federal paperwork requirements that they must face, I believe, have had a negative impact on the nation's small businesses, particularly on small entities, the millions of small businesses with fewer than 25 employees; and help small business owners fill out forms and comply with federal regulations; and help increase the productivity of American businesses. The Office of Management and Budget (OMB) has estimated that the federal paperwork burden on businesses annually is a costly some $190 billion per year. Small business owners are particularly hurt by regulatory and paperwork burdens. The Small Business Administration (SBA) estimates that the cost of a small business owning a single employee, $100 per employee. While many of these requirements are important and necessary, the high costs of understanding them and complying with them can sometimes prevent small businesses from getting by, and can even cause some to float. In some cases, this burden can deter entrepreneurs from opening in the first place.

The Small Business Paperwork Relief Act of 2002 will help improve the ability of small business owners to understand and comply with federal regulations and paperwork mandates through the following helpful provisions:

1. A requirement for the Office of Management and Budget to annually publish in the Federal Register and on the Internet a list of the compliance assistance resources available to small businesses;
2. A requirement for each federal agency to establish a single point of contact to help small business owners fill out forms and comply with federal regulations;
3. A requirement for each federal agency to make further efforts to reduce paperwork for small businesses with fewer than 25 employees;
4. The establishment of an interagency task force to develop an interactive web-site to help small business owners understand which federal paperwork requirements and regulations apply to his or her business;
5. An amendment to the Small Business Regulatory Enforcement Fairness Act (SBREFA) to require that each agency provide information on the number of enforcement actions in which civil penalties are assessed, the number of such actions against small entities, the number of such actions in which civil penalties are reduced or waived, and the monetary amount of each reduction or waiver.

I am pleased that the Senate has taken action in considering this important legislation, and I am also pleased that the bill enjoys bipartisan support. I would particularly like to thank Senator BLACHIE LINCOLN for joining me in introducing this bill. I would also like to thank Senators LIEBERMAN and THOMPSON for cosponsoring this legislation and for their strong leadership in advancing it through the Governmental Affairs Committee and the Senate. I would like to thank all of the other cosponsors of S. 1271, Senators BOND, BUNNING, CARNAHAN, CARPER, CLELAND, CONRAD, DAYTON, JEFFORDS, KERRY, LEAHY, and MILLER for their strong support.

I would also recognize Representatives DAN BURTON and DOUG OSE and their staffs for their strong leadership in crafting, introducing and passing this measure in the House. I would like to thank Representative HENRY WAXMAN, and all the members of the House of Representatives who supported this bipartisan effort.

The Bush Administration is to be commended for their support of this bill and their cooperation to make valuable recommendations of the Office of Management and Budget that will make this bill more effective in helping our Nation's small business owners. It is my hope that the House of Representatives will endorse this balanced measure shortly and that we will have a final bill for the President's signature very soon.

The many business groups who have lent their support and helped us craft a solid bill are also deserving of mention, particularly: the National Federation of Independent Businesses; the U.S. Chamber of Commerce; the American Center of Independent Companies; the American Federation of Silverland Growth Association; the Associated Builders and Contractors; the National Association of Convenience Stores; the American Feed Industry Association; the National Association of Manufacturers; the Food Marketing Institute; the National Automobile Dealers Association; the National Business Association; the National Roofing Contractors Association; the Society of American Florists; and the North American Equipment Dealers Association.

I would like to thank David Gray, a former employee of my Subcommittee staff, for all of his hard work on this legislation.

Once again, I am pleased that the Senate has acted to provide relief to small business owners. This bill will help save time and money and will allow small business owners to have the ability to better understand and comply with federal regulations and paperwork requirements. It is good for the country and good for our economy, and I thank my colleagues for their support in passing this bill today.

Mr. LINCOLN. Mr. President, every once in a while this body passes legislation that just makes good common sense. Today is such an occasion. I am pleased that the Senate will vote today on the conference report on the Small Business Paperwork Relief Act, a bill that Senator VOINOVICH and I first introduced in July of 1999.

I want to thank my good friend Senator VOINOVICH for his leadership on this issue. His staff members and former staff members, David Gray, Kathleen Braun, and Kristine Simmons, put in countless hours meeting with members of the business community, firefighters and the environmental community to achieve the balance that is represented here today. I also want to thank Senator LIEBERMAN, without whose help we could not be here today, Senator LIEBERMAN, as Chairman of the Governmental Affairs Committee, steered this legislation to its final form, and Larry Novey of my staff and my old colleague, Bingel of my staff worked on this bill from its inception in 1999, and I thank her for her efforts.
Since I began public service as a member of the House of Representatives in January of 1993, I have looked for opportunities to ease the regulatory burden on small businesses. They are the backbone of our economy in Arkansas.

As I said when we first introduced this bill in 1999, the federal government should be a help to small businesses, not a hindrance. We should always seek to ensure that federal policies don’t place undue burdens on small business owners, who are often in their hands in red tape.

Small businesses are hit hardest by federal regulations. According to a recent study conducted for the Small Business Administration, “firms employing fewer than 20 employees face an annual regulatory burden of $6,975 per employee, a burden nearly 60 percent above that facing a firm employing over 500 employees.” This does not even take into account state and local government paperwork.

I believe that federal paperwork burdens rank just behind taxes and the cost of health care as the top problems facing members of the National Federation of Independent Businesses.

This bill establishes a single point-of-contact for small businesses in each federal agency that governs small businesses. Second, it requires the OMB Director to annually publish in the Federal Register and on the Internet a list of compliance assistance resources available to small businesses. Third, it establishes a task force to determine how to streamline paperwork requirements for small businesses. It directs the task force to look at creating a single reporting format for all agencies that could be filed simultaneously and electronically. It is our hope that these steps will make it easier for businesses to access information and will allow policymakers to more easily identify and eliminate regulatory duplication.

The original version of this bill, S. 1378, from the 106th Congress, suspended civil fines on small businesses for first-time paperwork violations if they corrected their error. Our thought behind suspending fines for first-time violators was that a majority of small business owners who neglect to file a certain form are simply overwhelmed with paperwork and don’t realize their error. We thought that small business owners should be given a chance to correct the problem before they were slapped with a fine. I am disappointed that this final version does not include the fine suspension, but as I often tell my constituents, we can’t let the perfect be the enemy of the good. So I am delighted to see final passage of this bill.

APPROPRIATIONS TO SENATOR DAYTON

Mr. REID. Mr. President, I express my appreciation to you for being so patient. It has taken many hours that we didn’t anticipate to get to this point tonight. But for your patience, we would have been in real trouble. I appreciate very much your being courteous, as always. I appreciate that very much.

ORDERS FOR THURSDAY, MAY 23, 2002

Mr. REID. Mr. President, I ask unanimous consent that the Senate completes its business today, adjourns at 9 a.m., on Friday, May 24, and reconvenes at 10 a.m. tomorrow. The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, there being no further business that I know of to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order. There being no objection, it is so ordered.

NOMINATIONS

Executive nominations received by the Senate May 22, 2002:

DEPARTMENT OF STATE

TONY P. HALL, OF OHIO, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS UNITED STATES REPRESENTATIVE TO THE UNITED NATIONS AGENCIES FOR FOOD AND AGRICULTURE.

THE JUDICIARY

JAY S. SYEKE, OF NEVADA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE PROCTOR J. HUG, JR., RETIRED.

JEFFREY J. CORRIGAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE A NEW POSITION CREATED BY PUBLIC LAW 106–13, APPROVED NOVEMBER 29, 1999.

JAMES C. DEVER III, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF NORTH CAROLINA, VICE W. EARL BRITT, JR., RETIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 661:

To be rear admiral
JAMES W. MITZGER, 0000

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITS STATES ARMY CHAPLAIN CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C. SECTIONS 320, 512 AND 634:

To be major
SHAWN K. CONNORS, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS UNDER TITLE 10, U.S.C. SECTIONS 624:

To be colonel
JAMES R. AGNEW, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 601:

To be colonel
MICHAEL J. HAMILTON, 0000
KURT R. LAVIN, 0000
HELEN F. SCHNECK, 0000
MICHAEL K. WHIR, 0000
JAMES W. YOUNKIR, 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 454:

To be major
JEFFREY A. KNUDSON, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 501 AND 502:

To be commander
GEORGE B. PARDIS, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 538 AND 559:

To be commander
PETER C. BOISSY, 0000
LAWRENCE E. CRIMINS, 0000
FRANK VERNET, 0000

To be Lieutenant Commander
MOHAMAD ALSAWAF, 0000
DOUGLAS ANDERSON III, 0000
BRIAN D. CLEMENT, 0000
WILLIAM J. DARNBY III, 0000
JOHN A. DEMERS, 0000
DOUGLAS H. DOUGHTY JR., 0000
GARY S. GLUCK, 0000
RICHARD A. GEARM, 0000
JOSEPH W. HARMON, 0000
DOUGLAS W. KING, 0000
THOMAS E. LATTENDRESSE, 0000
DAVID A. LEBL, 0000
MELINDA M. LUKSHARR, 0000
ALAN P. NORDHOLM, 0000
JULIE M. PIERCE, 0000
MAE M. POGUST, 0000
BRIAN P. POWER, 0000
THEODORE D. SHAW, 0000
DAISY M. SHIRLEY, 0000
CLAUDIUS A. STAPLETON, 0000
PHILIP L. SUNDSHEL, 0000
GARY J. WALKER, 0000

To be lieutenant
ROBERT M. ALVARADO, 0000
ROBERT A. ARMSTRONG, 0000
STEVEN W. ASHTON, 0000
VIRA C. AUGER, 0000
TIMOTHY M. BAGLEY, 0000
STEPHEN D. BALKA, 0000
DANIEL J. BALZINDER, 0000
BRAAK A. BARAKAT, 0000
BRADLEY M. BARK, 0000
ROBERT E. BARTLETT, 0000
LESLIE S. BELTZ, 0000
LAWRENCE E. BENNETT, 0000
ENRICO C. BERNAL JR., 0000
BRANDON S. BICKEL, 0000
ROBERT D. BLONIN, 0000
SCOTTY M. BOOYAN, 0000
DEACON ROBERT BOWLES, 0000
JOEL L. BOYER, 0000
DANIEL R. BOUQUIN, 0000
JONATHAN J. BRADFORD, 0000
JABEIN BROWN, 0000
JASON J. BRIGGS, 0000
CAROL BROWN, 0000
STEVE R. BROWN, 0000
RICHARD K. BROWN, 0000
RICK L. BURGESS, 0000
ROBERT T. BURGESS JR., 0000
GARY L. BROWN, 0000
KATHERINE J. BROWN, 0000
JAMES W. BROWN, 0000
DONALD S. BRUS, 0000
ROBERT T. BRYANS, 0000
SCOTTY L. BUCHANAN, 0000
CALVIN K. BUMPUS, 0000
CYNTHIA J. BUTLER, 0000
ANDREW S. BYERS, 0000
PETER C. BONDY, 0000
MELINDA M. LUKEHART, 0000
DOUGLAS W. KING, 0000
BRIAN D. CLEMENT, 0000
DOUGLAS ANDERSON III, 0000
MOHAMAD ALSAWAF, 0000
ALAN P. NORDHOLM, 0000
JULIE M. PIERCE, 0000
MAE M. POGUST, 0000
BRIAN P. POWER, 0000
THEODORE D. SHAW, 0000
DAISY M. SHIRLEY, 0000
CLAUDIUS A. STAPLETON, 0000
PHILIP L. SUNDSHEL, 0000
GARY J. WALKER, 0000
To be lieutenant colonel

ROBERT T AARHUS JR., 0000
WILLIAM E ACKERMAN, 0000
REED R ALOISE, 0000
MICHAEL L AMARAL, 0000
DAVID W * ANDERSEN, 0000
THOMAS A * BARB, 0000
JOSH L BARZ, 0000
KELSEY M BASHHAM, 0000
TRAVIS L BERNER, 0000
THOMAS H BERRY, 0000
ROBERT A BOWDEN, 0000
ANDREW M BOYD, 0000
PIETER T BULATAO, 0000
CHRISTOPHER M CASTLE, 0000
ROLANDO CASTRO JR., 0000
MARTIN N CEPPOZZA, 0000
MICHAEL J DELLARICO, 0000
WILLIAM C DOWDY, 0000
DEBRA L * DUNIVIN, 0000
CHERYL L FILBY, 0000
DANIEL P * FLYNN, 0000
GERALD A FOREST, 0000
WILLIAM K FULLEN, 0000
KATHY E GATES, 0000
ROBERT L GOODMAN, 0000
HARRY M HAYES, 0000
THOMAS A HILL, 0000
CARL G HOVER, 0000
MICHAEL C HOSKINS, 0000
DANIEL J IJIMA, 0000
MICHAEL L KERKER, 0000
GUY T KITAMURA, 0000
PAUL G KAVAS, 0000
CARLA LONG, 0000
RICHARD G LUCAS, 0000
PIETER T McGUIRE, 0000
CHRISTOPHER A MLINERT, 0000
JOSE MELENDEZ JR., 0000
KENNETH A * MILLER, 0000
WILLIAM B MILLAR, 0000
DANIEL A MILLER, 0000
ROBERT B * MILLER, 0000
ERIC G * MILSTER, 0000
ROBERT D MITSUEHI, 0000
JAMES R MONTGOMERY, 0000
DIANE M OBLONC, 0000
DALE A OWEN, 0000
CHRISTOPHER L PAETZ, 0000
DAVID R PETRAS, 0000
RICHARD T PHILLIPS, 0000
LESLIE J PHILPOTT, 0000
ALAIN J PIRONE, 0000
JOSEPH C PISCOTTA, 0000
MICHAEL K POGOJIL, 0000
JEFFREY B QUINN, 0000
NIELS K * RYDEBB, 0000
FRANCISCO J RENDLES, 0000
MICHAEL J RODGERS, 0000
WALTER K ROSS, 0000
BARRY A ROTH, 0000
RICHARD W SALGUERO, 0000
PATRICK J SAUER, 0000
DONNA M SHAHBAZ, 0000
JAMES E SHIELDS, 0000
DAVID A SMITH, 0000
JEFFREY STOLBERG, 0000
TAMI R STRATFORD, 0000
SCOTT A * SVANBERG, 0000
MICHAEL A SWALKO, 0000
GREGORY A SWANSON, 0000
SCOTT F TANNER, 0000
CHERYL TAYLORWHITEHEAD, 0000
WILLIAM C THOMAS, 0000
TAMMY L THOMASROTH, 0000
JULIAN C VELASQUEZ, 0000
MICHAEL A WHISPER, 0000
MARK C WILSHIRE, 0000
HAILEY F WINDHAM, 0000
SCOTT C WRIGHT, 0000
EXTENSIONS OF REMARKS

REMEMBERING THOSE WHO SERVED

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, every year on Memorial Day, we recognize those who fought for our nation and gave their lives in the name of democracy and freedom. It is a time for us to remember the patriotism they showed as they went into battle, the courage with which they fought, and the ultimate sacrifice they made for our country.

My home state of Michigan has lost many good men and women to war. We lost 18,906 people in World War I, World War II, the Korean War, and the Gulf War. We lost over 2,600 men and women in Vietnam—more people per capita than any other state in the nation. We understand the honor in answering a nation’s call to serve, and we know what it means to lose parents, brothers, sisters, and children to battle. As a Vietnam-era veteran, and the son of a WWII veteran, I know in my heart the value of this service.

Our lost soldiers have earned parades, memorial services, and events in their honor. But they have also earned a commitment from their nation that we will never forget their service and will treat all who fight for our country with dignity and respect. We should remember our lost soldiers not just in words, but deeds. We should honor their sacrifices by providing good health care, benefits, and compensation to our veterans who fought alongside them and the current members of our Armed Forces. We should honor them by fulfilling all the promises that we made to them and their families when they answered the call of duty.

As we observe Memorial Day, let us not be content with honoring our soldiers just this one day each year. Let us remember in our hearts the ultimate gift these men and women gave to us. And let us keep in our prayers those men and women who are serving our nation overseas today. In their courage and strength, they set an example for all of us and remind us of what it means to be an American.

VETERANS’ AND SURVIVORS’ BENEFITS EXPANSION ACT OF 2002

SPEECH OF
HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, May 20, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to voice my support for H.R. 4065, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2002. Our federal policy towards veterans recognizes the importance of their service to our nation. The Department of Veterans Affairs administers, directly or in conjunction with other federal agencies, programs that provide compensation for disabilities sustained or worsened as a result of active duty in military service. The VA also provides pensions for totally disabled, poor war veterans. Furthermore, the VA offers cash payments for certain categories of dependents and/or survivors. The VA gives free medical care for conditions sustained during military service, and medical care for other conditions, much of which is provided free to low income veterans.

In addition, the Department of Veteran Affairs supplies education, training, rehabilitation, and job placement services to assist veterans upon their return to civilian life. The VA also administers loan guarantees to help them obtain homes. Moreover, the VA provides life insurance to enhance the veteran’s financial security for their dependents, and burial assistance to the families of veterans when they die. Thus, the VA does a lot to enhance the lives of our veterans.

The responsibility to care for veterans, their spouses, their survivors and their dependents can last a long time. An example of this is that the last dependent of a Revolutionary War veteran died in 1911, and the last dependent of a veteran of the War of 1812 died in 1946, and the last dependent of a veteran of the Mexican War in 1962. Subsequently, about 650 children and widows of Spanish-American War veterans still receive VA compensation or pensions.

This bill contains provisions that would affect a wide range of veterans’ programs, including disability compensation, dependency and indemnity compensation, housing, insurance, and readjustment benefits. This bill also provides an annual cost-of-living increase for veterans’ benefits, and expands certain benefits for veterans and their survivors.

Accordingly, this bill directs the Secretary of Veterans Affairs to increase the rates of veterans’ disability compensation, as of December 1, 2002. This cost of living increase gives veterans a 2.6% increase. This matches the automatic increases received by most federal benefit programs. This is important, because we should not burden our veterans financially.

The bill also adds additional compensation for dependents, the clothing allowance for certain disabled adult children, and dependency and indemnity compensation for surviving spouses and children.

The CBO estimates that enacting this bill would increase direct spending by $25 million in 2003, $123 million over the 2003–2007 period, and $260 million over the 2003–2012 period, but the CBO estimates that any such outlays would be insignificant because it takes the Department of Veterans Affairs several months to process most benefit claims.

Therefore, I support our veterans and strongly support this bill to increase compensation to our veterans.

PAYING TRIBUTE TO ELE’S PLACE

HON. MIKE ROGERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to honor the accomplishments of Ele’s Place in Lansing, Michigan, and the caring volunteers and community leaders who have built a remarkable non-profit program for children grieving the loss of a loved one.

Beginning in 1991 with volunteer help and a dream, Ele’s Place has worked in borrowed space in a Lansing church basement to reach out to grieving children in a compassionate and caring setting. Today, Ele’s Place is a haven where children can learn to heal in trying times.

Ele’s Place also offers guidance to parents and adults helping children through the loss of a family member, friends, classmate or other loved one. By helping children and their significant adults deal with grief, Ele’s Place has an immense and extended impact on the entire community.

As Ele’s Place launches the construction of its very own facility this month, this group of caring professionals and volunteers are poised to expand their enormous impact on the grieving families of the Lansing, Michigan region.

Mr. Speaker, we wish Ele’s Place well and congratulate them on this major accomplishment. We are honored to support the work of the dedicated team that makes Ele’s Place possible.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF TOMMY MARLIN

HON. BART GORDON
OF TENNESSEE
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. GORDON of Tennessee. Mr. Speaker, I rise today to recognize the outstanding public service of a good friend of mine, Tommy Marlin. Tommy Marlin is retiring as the Sumner County executive at the end of his current term, which ends on August 31. He has served as the county’s chief executive since 1994, but has served the residents of Sumner County, Tennessee, for 26 years.

Tommy began his career in public service in 1976 after being elected the county’s assessor of property. He might have chosen a different career path in light of the fact his brother and nephew were wrestlers in the National Wrestling Association. But Tommy was looking for a competitive arena to showcase his talents, so he chose politics.

I’m glad Tommy entered the field of public service because he has helped me in my own career. He has been a longtime friend and advisor from my very first days in Congress.

In 1988, Tommy was named Overall Outstanding County Official of the Year by the...
state of Tennessee. As county executive, his door is always open, and his card reads, “It's a pleasure to serve you.” One peek around his office and it’s evident that his blood runs orange because he is an avid University of Tennessee football fan.

The people of Sumner County could not have asked for a better public servant. His leadership and work ethic will be sorely missed. I cordially congratulate Tommy on his distinguished career as a public servant and wish him and his wife, Nancy, well in their future endeavors.

IN HONOR OF THE HAMTRAMCK FIREFIGHTERS AND THE 5TH ANNUAL ST. FLORIAN MARCH

HON. DAVID E. BONIOR
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, as members of the Hamtramck Firefighters gathered together to celebrate the patron saint of firefighters, St. Florian, they celebrated a feast day cherished by firefighters everywhere. Honoring the patron saint of firefighters, brewers, chimney sweeps and others. St. Florian is remembered in the Catholic tradition for many miracles, including the extinguishing of a huge fire with a pitcher of water and stopping a town from burning by throwing a single bucket of water on the blaze. Celebrating their fifth consecutive march on Saturday, May 4, 2002, the Hamtramck Firefighters continued the tradition of celebrating and honoring the miracles of St. Florian.

As the city of Hamtramck, Michigan is home to the St. Florian Catholic Church, each year the Hamtramck Firefighters celebrate this feast day by marching from the Hamtramck Firehouse to the St. Florian church for a special celebration of mass. Inviting departments from across the state of Michigan and Ontario, Canada, communities everywhere choose this day to recognize their firefighters and the countless contributions they have made to their communities.

Our great state of Michigan is home to patriotic citizens who give so much to this country everyday. This year is no exception for the Hamtramck Firefighters, who continue to stand together ready to offer relief and assistance to fellow Americans in this time of greatest need. The Hamtramck Firefighters have also chosen this day to celebrate the unity and brotherhood of firefighters, a brotherhood that reaches far beyond religious and ethnic barriers. Their actions reflect the unity and strength of Americans.

Firefighters are an integral part of every community in this nation. As the Hamtramck Firefighters and firefighters everywhere celebrate the holiday commemorating St. Florian, we join them in their tribute and honor the contributions firefighters have made to our great country.

JOBS FOR VETERANS ACT

SPEECH OF
HON. SHEILA JACKSON-LEE
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, May 20, 2002

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 4015, the Jobs for Veterans Act. This bill would provide funds for a new performance incentive awards program to encourage employment, training, and placement programs for veterans. This incentive program would reward those states that excel in aiding our veterans. It would also provide awards to states that made significant progress in this area, even if they were not among the highest performers. The awards would take the form of new contracts for veterans employment programs.

Furthermore, it authorizes $1 million for a Labor Department study of the economic benefits to the United States attributable to providing employment and training services to veterans.

Mr. Speaker, we have all seen the stories of those who have lost their lives so we can live ours. The tragic events of September 11th and the ensuing War on Terror that our brave armed forces are currently fighting should inspire this body to secure the future of our armed forces.

Job training is of paramount importance to our veterans. We ought to provide them with adequate resources so that they may succeed in their future endeavors.

HONORING THE DISTINGUISHED PUBLIC SERVICE OF DOYLE GAINES

HON. BART GORDON
OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding public service of a good friend of mine, Doyle Gaines. Doyle is retiring as the Macon County executive at the end of his current term, which ends on August 31.

Before being elected as the county executive in 1990, he was the Macon County school superintendent for 16 years and spent more than 38 years in the education field as a teacher, coach and administrator. During his impressive career, Doyle received numerous awards and honors for his commitment and leadership.

He has always been an active member of the community, serving on various civic boards and organizations. Doyle’s leadership was also instrumental in forming the Cordell Hull Economic Opportunity Corporation, a regional agency in Tennessee dedicated to fighting poverty by helping people be self-sufficient.

Always striving to be well informed and at the forefront of creative initiatives, Doyle has served his community, state and nation with distinction. The people of Macon County and the mid-state region could not have asked for a better public servant. His leadership and work ethic will be sorely missed by the Macon County government. I cordially congratulate Doyle on his distinguished career as a public servant and wish him well in future endeavors.

DEPARTMENT OF VETERANS AFFAIRS EMERGENCY PREPAREDNESS RESEARCH, EDUCATION, AND BIOTERRORISM PREVENTION ACT OF 2002

SPEECH OF
HON. CIRO D. RODRIGUEZ
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Monday, May 20, 2002

Mr. RODRIGUEZ. Mr. Speaker, the events of September 11th and the subsequent anthrax attacks have forced us as a country to reevaluate our ability to respond to chemical, biological, and radiological contingencies. As a member of the House Veterans Affairs Committee (HVAC) Subcommittee on Health, I participated in a hearing to assess the readiness of the Department of Veterans Affairs (DVA) to be a third line responder in the event of a threat of this sort. The news was not good.

That is why I am an original co-sponsor of HR 3253, the Emergency Preparedness Research, Education, and Bio-Terrorism Prevention Act of 2002. Through the establishment of National Medical Emergency Preparedness Centers, we would enhance the work that the DVA is already engaged in and strengthen our national homeland defense efforts.

In recognizing that the DVA is the nation’s largest health care system and engages in some of the most promising research, and provides first-rate medical training and education should signal to us all that herein lies an opportunity. Considering all that the DVA already does successfully, I see no reason why they cannot be positioned as a first responder in the event of a biological or chemical attack. With the proper allocation of resources and support, those provided by the passage of HR 3253, many DVA medical centers will be well positioned to provide our country with the necessary support in these crisis situations.

In my district, the 28th Congressional District of Texas, the South Texas Veterans Health Care System, Audie L. Murphy Division, already engages in shared teaching and research arrangements with medical schools and has been able to attract several high-level scientists in fields relevant to bio-chemical and radiological threats. This facility is among the top ten research and development facilities within the DVA and is a tribute to the rewards of collaborative research efforts like those suggested by this legislation.

I am excited about the prospect of National Emergency Preparedness Centers, which would not only engage in research to develop methods of detection, inoculation, and treatment, but also coordinate research with universities and federal agencies in the dissemination of the latest information to healthcare workers at public and private hospitals across the country.

Through the passage and enactment of this measure the DVA will become a key partner in our nation’s homeland defense efforts.
RECOGNIZING MIKE MARTEL FOR HIS SERVICE TO NEW HAMPSHIRE RADIO

HON. JOHN E. SUNUNU
OF NEW HAMPSHIRE
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. SUNUNU. Mr. Speaker, I rise today to recognize a familiar New Hampshire voice that will soon be absent from Northern New England’s airwaves. Dover, New Hampshire’s Mike Martel, a member of WOKO’s “Morning Waking Crew,” will be retiring on May 31 after making his start in local, New Hampshire radio 30 years ago.

For the past 28 years, Mike has been employed at WOKO, a 50,000 watt radio station located in Dover, New Hampshire. There, he often began his day well before most of us had even stirred from bed preparing to hit the airwaves at 5 a.m.

Whether hearing Mike from their homes or while making the drive to work, listeners in New Hampshire, Maine, Vermont, Massachusetts, and Canada were sure to have their day brightened with his infectious laugh and “Joke of the day.”

Mike’s consistent service to his profession and his community stands out as a positive contribution of radio, and is one in which he and his family can certainly take pride. For the rest of us, he will be sadly missed. Mr. Speaker, I ask my colleagues to please join me in thanking Mike for his dedication and wishing him the best.

TRIBUTE TO REVEREND DR. ARTHUR J. POINTER, 35TH PASTORAL ANNIVERSARY, METROPOLITAN BAPTIST TABERNACLE

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, as the congregation of the Metropolitan Baptist Tabernacle Church gathered together on Saturday, May 18, 2002, they celebrated the 35th Pastoral Anniversary of Reverend Dr. Arthur J. Pointer. A lifelong leader and devoted pastor, Dr. Pointer has truly demonstrated his commitment to advancing the mission of Metropolitan Baptist Tabernacle across the state of Michigan. As the members and friends of Dr. Pointer gathered to celebrate this special anniversary, they paid tribute to his outstanding years of activism, leadership, and faith.

Dr. Pointer has been preaching the Gospel to the congregation of Metropolitan Baptist Tabernacle, located in Flint, Michigan, since 1967. As his message and ministry has been received, he has shown a special dedication to making a positive difference in the lives of others. Dr. Pointer, a father, grandfather, and great-grandfather, has truly become a leader to all those who know him. “A leader who dared to dream great dreams,” Dr. Pointer has truly led his family, congregation, and community to greatness.

Dr. Pointer has been an active force in his community, working with Metropolitan Baptist Tabernacle in organizing several programs and ministries as well as working with many organizations around the state of Michigan. As a former chairman of the Metropolitan Detroit Housing Development Corporation, the Michigan State O.I.C., and the Board for Urban Community Outreach Program, which was initiated at Metropolitan Baptist Tabernacle, his involvement with church and beyond has been widely recognized. Even today, Dr. Pointer continues to serve his community well as the President of the Wolverine State Missionary Baptist Convention and as Chairman of the Political Action Committee of Concerned Pastors and the Christian Evangelical Broadcasting Association, Inc. Dr. Pointer’s distinguished service and outstanding dedication to improving the lives of people through faith will continue to serve as an example to communities across this nation.

I applaud Dr. Pointer for his leadership, commitment, and service, and I urge my colleagues to join me in saluting him for his exemplary years of faith and service.

IN HONOR OF MR. BERNARD C. WATSON

CHAKA FATTAH
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. FATTAH. Mr. Speaker, I rise today to recognize a truly remarkable man, a person who genuinely exemplifies what it means to be a teacher, mentor, and scholar.

Mr. Bernard C. Watson, a longtime educational and civic leader in Philadelphia, will be this year’s recipient of the Philadelphia Award for 2001. The award, which will be presented June 11, honors a resident of the Philadelphia region who does the most to “advance the best and largest interest of the community.” The award is complemented with a cash prize of $25,000. Prior recipients of this distinguished award include people such as Sister Mary Scullion, co-founder of Project H.O.M.E., former Mayor Edward Rendell, former City Council President and current mayor John Street, and Rev. Leon Sullivan, a social activist, and educator responsible for leading international efforts to promote non-violent social and economic change.

Originally from Gary, Indiana, Mr. Watson quickly rose to prominence by becoming a deputy superintendent to Philadelphia public schools in 1967. He was also president of the William Penn Foundation, vice president for academic affairs at Temple University, and vice president of the Pennsylvania Council of the Arts. Considered an expert in his field, Mr. Watson was appointed to a number of educational advisory councils by three different U.S. presidents. He also authored several books, including a memoir, “Colored, Negro, Black: Chasing the American Dream.”

Chairman of the Philadelphia Award Trustee, William J. Marrazzo, indicated Mr. Watson was selected from dozens of highly qualified nominees. Chairman Marrazzo commented that Mr. Watson “has been a tireless fighter of ignorance and injustice, a determined advocate for educational excellence, and an energetic supporter of the arts. He is truly one of our treasures.”

Mr. Speaker, I couldn’t agree more with the Chairman’s comments. Mr. Watson’s selflessness is evidenced in his words and actions. Educating others, Mr. Watson recently reflected, is the most rewarding aspect of his work. Mr. Watson commented, “Education is how you give people control of their lives. It is a way of giving someone the notion of what you can be as a human being.”

TRIBUTE TO HALF HOLLOW HILLS HIGH SCHOOL EAST

HON. STEVE ISRAEL
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. ISRAEL. Mr. Speaker, I rise today to congratulate the outstanding performance of Half Hollow Hills High School East from Dix Hills, New York in the “We the People . . . The Citizen and the Constitution” competition. A select group of 24 students from Half Hollow Hills High School East represented the State of New York at the national finals competition in Washington, D.C., May 4–6, 2002. These young people competed with 50 classes from across the nation and demonstrated a remarkable understanding of the ideas and values of American constitutional government.

Mr. Speaker, I would like to recognize the efforts of the student participants. They are: Beth Bernstein, Jacqueline Borgia, Sherri Cohen, Katelyn Del Priore, Lindsey Forur, Brian Ginsberg, Sarah Givner, Seth Gadowski, Jamie Golden, Emily Gustafson, Dustin Kretzberg, Megan Meiler, Michal Meiler, Jacquelyn O’Neill, Gabriella Pinto, Lindsay Posner, Sarah Rashed, Inger Reres, Steven Savella, Dennis Schmelzer, Persis Singh, Megan Spector, Stanley Voigt, and Matthew Wilko.

These young scholars are taking the Advanced Placement American Government class. Part of their learning experience includes participation in the “We the People” program. These students, through teamwork and dedication, captured the New York State championship after advancing from district and regional levels.

Mr. Speaker, I commend them for balancing this demanding extracurricular activity with the rigors of their daily course work. Furthermore, I commend them for working together as team to accomplish the goals they set forth.

Mr. Speaker, I also stand to recognize the efforts of the coaches, faculty, parents, and facilitators involved. Specifically, Scott Edwards, the group’s coach and AP American Government teacher, prepared these students through intensive classroom instruction and numerous study sessions after regular school hours. James McCaffrey, the school’s principal, contributed to the students’ success by providing adequate resources and administrative support. Jane Weber, the district coordinator, made logistical arrangements and directed the group’s fundraising efforts. Laura Parker also helped by serving as an assistant coach and chaperone.

Mr. Speaker, I commend these individuals for their unselfish commitment to these students’ education. It is with great pride, Mr. Speaker, that I recognize the efforts and achievements of these outstanding students and individuals and bring their achievements to the attention of this Congress.
much like to build on that for next year.

tremendous response and we would very much like to form a committee.

Boonton High School for the work entitled

Tribute to Monterey County

ARTIST DISCOVERY,

These talented students participated in the annual Congressional Arts Competition, “An Artistic Discovery,” and they were recently honored at a reception and exhibition at the Scheering Plough Corporation in Madison, New Jersey and their works are exceptional.

Mr. Speaker, I would like to list each of them, their high school, and their contest entries for the official RECORD.

We had 46 students participate. That is a tremendous response and we would very much like to build on that for next year’s competition.

This year, Mr. Speaker, the winner of “An Artistic Discovery” was Victor Coghlan from Boonton High School for the work entitled “My Friend Joseph.” Second place went to Audrey Kruse from West Morris Mendham High School for “Just Call Me Doty.” Third place also from West Morris Mendham High School went to Kelsey Dahlin Dugan for “Three.” The Viewer’s Choice Award was given to Michael Mule of Boonton High School for “Doorway.”

Honorable mentions were awarded to Meredith Klein of Livingston High School for “Tin Foil Study,” Christina Tammera from Madison High School for “Soda Shop,” Kara Kasch from Morristown High School for “Narcissus,” Andres Rivera from Mount Olive High School for “Can I Change Myself If I Try?,” Megan Bornstein from Randolph High School for “You Are What You Eat,” and a self portrait by Dana Kalfas of Montville High School.

Excellent art work was also submitted by Boonton High School with “Ryan Bradely” by Laura Skolnick and “Mia Sneakers,” Michael Mule with “Doorway.”


Each year the winner of the competition will have an opportunity to travel to our nation’s capital to meet Congressional leaders and to mount his or her art work in a special corridor here at the U.S. Capitol, with winners from across the country. Members of Congress and thousands of visitors to the Capitol have a chance to view these works of art firsthand. It is a fantastic reminder that there is vast talent in our young men and women.

Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

Mr. Speaker, I urge my colleagues to join me in congratulating these talented young people from New Jersey’s 11th Congressional District.

A TRIBUTE TO MONTEREY COUNTY SUPERIOR COURT JUDGE RICHARD SILVER

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
TUESDAY, MAY 21, 2002

Mr. FARR of California. Mr. Speaker, I rise today to honor the life’s work of Monterey County Superior Court Judge Richard Silver, 60, whose outstanding legal acumen has enriched society on the Central Coast for more than a quarter century.

A graduate of the University of California’s Boalt Hall School of Law, Judge Silver began his legal career as a defense lawyer with the Francis Heisler law firm. Among the cases that fueled his rise to prominence in the late 1960s was the Soledad gangsters prison-murder trial.

At my urging, Gov. Jerry Brown appointed Judge Silver to the bench in 1977. Judge Silver became known for his expertise and efficiency in handling civil cases. He developed a case management system that makes civil justice more swift in Monterey County than in almost any other California county.

He also built a reputation for settling tough cases before they went to trial. And he became known for tackling contentious issues ranging from land use disputes to struggles between teachers and school districts.

Among those who founded the Monterey College of Law, Judge Silver remains on its board of directors.

Although he is stepping down from the bench, Judge Silver is likely to remain highly active in the local legal community, by settling disputes out of court as a private judge and arbitrator. For this, all of us who have come to know him over the years on the Central Coast will be very grateful.

TRIBUTE TO REVEREND D. CHARLES HILDRETH, 8TH PASTORAL ANNIVERSARY, GREATER HARVEST MISSIONARY BAPTIST CHURCH

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
TUESDAY, MAY 21, 2002

Mr. BONIOR. Mr. Speaker, as the congregation of Greater Harvest Missionary Baptist Church gathered together on Sunday, May 5, 2002, they celebrated the 8th Pastoral Anniversary of Reverend D. Charles Hildreth. A lifelong leader and devoted pastor, Reverend Hildreth has truly demonstrated his commitment to advancing the mission of the Greater Harvest Church across the state of Michigan. As the members and friends of Reverend Hildreth gathered to celebrate this special anniversary, they paid tribute to his outstanding years of activism, leadership, and faith.

Joining the Greater Harvest Missionary Baptist Church, located in Muskegon Heights, Michigan, Reverend Hildreth has been preaching the Gospel to its congregation since June 10, 1994. As his message and ministry has been received, he has shown a special dedication to making a positive difference in the lives of others. To those who know Reverend Hildreth best, he is “a promotor and student of the blessings that accompany the sacrifices of continuing Christian Education.”

With a passion for his community, Reverend Jones has been an active force in educating his community as well as the members of the Greater Harvest Church in organizing several programs and ministries. As the First Vice President of the Congress Christian Education of the General Baptist State Convention of Michigan, a member of the Board of Directors of the Urban League of Greater Muskegon, and a lifetime member of the NAACP, his involvement within the church and beyond has been an inspiration to all. Reverend Hildreth’s distinguished service and outstanding dedication to improving the lives of people through faith will continue to serve as an example to communities across this nation.

I applaud Reverend Hildreth for his leadership, commitment, and service, and I urge my colleagues to join me in saluting him for his exemplary years of faith and service.
TESTIMONY OF LYDIA LEWIS
HON. PATRICK J. KENNEDY
OF RHODE ISLAND
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002
Mr. KENNEDY of Rhode Island. Mr. Speaker, I wish to insert into the RECORD the testi-
mony of Lydia Lewis of the National Depres-
sive and Manic-Depressive Association before the House Labor-HHS-Education Appropriations
Subcommittee.

TESTIMONY OF LYDIA LEWIS, ON BEHALF OF
THE NATIONAL DEPRESSIVE AND MANIC-
DEPRESSIVE ASSOCIATION—May 9, 2002
Good morning Mr. Chairman and members of the Subcommittee. Thank you for the op-
portunity to testify on federal funding for mental health research for the next fiscal
year. My name is Lydia Lewis and I serve as Executive Director of the National Depres-
sive and Manic-Depressive Association (Na-
tional DMA). National DMA is the nation’s largest ill-
ness-specific, patient-directed organization. We represent more than 20 million American adults living with depression and the additional 2.5 million adults living with bipolar disorder. Part of the mission of National DMA is to educate the public concerning the nature of depression and bipolar disorder as treatable medical diseases and to advocate for re-
search to eliminate these diseases.

Mr. Chairman, National DMA is pleased with the Subcommittee’s strong commit-
tment to biomedical research. We are grateful for the progress toward doubling the overall NIH budget and we encourage the Sub-
committee to complete the doubling plan in this fiscal year. We support the Administra-
tion’s request for $27.3 billion for the Na-
tional Institutes of Health (NIH). As you know, this increase of $3.7 billion would com-
plete the full phase of the NIH doubling plan.

Our nation’s investment in extramural bio-
medical research, led by the NIH, yields countless discoveries that facilitate our un-
derstanding of the biological basis of disease. This investment helps develop improved techniques to prevent, diagnose, treat, cure and eliminate diseases.

RESEARCH
Although bipolar disorder is a biochemical illness, like many mental illnesses, it cannot be identified physiologi-
cally. There is no blood test or brain scan, yet. Funding for the NIH, and funding for mental illness in particular, promises great rewards for both individuals who suffer from mental illness and for our nation as a whole. Evidence underscores the effectiveness of treatment for mental illnesses. Treatment for bipolar disorders has a 65% success rate and major depression has an 80% success rate. A surgical procedure for angioplasty has a 41% success rate. As re-
search yields greater advancements in treat-
ing mood disorders and other mental ill-
nesses, we hope to see the treatment success rate soar.

We applaud efforts to advance research on postpartum mental illness through legisla-
tive means. The “Melanie Stokes Postpartum Depression Research and Care Act” (H.R. 2380/S. 1353) would direct funds for the specific purpose of NIH research on postpartum depression and postpartum psy-
chosis. It is estimated that 10 to 20 percent of new mothers experience postpartum depression (PPD, psychoses (PPPs) less than 1 percent of new mothers. While there may be indicators or predispositions for these disorders, researchers do not have sufficient information about the cause and effective treatment.

Employers, employees, the mental health system and the general public will all benefit from the long term economic savings of early detection and treatment of mental illness. Our nation’s investment in increased biomedical research for mental illness will advance this cause.

CO-OCCLUDING MENTAL ILLNESS AND
SUBSTANCE ABUSE
A high percentage of patients with mental illness also have alcohol and substance abuse problems. Conversely, many individuals with alcohol and substance abuse problems suffer from mental illness. The State mental health authorities have block grant funding for these treatments, one treatment for tra-
ditional mental illness and another for alco-
hol and substance abuse.

More than half of individuals with bipolar disorder or schizophrenia may be alcohol/ substance abusers. The rate of alcohol and drug abuse in the general population is ap-
proximately 20%; it is 50–60% in people with bipolar disorder. For individuals with mood disorders, drugs of abuse interact differently, potentially causing exponential damage greater than the damage alone.

Medical experts understand it is critical that new patients in treatment for mental illness be treated with alcohol or substance abuse issues in collaboration with their mental health needs. Integrated treatment by dually trained professionals is critical to the success of either program.

We are encouraged by the Substance Abuse and Mental Health Services Administration (SAMHSA) efforts to study this issue. It is clear that SAMHSA will issue a report to Congress by October 17, 2002. We be-
lieve it is imperative that SAMHSA inte-
grate treatment programs for these individ-
uals. In addition to an improved quality of life, streamlining the system will eliminate unnecessary and redundant paperwork, sav-
ing critical funds for more successful treat-
ment programs.

THE STIGMA OF MENTAL ILLNESS AND HEALTH INSURANCE PARITY
We are delighted with the President’s re-
cent commitment to help end the stigma as-
ociated with mental illness. For far too long, individuals with mental illness have avoided seeking appropriate and critical treatment for fear of the stigmatizing label of mental illness. It has meant a choice between food, rent and treatment. For many individuals this is a choice between life and death.

In 1996, suicide was the 11th leading cause of death in the United States. For males, it was the eighth leading cause of death and for young people age 15 to 24, suicide was the third leading cause of death. Suicide out-
numbered homicides by 5 to 3 and there were twice as many deaths due to suicide than deaths due to AIDS.

While these statistics are sobering, we are 

ROBERT J. DOLE DEPARTMENT OF VETERANS AFFAIRS MEDICAL SPEECH OF
HON. TODD TIAHRT
OF KANSAS
IN THE HOUSE OF REPRESENTATIVES
Monday, May 20, 2002
Mr. TIAHRT. Mr. Speaker, “Bob Dole per-
sonifies Kansas. He is synonymous with the values that Kansans hold in the highest re-
sard-integer, respect for community, public service, sacrifice, and patriotism. It is only fit-
ting to name the Wichita VA Center after a man so closely identified with Kansas, Amer-
ican veterans, and the values they share. I
rise in support of H.R. 4608 and urge my colleagues to join me in voting for the "Robert J. Dole Department of Veterans Affairs Medical and Regional Office Center Designation Act."

Most Americans know Senator Dole’s heroic story: He was born and raised in the Heartland of Russell, Kansas. In 1942, he faithfully responded to his country’s call to war, and was critically injured in combat. It took three years and nine operations for him to rehabilitate. He strengthened his injured arm, but had to learn how to write again with his left hand, as the doctors could not rebuild the excessive damage done by the Nazi machine gun fire. After the war and while still completing his law degree at Washburn Municipal University, he began his long and distinguished career in public service. He served as a Kansas state legislator, Russell County attorney, four-time member of the US House of Representatives, a five-time US Senator, the Republican National Committee Chairman, the 1976 Vice-Presidential nominee, and culminated his career as the 1996 Republican Presidential nominee.

But Bob Dole’s political achievements provide only a partial measure of the man. Twice elected Majority Leader, Senator Dole served for twelve years, the longest serving Senate leader of the Republican Party. He epitomized President Reagan’s immortal words, “The title of Leader is not just a job title; it’s a description of the man.” Even after he ended his public service, he remains a community leader, engaged in projects such as National World War II Memorial, Co-chairing a scholarship fund to aid families of heroes and victims of the 9/11 terrorist attacks, and campaigns for Republican candidates across the country. I have had the distinct honor of working with and getting to know Bob Dole. In fact, he was one of my best supporters in my first race for Congress against an 18-year incumbent. Not many people other than my family and friends thought we had a chance to win that race—but Senator Dole did. Or at least he did a good job of pretending. I wouldn’t have had enough money for television ads in the crucial last week of our successful 1994 campaign were it not for then soon to be Majority leader Bob Dole. When I did get to Congress in 1995, Senator Dole was a mentor and an outstanding example of how a member of Congress should fight for his state while working in the best interests of the country. It is due to Bob Dole’s extraordinary contributions as a leader, a veteran, public servant, and staunch defender of national defense that the designation of the Wichita VA Center as the Robert J. Dole Department of Veterans Affairs Medical and Regional Center is so appropriate. Please join me in a congressional salute to this great American patriot."

TRIBUTE TO REV. DR. STERLING LEE JONES 32ND PASTORAL ANNIVERSARY MOUNT ZION MISSIONARY BAPTIST CHURCH

HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, as the congregation of Mount Zion Missionary Baptist Church gathered together on Sunday, April 28, 2002, they celebrated the 32nd Pastoral Anniversary of Rev. Dr. Sterling Lee Jones. A lifelong leader and devoted pastor, Rev. Jones has truly demonstrated his commitment to advancing the mission of Mount Zion across southeastern Michigan. As the members and friends of Rev. Jones gathered to celebrate this special anniversary, they paid tribute to his outstanding years of activism, leadership, and faith.

Preaching the Gospel for over 37 years, Rev. Jones has led the congregation of Mount Zion Missionary Baptist Church for 32 glorious years. His message and words have been received throughout the United States, he has shown a special dedication to making a positive difference in the lives of others. To those who know Rev. Jones best, “to hear Pastor Jones preach the gospel of Christ, to hear him teach the gospel of Christ and to hear him sing the gospel of Christ, is to know that he is chosen by Christ and is anointed by Him to do his will.”

With a passion for learning and the firm belief in education, and as the key to advancement, Rev. Jones has been an active force in educating his community as well as providing outreach services for those in need. Working on projects like the Youth Department, and the “Arie Lee Bins-Jones Honor Roll”, Rev. Jones has organized many programs for the youth and implemented a program encouraging higher education through annual tours to colleges and universities throughout the South. Building a multi-million dollar edifice and with plans to build a senior citizens complex and a gym for the youth, Rev. Jones’ distinguished service and outstanding dedication to improving the lives of people through faith will continue to serve as an example to communities across this nation.

I applaud Rev. Jones for his leadership, commitment, and service, and I urge my colleagues to join me in saluting him for his exemplary years of faith and service.

GULFSTREAM GOODWILL INDUSTRIES 35TH ANNIVERSARY

HON. MARK FOLEY
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. FOLEY. Mr. Speaker, I rise today to pay tribute to the Delaware Foster Parents of the Year, Lawrence and Norisa Jacobs of Georgetown, Delaware. Through their commitment to caring for children, they have welcomed eleven foster children into their home since 1997. Along with their two birth children and six current foster children, their home is a welcome, and active, atmosphere for the challenges of a family of ten.

Foster parents add stability to a child’s life which leads to fewer emotional, behavioral and social problems for children that may not have otherwise had the necessary family love and direction. These children deserve the best chance we can give them, and the Jacobs have proven their dedication to giving all of their children the optimal chance to develop into emotionally healthy adults.

Mr. Speaker, through the years, the Jacobs have lovingly and unselfishly contributed every day to the lives of their children. It is appropriate that we take a moment to honor them. The contributions of Mr. and Mrs. Jacobs are undeniably worthy of recognition and cannot be commended enough. I am proud to stand here today recognizing them as not only Delaware’s Foster Parents of the Year, but also as nominees for National Foster Parents of the Year.

VETERANS’ MAJOR MEDICAL FACILITIES CONSTRUCTION ACT OF 2002

SPEECH OF
HON. NICK SMITH
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Monday, May 20, 2002

Mr. SMITH of Michigan. Mr. Speaker, I rise today in support of H.R. 4514, the Veterans’ Major Medical Facility Construction Act, H.R. 4015, the Jobs for Veterans Act, and H.R. 4085, the Veterans Compensation Cost-of-Living Adjustment Act.

Next week, millions of Americans will take off and gather together with family and friends to pay tribute to the men and women of our Armed Forces and the loved ones who sacrificed so much to defend our precious liberties. Well over 1 million men and women have given their lives in service to our country. These people answered their country’s call to serve— in the Civil War, the Spanish-American War, the First and Second World Wars, Korea, Vietnam, Desert Storm, Bosnia, Operation Enduring Freedom, and in many small, but important military actions around the globe. For
their sacrifice, they deserve our most profound respect and gratitude.

It is the willingness of citizens then and now taking individual responsibility in our Nation’s defense that is the ultimate guarantee of our security and freedom. The terrorists who perpetrated the attacks of September 11 understand us. Since September 11, the Nation has not fallen apart, it has pulled together, confident in our traditions of freedom, tolerance, and democracy.

Today, our armed forces are in the field defending our liberty against the terrorist threat. We have the finest fighting force in the world, and they are doing a tremendous job. At home our first responders—firefighters, emergency medical and ambulance services, law enforcement, and National Guard—are being called upon for more homeland security. I am confident that we will prevail and become even stronger as a Nation.

This Memorial Day, as we celebrate those who gave their lives, we should also pause to consider the veterans among us who have contributed so much and are still an important part of our communities. As one who had a brother killed in the line of duty in Asia and as a former Air Force officer myself, I understand the sacrifices that our service men and women and their families make.

The bills we are acting on today are designed to increase employment opportunities for veterans, improve VA facilities, and provide needed cost-of-living increases for disability compensation. There is more that we need to do to improve the way the VA does business. We need to ensure that veterans’ disability claims are processed quickly and accurately, that health care delivery is improved by coordinating the medical care systems of VA and the Department of Defense, and that resources are focused on treating disabled and low-income veterans. Under the leadership of President Bush and VA Secretary Principi, I believe we are going to make significant improvements in the delivery of veterans benefits.

Over the years, our military veterans have kept faith with their country in times of need. With these bills, we will be helping to keep faith with them. Thank you, Mr. Speaker.

HONORING MR. JARRED M. LINDLEY
HON. SAM GRAVES
OF MISSOURI
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. GRAVES. Mr. Speaker, I rise today to recognize the dedication and commitment of Mr. Jarred M. Lindley. Mr. Lindley is a recent graduate of Savannah High School in Savannah, Missouri, who had perfect attendance throughout his 13 years of public education. Remarkably, Mr. Lindley also was not tardy from any event, even in his last 13 years. Mr. Lindley met this goal when he was an elementary student and would not take credit for his accomplishment until the final day of his senior year was complete. I am honored to have Mr. Lindley living in the Sixth Congressional District of Missouri.

Along with Jarred Lindley’s parents, Sherry and Michael, family, and friends, I take pride in what he has accomplished.

I commend Mr. Lindley for his dedication in reaching his perfect attendance record. Additionally, he is graduating in the top five percent of his class, and is a member of the gold tutor at the Air Force Law School at Maxwell AFB. I again want to congratulate Mr. Jarred Lindley for his accomplishment. He makes the Sixth District and All Americans very proud.

TRIBUTE TO THE 30TH ANNIVERSARY OF THE INTERNATIONAL VISITORS COUNCIL
HON. DAVID E. BONIOR
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, the International Visitors Council of Metropolitan Detroit is a non-profit organization whose purpose is to present the unique culture of Metro Detroit to distinguished visitors from around the world through its social, economic, and educational diversity. This year, as the International Visitors Council upheld their annual Gala Celebration, they also celebrated their 30th Anniversary on May 17, 2002.

Since 1972, the International Visitors Council of Metropolitan Detroit has demonstrated distinguished service and leadership in establishing cross-cultural relations and building solid networks of communication at the personal and professional level. As “citizen diplomats” faithfully committed to the mission of the International Visitors Council, volunteers dedicate their time and talents to hosting meetings, fundraisers and receptions for Detroit citizens and honorable guests from around the world. Opening their homes and hearts to international visitors from Europe, Asia and Africa, they take it upon themselves to ensure that visitors leave Detroit with a positive impression of the city and its citizenry.

Creating dialogue and building bridges of understanding is the only way to ensure the advancement of communities built on respect and justice. Today the International Visitors Council of Metropolitan Detroit is one of 96 councils in the nationwide network of the National Council of International Visitors, welcoming over 12,000 international visitors during the last three decades. The hard work and dedication of the International Visitors Council of Detroit to achieving its mission of building strong friendships and improving relations between the United States and other countries is truly exceptional, and encourages others to reach their level of activism and understanding.

I applaud the International Visitors Council of Metropolitan Detroit on their leadership and commitment, and I congratulate them on outstanding years of dedication and service. I urge my colleagues to join me in saluting them for their exemplary years of public service.

KENT CITY QUIZ BOWL WINS STATE CHAMPIONSHIP
HON. VERNON J. EHLERS
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. EHLERS. Mr. Speaker, I rise today to honor the 2002 Kent City Community High School Quiz Bowl team for winning the 2002 Michigan Class “C” & “D” Quiz Bowl Championship with a perfect 6-0 record during the two-day state tournament. This marks the second time in three years that the Kent City Eagles have claimed the championship.

Members of the 2002 State Championship team include: Mike Cheyne, Jerry Urban, John Hersey, A. J. DeGroot, Josh Whitehead, Joe Postema, Jared Brown, Andy Lerch, Matt Nixon, Brandon Stout, Robert Nyblad, Justin Waller, Dan Ondersma and Isaac Owens. Government teacher Sid Smith, who serves as the coach of this talented squad, should also be commended for his outstanding work in preparing the students for competition.

On the way to their second championship, the Eagles compiled a remarkable 46-7 record, often against much larger schools. To illustrate how much the Eagles dominated most of their competition throughout the year, I note that six of their seven losses were to Class “A” Quiz Bowl Champion Champion Detroit Catholic Central, Class “B” Champion Champion Detroit County Day and Class “A” Senior High School.

The team will now compete on the national level as they take part in the National Academic Quiz Tournament in Austin, Texas on June 8 and 9 and the Partnership for Academic Excellence National Championship, D.C., on June 15 and 16. I have no doubt that these outstanding young men will serve as wonderful representatives for Kent City, the State of Michigan, and the Third Congressional District.

Mr. Speaker, I ask my colleagues to join me in honoring these students who have put Kent City, Michigan on the Quiz Bowl map. Congratulations on an outstanding season, and I wish you continued success in the upcoming national competitions!

PERSONAL EXPLANATION
HON. MAURICE D. HINCHEN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. HINCHEN. Mr. Speaker, I was unavoidably detained in New York on May 20, 2002, and missed roll call votes 171, 172, and 173. Had I been present, I would have voted “aye” on roll call 171, “aye” on roll call 172, and “aye” on roll call 173.

COMMENDING HON. RAHEF HEATH CLOE FOR PUBLIC SERVICE
HON. ROBERT B. ADERHOLT
OF ALABAMA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. ADERHOLT. Mr. Speaker, I rise today to commemorate the distinguished career of the Honorable Rahef Heath Cloe, United States Administrative Law Judge from the Office of Hearings and Appeals, Social Security Administration, Birmingham, AL. Judge Cloe served for more than 15 years as a senior trial attorney for the Federal Trade Commission in Washington, D.C. He has served in the United States Air Force, active and reserve duty, retiring as Colonel with the Office of the Judge Advocate General, and also serving as an instructor at the Air Force Law School at Maxwell Air Force Base in Montgomery, Alabama.
On February 22, 1982, he was appointed as the United States Administrative Law Judge for the Office of Hearings and Appeals of the Social Security Administration and has served in that capacity in Birmingham, AL since 1982.

On June 3, 2002, Judge Cloe will retire after 42 years of distinguished service to the people of the United States. His commitment to upholding the Constitutional rights of the citizens of this country is exemplary and unquestioned. He is worthy of commendation for his commitment to public service.

EXPRESSING GRATITUDE FOR THE EFFORTS TO RESTORE THE WOLF HOUSE IN MOUNTAIN HOME, ARKANSAS

HON. JOHN BOOZMAN
OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. BOOZMAN. Mr. Speaker, I rise today to express my gratitude for the efforts of all those involved in restoring the historic Wolf House in Mountain Home, Arkansas.

The newly restored Wolf House will have its grand reopening on May 18th. Built in 1829 by Jacob Wolf, the building served as the county courthouse for what was then Izard County, Arkansas and now provides a good glimpse into how life was in that era.

Nearly two years ago, architect Tommy Jameson led a team of craftsmen in the restoration of the 180-year-old structure. Working closely with Preservation Consultant Joan Gould, they strove to maintain historical accuracy of the project, restoring the oldest public building in Arkansas to its original form.

The restoration effort leaves the state with a new building in Arkansas to its original form. Mr. Speaker, I would like to announce what a great source of pride this event will provide to the local Taiwanese community. They are an integral part of our society and I am pleased that the 2002 Washington, D.C. Dragon Boat Festival helps to highlight the contributions they have continuously brought to the region over the years.

PERSONAL EXPLANATION

HON. FRANK MASCARA
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. MASCARA. Mr. Speaker, on May 16, 2002, I was absent for personal reasons and missed roll call votes numbered 167, 168, 169, and 170. For the record, had I been present I would have voted yea, yea, and nay, respectively.

RECOGNITION OF EILEEN KAVANAGH

HON. VITO FOSELLA
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. FOSELLA. Mr. Speaker, I hereby request that these comments be placed in the appropriate part of the CONGRESSIONAL RECORD:

This past fall, the Staten Island Advance, the Staten Island Children’s Campaign and my office joined together to raise money for families of victims of the World Trade Center tragedy. We established a non-profit named The Staten Island September 11th Fund and were successful in raising more than $1.2 million for families of victims from Staten Island.

The person who made the whole program work, the one who dealt with every family and every single application received, was Eileen Kavanagh.

Without relinquishing or compromising any of her myriad daily duties serving as executive secretary to the editor of the Staten Island Advance, she took on for six months the tremendous amount of work associated with The Staten Island September 11th Fund. That work included reviewing and processing the more than 200 applications received, handling all inquiries concerning benefits and donations and serving as the liaison between the Fund and the bank handling the account. This work included receiving and creating computerized records of thousands of donations totaling almost $1.3 million, sending written acknowledgments to all donors, making necessary bank deposits and, in the end, writing the almost 200 checks that the fund dispensed.

Perhaps most importantly, she showed the ability to provide the sensitivity needed to deal with families of the September 11th attacks and the objectivity needed to reflect the strict requirements established for the administration of the Fund. From trying to explain the fund to a widow who lost her firefighter husband who is struggling to raise their children alone and at the same time consoling and empathizing with her to explain it to a woman who lost her father and is doing everything she can to help her mother to accepting thousands of donations from.

To sum it all up, Eileen Kavanagh was able to do all of this with accuracy, understanding and compassion. She made the very difficult situation for many family members seeking financial assistance a lot easier for them because of that compassion. Sometimes, a family member of a victim just wants to hear a friendly voice on the other end—to talk—to be understood and listened to—Eileen did this graciously. She did not do it for any monetary compensation, or for public attention, but simply to help her friends, neighbors—fellow Staten Islanders who were so devastated by the tragic events of September 11th. She provides us with an excellent example of the goodness that truly does exist in people—a goodness that we should all strive to share and attain.

Staten Island suffered a great loss on September 11th. Hundreds of men and women were lost—husbands, wives, mothers, fathers, sons, daughters, aunts, uncles, grandparents, cousins, friends, neighbors and loved ones. All of our lives were forever changed—but the deeds of people like Eileen have eased the burden a bit—and have given us all a little more strength to carry on and hope for the future.

RECOGNIZING THE 100TH ANNIVERSARY OF THE ATHELSTANE LODGE #839 FREE AND ACCEPTED MASONSON

HON. BENJAMIN A. GILMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. GILMAN. Mr. Speaker, I wish to call to the attention of our colleagues and the American people the achievements of the Brothers of the Athelstane Lodge #839 Free and Accepted Masons of Pearl River, New York, on their 100th anniversary of fraternity and service to their community. The Athelstane Lodge has continued the Masonic tradition of promoting “morality in which all men agree, that is to be good men and true.”

The Masons, officially titled the Free and Accepted Masons, are one of the world’s oldest and largest fraternal organizations, dating back to its foundation in England in the early 1700’s. Throughout history the Masons have sought to bring men together of all race, religions and political ideology under the ideas of charity, equality, morality and service to God. Today the Masons have millions of members worldwide, including more than 2.5 million in...
IN RECOGNITION OF MICHAEL LAHEY

HON. JAMES P. MCGOVERN
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. MCGOVERN. Mr. Speaker, I rise today to recognize IRS Special Agent in Charge of Criminal Investigation, Michael Lahey, for his promotion to Director of the Review and Program Evaluation Section at IRS Headquarters in Washington, D.C. He also received the General Douglas MacArthur Leadership Award.

Mr. Lahey began his career with the Internal Revenue Service in 1982 as a Special Agent in Miami, Florida. Through his dedication and hard work, Mr. Lahey was selected as the Branch Chief in Boston in 1997. He held that position until his selection as Special Agent in Charge for the Boston Field office in 2000.

As Special Agent in Charge for New England, his team of 140 IRS employees followed the money trail through a wide range of financial investigations. His team has examined cases involving tax evasion, narcotics trafficking, money laundering, public corruption, as well as healthcare and insurance fraud. As a direct result of asset forfeitures from IRS drug trafficking and organized crime cases, the people of Massachusetts have benefited greatly from the substantial sums that have been reinvested in state and local police departments during his tenure in the Boston office.

Mr. Lahey, a resident of Shrewsbury, Massachusetts, has been a strong supporter of sports programs for youngsters in his community. He has served as the Director of Minor League Baseball for the Little League and has coached for several years.

Mr. Speaker, I ask that you join me in congratulating Michael Lahey for his outstanding service with the Internal Revenue Service. I wish him the best of luck in his new position.

BOB STUMP NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2003

SPEECH OF
HON. PETER A. DEFAZIO
OF OREGON

IN THE HOUSE OF REPRESENTATIVES
Thursday, May 16, 2002

The House in Committee of the Whole on the 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, for military construction, to prescribe military personnel strengths for fiscal year 2003, and for other purposes.

Mr. DeFazio. Mr. Chairman, I rise today to continue my remarks about H.R. 4546, the fiscal year 2003 Department of Defense authorization act. In my previous remarks, I criticized the House Rules Committee for blocking all amendments, including five I drafted, that would have allowed the House to debate the wisdom of various weapons systems. I also detailed the rationale for my amendments to eliminate the Common Helicopter System. In my remarks today, I want to discuss another weapons system—the Army’s Comanche helicopter—that is behind schedule, over budget, and unable to meet critical performance requirements.

In at least eight reports since 1986, the GAO has raised concerns about the Army’s effort to develop its next generation light helicopter, now known as the Comanche. Further, the Army has recognized problems with the Comanche program, which has been restructured five times since its inception. Previous restructurings have significantly delayed the development schedule, extended the production schedule, and reduced planned quantities.

The program has been raising red flags about the Comanche program since the late 1990s. The first GAO report I requested on the Comanche was released in August 1999. This report identified a number of cost, quality control, and performance concerns about the Comanche program.

An updated report I requested from the GAO was released in June 2001. This report concluded that the concerns raised in the August 1999 report had only gotten worse.

I am not just the GAO that has raised concerns. The Director of Operational Test and Evaluation has also been critical of the Comanche.

I was pleased to see the House Armed Services Committee imposed a few conditions on the Army’s Comanche helicopter program in H.R. 4546.

One of the conditions, a requirement that the Army reassess the cost and timeline of the Comanche program, is similar to what I proposed in an amendment last year.

The other condition, an annual report by the DOD Inspector General, is a useful step in providing for constant, independent oversight of the program.

However, I am concerned that the Committee did not go quite far enough in protecting taxpayers from runaway costs for a program GAO and others have consistently identified as failing to meet testing and performance goals.

The amendment I offered would have prohibited the Pentagon from awarding contracts for low rate initial production (LRIP) until the Secretary of Defense, in consultation with the Director of Operational Test and Evaluation, certified that the testing program has been rigorous enough to determine the program performs as expected in an operational environment, in other words, not just in computer simulation or laboratory tests. The amendment also required that the Comanche achieve key performance standards before contracts for LRIP could be awarded.

According to the June 2001 GAO report, a decision on whether to move forward with low rate initial production was expected in June 2005.

It is my understanding that in the year since the GAO report, the Comanche program has fallen even further behind schedule, and a LRIP decision now may not occur until 2008.

Some might argue that my amendment, therefore, was premature. I would argue that given the repeated mismanagement of the Comanche program, Congress must send the unmistakable message that the program will not advance toward production until timing, cost, quality, and performance concerns are all addressed to our satisfaction. My amendment would have sent that message.

Defense contractors push hard to get to LRIP decisions because, once they are over...
that hump, they know it is nearly impossible to kill the program. That is why Congress needed to signal now that we have no intention of allowing the LRIP decision from being made until we are fully satisfied the Comanche will work as advertised and will be built within reasonable cost and time constraints.

I’d like to run down a few of the specific problems with the Comanche.

In August 1999, the GAO warned the Comanche faced significant risks of cost overruns, engineering delays, and degraded performance primarily because the Army decided to (1) begin engineering and manufacturing development before key technologies had matured, (2) compress the flight-testing schedule, which increases concurrency between development and operational testing, and (3) begin initial production before completing operational testing.

In its most recent report, issued in June 2001, the GAO noted the problems identified in the August 1999 report have gotten worse. The GAO sites a range of concerns including understated acquisition program cost estimates; ambitious flight test schedules with substantial concurrency in test events; delays in another DOD program, the Joint Strike Fighter (JSF), which had been counted on to develop a common component of the aircraft; inadequate facilities to fully test and integrate system hardware and software; and considerable growth in aircraft weight.

The program’s total development and production costs are now estimated to be $4.8 billion—from $43.3 billion to $48.1 billion. This includes a $75 million increase in development costs and a nearly $4.8 billion increase in production costs. As the GAO notes, these costs are likely to further escalate. DOD’s most recent cost estimate for the Comanche was done in April 2000. At that time, DOD’s Cost Analysis Improvement Group estimated the Comanche would need an additional $180 million for its engineering and manufacturing development phase. However, this money was not included in the April 2000 baseline.

Further, in January 2001, DOD added about $504 million in funding to the Comanche program over the next few years. About $84 million went to FID&E, the remaining $420 million was for production. These additional funds have not yet been reflected in the program’s official cost estimates.

The Comanche program office also maintains a list of unfunded requirements that total $68 million. According to the GAO, “The program office acknowledges that, unless additional funds are obtained, some yet-to-be-determined program performance requirements could be impacted.”

The Comanche is also missing testing and production milestones.

The GAO is particularly critical of the Comanche development and testing schedule, in which many crucial events come close together or concurrently in the late stages. The GAO specifically writes, “We have reported that while the recent work and low-rate initial production (LRIP) are done concurrently, significant schedule delays that cause cost increases and other problems are not uncommon in early production. Also, production processes are often not able to consistently yield output of high quality when full-rate production begins.”

Before entering the LRIP stage, previous GAO work has shown successful commercial firms already know that (1) technologies match customer requirements; that is, they can fit onto a product and function as expected, (2) the product’s design meets performance requirements, and (3) the product can be produced within cost, schedule, and quality targets. According to GAO, “It is unlikely the Army will have the knowledge of criticality of the Comanche” by the June 2005 LRIP decision date.

Specifically, the GAO notes “several critical subsystems—to be included in the mission equipment package—may not be available until late development and flight-testing is well underway.

These subsystems are very complex state-of-the-art systems that have not been demonstrated on a helicopter platform like Comanche.” The GAO goes on to warn “the Army’s schedule for developing and testing software for the Comanche may not be complete prior to the full-rate production decision.”

Failure to correct deficiencies prior to LRIP could lead to costly retrofits and repairs to aircraft already produced. As GAO wrote “To produce aircraft meeting low-rate initial production, the Army will have to ramp up its production capabilities rapidly and at a time when the aircraft design is still evolving as new subsystems are introduced and test results are evaluated.”

The Comanche is also failing to meet performance requirements. GAO says the Comanche is at risk of not achieving its rate of vertical climb requirement. The Comanche’s ability to climb at a rate of 500 feet per minute is a key performance requirement as established by the JSF. The Comanche’s weight was a concern in the GAO’s August 1999 report. The problem had only gotten worse by the time of the June 2001 report. The Comanche’s empty weight had increased by 563 pounds—from 8,822 to 9,385—which threatens the vertical climb requirement.

GAO also says the Comanche is unlikely to complete the development and integration of its mission equipment package, which is needed to support a range of important functions including early warning, target acquisition, piloting, navigation, and communications. GAO also warns the program is not successfully completing development of the system for detecting equipment problems. A critical component of the Comanche is its on-board fault detection system that can rapidly and accurately provide information about equipment problems. Without this system, the cost of maintaining the aircraft would increase. According to the Army, this system needs to be 75 to 95 percent accurate—75 percent for avionics and electronics equipment and 95 percent for avionics and electronics equipment. However, the Comanche program office has concluded this requirement will be difficult to achieve within the current cost, weight, and packaging constraints and does not expect to achieve a mature fault detection and fault isolation capability until two years after initial fielding.

Finally, the GAO warns the Comanche is failing to achieve the “beyond-line-of-sight” communications capability needed to perform its mission. Satellite communications are essential to this reconnaissance capability. The Army was planning to rely on satellite communication technology that was being developed and miniaturized as part of the Joint Strike Fighter program. However, the JSF has been delayed. The Comanche program office now believes it must develop its own satellite communication technology. GAO warns the development schedule “remains high-risk for the timely inclusion of this capability on the initially fielded Comanche helicopters.”

Finally, the Pentagon’s Director of Operational Test and Evaluation raised significant concerns about the Comanche in a 2000 report. Among the criticisms, the report said: “It is highly unlikely that the Service can deliver the expected performance within the current budget and schedule. Lacking an operational assessment of an integrated system, it is difficult to predict with any degree of confidence whether the individual subsystems can be successfully integrated. After the subsystems will function properly in an operational environment, or whether, in concert, they will provide the anticipated benefits in operational performance.”

“DOT&E’s assessment of the Comanche’s weight projections found several questionable areas, including overly optimistic expected weight reductions and questionable estimates of future weight growth.”

“Overall, the Comanche has a risky test and evaluation strategy for integrating the MEP (mission equipment package) on the aircraft ... The resulting schedule compression allows little reserve in the timetable, thereby increasing the impact of unforeseen events/delays.”

As the aforementioned warnings I outlined from the GAO and the Pentagon’s own Director of Operational Test and Evaluation make clear, Congress should not continue to pour money into the Comanche without regard to results.

Unfortunately, H.R. 4546 continues to sink billions of taxpayer dollars into weapons system of dubious utility and questionable performance.

RECOGNIZING OLDER AMERICANS
MONTH IN MAY

HON. RON KIND
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. KIND. Mr. Speaker, I rise today in recognition of Older Americans Month, May 2002. The theme this year is America: A Community for All Ages, recognizing the national community in which we live, and paying tribute to the multi-generational family that is the strength of America.

Older members of our families and communities provide us with a historical perspective and contribute to our nation’s greatness and prosperity. The experiences, stories, and wisdom of our senior citizens are integral to our understanding of our country and our world. To help preserve their stories I am proud to have authored legislation during the 106th Congress that created the Veterans History Project. The Veterans History Project is run by the Library of Congress, which coordinates a collection of video and audio recordings of the personal histories of American war veterans, as well as copies of their letters, diaries, and photographs. The library will also establish a publicly accessible archive for these records and documents.

Beyond this project, I have always strongly advocated for legislation that supports our Nation’s seniors. Two of the most important
issues facing older Americans today are Social Security and prescription drug coverage under Medicare.

The solvency of Social Security is a serious concern for all Americans. I have consistently supported legislation that shores up and secures Social Security benefits for our older Americans. For example, I am an original co-sponsor of H.R. 4671, the Social Security Widow’s Benefit Guarantee Act. This bill would increase widows’ and widowers’ Social Security Benefits to 75 percent of the combined amount the couple had been receiving prior to the death of the spouse. In a typical case a widow’s benefit would increase by 12 percent, or more than $100/month. The House just passed the Republican version of this bill, which is a good first step toward ensuring these benefits.

Similarly, the rising cost of prescription drugs is one of our most important health care challenges. Currently, senior citizens who pay for their own prescription medication pay more than twice as much for drugs than do the pharmaceutical companies’ most favored customers. Exacerbating this problem is the fact that even though seniors use the most prescriptions, over 75 percent of seniors on Medicare lack reliable drug coverage.

Recently, both Republicans and Democrats have talked about introducing and passing legislation that provides prescription drug benefit under Medicare. I am working with my colleagues to craft legislation that would provide a voluntary Medicare prescription drug benefit, providing access for every senior no matter where they live or what their income.

Easy solutions to the high cost of prescription drugs and the solvency of Social Security do not exist. It is my hope that as the 107th Congress progresses, my colleagues will not forget about the needs of our older Americans, and will continue to work for legislation that preserves the benefits our Nation’s seniors richly deserve.

HONORING DR. THOMAS MADDEN ON HIS RETIREMENT AS SUPERINTENDENT OF LEMONT TOWNSHIP HIGH SCHOOL DISTRICT 210

HON. JUDY BIGGERT OF ILLINOIS IN THE HOUSE OF REPRESENTATIVES Tuesday, May 21, 2002

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize and honor Dr. Thomas Madden on his retirement as Superintendent of Lemont Township High School District 210. Since 1970, Dr. Madden has given his extraordinary talents and leadership as an educator to the students, faculty, and parents served by Lemont District 210. He has served with great distinction, and I am proud to highlight his outstanding record of accomplishments.

Under Dr. Madden’s leadership, Lemont District 210 has witnessed dramatic growth and maintained an outstanding, quality education for students. Through his legislative initiatives and work with the National Association of Federally Impacted Schools, Dr. Madden has helped to secure a three-fold increase in federal aid—money that has gone to the direct benefit of his students and schools. He also has led the effort to secure $26 million in construction bonds, allowing Lemont District 210 to build new schools and facilities to accommodate significant increases in enrollment and staff.

Dr. Madden is an active participant in all aspects of the community. He serves on several local and national boards, including the Lemont Chamber of Commerce, the Lemont Area Development Council, and the National Association of Federally Impacted Schools. Dr. Madden has helped to promote a community and region that is supportive of families and local business, making our part of Illinois one of the fastest growing suburban areas in the nation. Most importantly, Dr. Madden has helped to build an education system that ensures that today’s students will meet the challenges of tomorrow’s global economy.

Dr. Madden embodies the values we as a nation applaud in our educators—commitment, quality, strength of character, and skill—and he serves as an excellent example to the students throughout the 13th Congressional District. I have valued his thoughts and advice on meeting the challenges of public education. I know that Lemont School District 210 is better for his leadership and I join with the students, faculty, and community in thanking him for his service and wishing him a happy and productive retirement.

HONORING GERALDINE (JERRY) HENDERSON

HON. SHELLEY MOORE CAPITO OF WEST VIRGINIA IN THE HOUSE OF REPRESENTATIVES Tuesday, May 21, 2002

Mrs. CAPITO. Mr. Speaker, I rise today in recognition of Geraldine (Jerry) Henderson, owner of Henderson Training and Consulting, in the Second Congressional District of West Virginia. She also owns and operates “A Governor’s Inn,” which is a bed and breakfast, in Buckhannon, West Virginia. Ms. Henderson has achieved the title of Women in Business Advocate of the Year. The West Virginia District of the United States Small Business Administration, a leader in the promotion and growth of our state, gives this award annually.

Ms. Henderson began Henderson Training and Consulting of West Virginia to give advice to business people. She leads classes throughout the state dealing with small business issues such as staff development, supervisory techniques and placing emphasis on hospitality and responsibility to the community. Ms. Henderson embodies the values that created the American success story: self-reliance, hard work, perseverance and optimism. I commend her for her contributions to the West Virginia economy.

Successful small businesses not only serve as the backbone of the economy, they anchor communities and promote civic pride. I urge my colleagues to join me in celebrating Ms. Henderson’s tremendous achievement as the West Virginia Small Business Administration’s Women in Business Advocate of the Year.

Tribute to Sten Eric William Carlson on the Occasion of His 90th Birthday

HON. ANNA G. ESCHO OF CALIFORNIA IN THE HOUSE OF REPRESENTATIVES Tuesday, May 21, 2002

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to an extraordinary American and a distinguished Californian, Sten Eric William Carlson, who is celebrating his ninetieth birthday.

Born on June 27, 1912, in Fort William, Ontario, Canada, Sten Carlson is the son of Johanna and Pers, who migrated from Sweden to Canada in the late 1800s, settling on a farm in Saskatchewan. Sten left Canada for the United States in 1951 where he met Elizabeth, his wife of forty-five years. They are the proud parents of Eric, 44, and Frank, who died tragically at an early age.

An employee of United Airlines for more than twenty-five years, Sten Carlson retired in 1977. He also worked for MacDonald Aircraft, building the Mosquito aircraft, a premier long flying plane used in some of our nation’s most critical missions.

Sten Carlson has always given generously of his time and his multitude of talents to the community, focusing much of his volunteer work on victim support groups. He is a lifetime member of Lodge 1781, IAM, and continues to serve as a member of the Board of Directors of the Retirees. A volunteer at Peninsula Medical Center for more than fifteen years, Sten has devoted many years of service to KQED.

Sten Carlson is a devoted husband and father with a strong moral sense of right and wrong. His lifetime of activities has centered on his family and his community. His is a life based on the most celebrated of American values—honesty, dependability, courage, loyalty, and love of family, friends and country.

Mr. Speaker, I ask my colleagues to join me in wishing Sten Carlson a happy 90th birthday. We are a better community, a better country and a better people because of him and all he has done.

Personal Explanation

HON. MAJOR R. OWENS OF NEW YORK IN THE HOUSE OF REPRESENTATIVES Tuesday, May 21, 2002

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent and missed rollcall votes 171, 172, 173. If present I would have voted “yea.”

National Correctional Officers’ Week

HON. DAVID E. BONIOR OF MICHIGAN IN THE HOUSE OF REPRESENTATIVES Tuesday, May 21, 2002

Mr. BONIOR. Mr. Speaker, I rise today, during National Correctional Officers and Employees Week, to honor our correctional officers for the work they do to keep our families safe. We do not thank these men and women enough for their service to our communities.
Day after day, week after week, our correctional officers work one of the most dangerous patrols in the country. They devote themselves to keeping violent felons behind bars, ensuring that our families can feel safe in our homes and on our streets. We know from the number of correctional officers who die in the line of duty every year that this is a dangerous profession that requires courage, hard work, and professionalism.

Our correctional officers are people like Bonnie Johnson, a mother of six, who works over 50 hours a week in a prison in Jackson, Michigan. For almost 20 years, Bonnie has put her heart and soul into her job. Or Rodney Olsson—a correctional officer with the Michigan prison system for roughly 14 years. Rodney drives over 60 miles to get to and from work. These fine men and women work holidays, weekends, and double shifts. They deserve our support.

We need to do our part in the weeks and months ahead to pass legislation that will protect the safety and working conditions of correctional officers. We should act to prevent further institutionalization of our prisons, which puts both our officers and inmate populations at risk. We need to ensure that our correctional officers receive meaningful, reliable pensions, good benefits, and decent wages. And we should invest adequate resources in prison programs that provide constructive activities for inmates that reduce recidivism and prevent violence. The work of our correctional officers gets more and more difficult with each passing day. In my home state of Michigan, the prison population has grown 38 times faster than our general population. And records show our inmate population is getting more violent. I commend Michigan's correctional officers for staying committed to the job despite these additional challenges.

I urge my colleagues to support the resolution offered by Representatives Strickland, Sweeney, Horn, and Holden that officially recognizes National Correctional Officers and Employees Week. This resolution also requests that our President issue a proclamation urging citizens to honor our correctional officers and the work they do to protect us. We should pass this resolution without delay and give our correctional officers the respect they deserve for their service.

CONGRATULATING COLONEL DENNIS L. VIA

HON. CHET EDWARDS
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. EDWARDS. Mr. Speaker, I rise to recognize a great Army officer and soldier, Colonel Dennis L. Via, and to thank him for his contributions to the United States Army and to our country. Colonel Via will relinquish command of the 3rd Signal Brigade at Fort Hood, Texas for assignment to the Department of the Army's Office of the Deputy Chief of Staff for Programs, here in Washington, DC.

Colonel Via began his career in 1980, graduating from Virginia State University as a Distinguished Military Graduate and earning a commission as a 2nd Lieutenant in the U.S. Army Signal Corps. He commanded troops as a Signal Platoon Leader, Company Commander, and Battalion Commander before taking command of the 3rd Signal Brigade. Dennis has also served in staff positions from battalion level to the Department of the Army at numerous posts in the United States and Europe, and along the way found time to earn a Master's Degree at Boston University.

Dennis Via is a consummate professional whose performance personifies those traits of courage, competency, and commitment that our nation expects and demands from its military leaders. It is with both regret and pride that we wish him Godspeed and good luck as he leaves Fort Hood for his new assignment. It is important to note that every accolade to Dennis must also be considered a tribute to his family, his wife Linda and their two sons, Brian and Bradley. As a wife and mother, Linda has been a true partner in all of his accomplishments.

Dennis' career has reflected his deep commitment to our nation, and has been characterized by dedicated service, a profound respect for our soldiers and their families, and an absolute commitment to excellence. I ask Members to join me in offering our heartfelt appreciation for a job well done and best wishes for continued success to an outstanding soldier and a good friend—Colonel Dennis L. Via.

TRIBUTE TO ROBERT S. KIEVE

HON. ZOE LOFGREN
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Ms. LOFGREN. Mr. Speaker, I rise to recognize the achievements of San Jose broadcaster Robert S. Kieve. I would like to recognize his efforts as a radio pioneer deeply dedicated to the idea of the media providing a community service. He will be honored with the Spirit of San Jose Award on Monday, May 20, 2002.

Since 1967, Kieve had been one of the "mom and pop" owners holding out against large conglomerates, demonstrating the value of local ownership. He was both his radio stations, community involvement and loyalty to employees—who own 25 percent of his broadcasting company, Empire Broadcasting. In recently selling one of his radio stations, Kieve shared those profits with his employees in an unusual and caring move for the business . . . but not for him.

Kieve, a former Eisenhower speechwriter, has been a pioneer in hiring women in an industry that women are dramatically underrepresented.

He has, for thirty years, been an outspoken, committed and vital force in San Jose. Always willing to offer his opinions and provide a forum for others to share theirs. Always willing to try something new, Kieve recently started three Internet radio stations featuring Beethoven, traditional country and big band.

Kieve will continue to operate two stations, KRTY-FM and KLIV-AM after his recent sale of KARA-FM, a San Jose institution, and will use a portion of the profits to help create a charitable foundation.

I am proud and grateful to thank Robert S. Kieve for reminding us all that one person can truly make a difference in the lives of many.

MONSIGNOR GEORGE C. HIGGINS: AMERICA'S LABOR PRIEST

HON. JOHN J. LAFALCE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. LAFALCE. Mr. Speaker, America lost its preeminent "labor priest" on May 1st when Monsignor George C. Higgins died at the age of 86 after a half-century of devoting the Nation's Capital devoted to the cause of social justice and the rights of labor. As head of the Catholic Bishops' Social Action Department for 35 years, Msgr. Higgins was an influential church figure and respected authority on the labor movement who dedicated his life to promoting the rights of workers around the world.

No one did more to advance the church's social teachings on a just economy and the rights of working people. Msgr. Higgins brought the church and labor closer together by showing working people that the church's social teaching was on their side—that work must be valued and workers honored, and that a just society demands that workers have the right to organize and bargain collectively.

Generations of American workers—who never knew his name—owe Monsignor Higgins a debt of gratitude for devoting his life to fighting injustice and defending their rights.

I would like to insert in the Record for the benefit of my colleagues the following statements by the US Conference of Catholic Bishops and by AFL-CIO President John Sweeney on Msgr. Higgins death, and an essay by E.J. Dionne entitled "The Great Monsignor."

MONSIGNOR GEORGE HIGGINS, DEAN OF CHURCH SOCIAL ACTION MOVEMENT, Dies
WASHINGTON (May 1, 2002)—Mssr. George G. Higgins, the "labor priest" who was generally regarded as the dean of the U.S. Church's social action ministry for the last half century, died May 1 at age 86.

After a long illness, Msgr. Higgins died at the home of his sister, Bridget Doonan, in LaGrange, Illinois, where he had returned to LaGrange in January to speak at St. Francis Xavier Church, the parish in which he was raised. After delivering the talk on January 19, he fell ill with a severe infection and was hospitalized for a period of three months.

"Msgr. George Higgins was without parallel the authority on the Church's social teaching and on labor-management issues," said Bishop Wilton D. Gregory, President of the United States Conference of Catholic Bishops (USCCB). "He was, above all, a good and dedicated priest. I pray for the repose of his soul and for the consolation of his family and the many persons in all walks of life to whom he will always be a vibrant and lasting inspiration."

A priest of the Archdiocese of Chicago, who spent 35 years of his life in the nation's capital, Msgr. Higgins was probably the best known and most influential priest in the United States. He was widely admired within the Church and in the secular realm for his knowledge of the labor movement, ecumenism, Catholic-Jewish relations and many other fields, and for his talents as a skillful negotiator.

"The best informed priest in the United States," as U.S. Church historian John
Francis Xavier, La Grante, May 6. The Cathedral in Chicago. A visitation and Liturgy Conference, and Mr. John Sweeney, President on earth to have been on the Feast of St. Francis Xavier.

STATEMENT BY AFL-CIO PRESIDENT JOHN J. SWENNEY — UPON THE PASSING OF MSGR. GEORGE HIGGINS

How like Msgr. George Higgins for his last day on earth to have been on the Feast of St. Joseph the Worker—and International Worker’s Day!

Throughout his entire life, this “labor priest,” as we fondly and admirably referred to him, focused on the lives of working men and women—hundreds of thousands of them. Wherever working people were joining together to build a better life, Mr. Higgins was there supporting their struggle with striking miners in Wyoming, celebrating an organizing victory with meat cutters in Texas, stood with hospital workers and medical workers from farm workers and growers in California, and testified on Catholic social teaching in a case before the Education Labor Relations Board in Illinois. As Pope John Paul II stated in the 20th century, Msgr. Higgins argued that Christian beliefs must prominently include the notion that work must be valued and workers honored. His preaching on Catholic social teaching educated generations of leaders within his church and helped them apply the justice Gospel in their own areas.

And for more than 60 years, Msgr. Higgins championed the right of working men and women to join freely in unions to improve their lives. Higgins sounds, so characteristic of the mid-20th century, argued that labor and church together could with the help of the American bishops, convert the flagrant violation of these norms by preachers about sexuality and compassion to others to Catholic institutions who resisted the dehumanization of people. Msgr. Higgins had a great tradition of teaching and writing about social justice and wrote in the hope that some of his arguments about social justice might penetrate somewhere.

He got attached to causes before they became fashionable, and stuck with them after the fashionable people moved on. Cesar Chavez once said that no one had done more for American farm workers than Monsignor Higgins. In the 1960s, he traveled regularly to California to support the struggle against communism and became an important link between American union leaders and their Polish brethren.

As it happens, even the day of Monsignor Higgins’s death, at the age of 86, was appropriate. He passed from this world on May 1, the day that many count on to celebrate the Guardian Angel and the Church designates as the Feast of St. Joseph the Worker.

If Higgins had been there when that famous carpenter was looking for a place to spend the night with his pregnant wife, the monsignor would certainly have taken the family in. He would also have handed Joseph a union card, told him he deserved better pay and benefits, and insisted that no working person should ever have to beg for shelter. He would have comforted Joseph and told him that he was going to heaven—and in every good sense he was—that you might wonder about his relevance to our moment. Let us count the ways.

The most astonishing and disturbing aspects of the Catholic Church’s current scandal is the profound disjunction—that is, a charitable word—between what the church says about social justice and its action toward the young and how its leaders reacted to the flagrant violation of these norms by preachers.

Higgins, who spent decades as the Catholic Church’s point man on labor and social-justice issues, hated the idea of preachers’ exhorting people to do one thing and then declining to support their union movements. He made himself into a true pain for any administrator of any Catholic Institution who resisted the demands of workers for fair pay and union representation.

“These men and women mop the floors of Catholic schools, work in Catholic hospital kitchens and perform other sometimes menial tasks in various institutions,” he once wrote. “They have not volunteered to serve the church for less than proportionate compensation.”

“The church has a long history of speaking out on justice and peace issues,” he said. “Yet only in more recent times has the church made it clear that its struggles apply as well to the workings of its own institutions.”

Where some religious leaders complain that they get caught up in scandal because they are unfairly held to higher standards, Higgins believed that higher standards were exactly the calling of those who claim the authority to tell others what to do.

It bothered Higgins to the end of his life that the cause of trade unionism had become so unfashionable, especially among well-educated, well-funded, well-paid clergy, he wrote a column for the Catholic press, and he returned to union issues so often that he once felt obligated to headline one of his offerings: “Why There’s So Much Ado About Labor in My Column.”

His answer was simple: “I am convinced that we are not likely to have a fully free or democratic society over the long haul without a strong and effective labor movement.”

To those who saw collective bargaining as old-fashioned in a new economic order—where choice, mobility and entrepreneurship, Higgins would thunder back about the rights of those for whom such a glittering world was still, at best, a distant possibility: hospital workers, farm workers, fast-food workers and others who need higher wages to help their children.
reach their dreams. He could not abide well-paid intellectuals who regularly derided unions as dinosaurs, and he told them so, over and over.

It is one of the highest callings of spiritual leaders to force those who live happy and comfortable lives to consider their obligations to those heavily burdened by injustice and deprivation. It is a great loss when such prophetic voices are stilled by scandal and the cynicism it breeds. Fortunately, that never happened to Higgins. He never had to shut up about injustice and, God bless him, he never did.

PAYING TRIBUTE TO DAVE SARTON

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. McINNIS. Mr. Speaker, it is my honor today to recognize Dave Sarton for his contributions to the State of Colorado. As a member of the Board of Directors of the South-eastern Colorado Water Conservancy District for sixteen years, he is moving his talents and experience to other endeavors. Dave has been an integral part of securing and distributing Colorado’s most precious resource, water. As he reflects on his service to a grateful board, community, and state, I would like to commend him for his efforts to improve the lives of his fellow Coloradans.

Dave has proven himself a valuable community, business, and governmental leader over the years and has served on countless committees in support of his community and state. He has served on the Colorado Springs City Council, on the Energy and Environment Committee of the National Association of Regional Councils, as director of the Colorado Springs Department of Public Utilities, as director and chairman of the Pikes Peak Area Council of Government, as president of Sun-set Sertoma Club, as chairman of the El Paso Task Force on Alcoholism, as chair of the APB Board of Directors, and as vice-chair of the Colorado Springs Chamber of Commerce. In addition to his community duties, he is a proud business owner and operates a quality service for Colorado Springs as the president of Sperry & Mock/The Floor Store, Inc.

Mr. Speaker, I am proud to bring to the accomplishments and achievements of David Sarton before this body today. His leadership, hard work, and dedication to improving the lives of his fellow Coloradans is an example for all aspiring community leaders and it is for this reason that I wish to bring his accomplishments before this body of Congress, and nation. Thank you for all your hard work Dave. I wish you all the best, and good luck in your future endeavors.

TRIBUTE TO MARY ANN KIRK

HON. CONSTANCE A. MORELLA
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mrs. MORELLA. Mr. Speaker, as Mary Ann Kirk prepares to leave Maryland to join her family in Colorado, I salute her lasting contribution of public service to our State during the past fifty years.

Standing side by side with her children throughout their educational process, she also provided top leadership in the Montgomery County Heart Association; chaired numerous political and charitable fund raisers; and tutored elementary school children and political refugees in the ways of freedom in American democracy.

In 1978, she spearheaded landmark legislation in the Maryland General Assembly which created the Maryland Values Education Commission, and, as Vice Chairwoman, chaired its subcommittee work for four years. This Commission devised a list of 18 Character and Citizenship values affirmed by the Maryland Attorney General as Constitutionally sound for teaching in our schools, and served as a foundation, an impetus, for character/citizenship education efforts across our Nation. Today, there is an Office of Character Education within the Maryland State Department of Education and flourishing, growing, programs throughout the State—a direct result of Mary Ann Kirk’s visionary work.

In 1978, when the Maryland General Assembly passed this landmark legislation, Senator Jennings Randolph (DWP) noted its passage in the CONGRESSIONAL RECORD. He ended his remarks with these words: "The State of Maryland will be the first to create a Values Education Commission. The flame of faith is now aglow in ‘The Free State.’ May other States see the light and feel its warmth.”

In 1986, she organized and coordinated Maryland’s observance of the Bicentennial of the U.S. Constitution with the establishment of the FEDERALIST Foundation. This private/public partnership with Maryland State Archives recreated the beautiful, seaworthy Federalist, a 15-foot ship built in 1789 to honor Maryland’s role as the seventh state to ratify the Constitution, and later sailed to Mount Vernon as a gift to George Washington. Two hundred years later, a horse drawn Federalist represented Maryland in Philadelphia’s national Bicentennial parade; and, today, when traveling from coast to coast, the ship to teach about the Constitution, resides under the dome of our State capitol in Annapolis—ever ready to convey our rich history to this and future generations.

In 1997, Mary Ann Kirk was honored by Governor Parris Glendening and the Maryland General Assembly as Maryland’s Mother of the Year. She leaves Maryland as immediate past president of the Maryland Association of American Mothers, Inc., the official sponsor of Mothers Day.

We will miss her and wish her well. Maryland’s loss is Colorado’s gain.

INTRODUCING A BILL TO PROVIDE IMPACT AID FUNDING FOR MICRONESIAN CHILDREN

HON. PATSY T. MINK
OF HAWAII
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mrs. MINK of Hawaii. Mr. Speaker, today I introduce a bill to provide Impact Aid funding for Micronesian children living in the United States. You might ask why should we? What is their special status that justifies this payment?

The Compact of Free Association negotiated by the DoD and the State Department with the Republic of the Marshall Islands and the Federated States of Micronesia in 1985, and with the Republic of Palau in 1986, enhanced the security of our nation. The Compact of Free Association gives the United States authority over security and defense matters in this region. It prevents other countries from entering into military alliances with the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. Such military alliances could threaten the security of our nation.

In the period between 1918 and 1941, foreign powers did occupy these islands. And as history will recall, many WWII battles were fought in the islands fortified and occupied by Japan. After WWII the United States took over jurisdiction, and we inflicted grave harm to many of the islands’ residents when the U.S. military tested 66 atomic and hydrogen bombs between 1946 and 1958. The long lasting effects of these tests are still felt by people living at Bikini, Enewetok, and other atolls, and many have moved to the United States to live and to find health care.

In exchange for the sacrifices they have made in the Compact of Free Association, the United States allows citizens of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to freely enter the United States without visas as nonimmigrant residents within the parameters laid out in the Compact of Free Association. Their status is as “habitual” residents which places them in limbo and for example, they can not qualify for food stamps.

According to the 2000 Census, 115,247 Micronesian are living in the United States. Many of these families live in low income or public housing, which does not provide local schools with the funds they need to educate Micronesian children. Our public schools accept the financial burden for educating Micronesian children, even though the federal government created this obligation and should pay for it.

Our nation is responsible for the education of these children in exchange for the military benefits that our nation receives from Micronesia. Our government must take a more active role and help pay for these children’s education. It’s unfair to make these innocent children unwelcome pawns of our national defense policy.

My bill will treat Micronesian children living in the United States as military dependents and consequently allow schools to count them for the purpose of obtaining Impact Aid funding. It will give local schools the extra funds needed to ensure other children in their district do not pay for the cost of our defense strategy.

I urge my colleagues to cosponsor this bill and fulfill the obligation created by the Compact of Free Association.

THE 121ST ANNIVERSARY OF THE AMERICAN RED CROSS

HON. STENY H. HOYER
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 21, 2002

Mr. HOYER. Mr. Speaker, Clara Barton, a true visionary in American history, once stated: “I have an almost complete disregard of
Maryland, who were affected by this most re-
cent natural disaster, as well as the millions of
Americans whose lives have been battered by
this wonderful organization, I wish it only the
best in the years to come.

PAYING TRIBUTE TO ST. JOHN NEUMANN CATHOLIC SCHOOL

HON. SCOTT McINNIS
OF COLORADO
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. McInnis. Mr. Speaker, it is with great
honor I take this opportunity to recognize St.
John Neumann as an institute of education,
dedicated to providing a firm foundation for its
community’s youth. Established in 1977 in
Pueblo Colorado, St. John became the new
beacon of light for all who sought to provide
their children with the option of a private edu-
cation. It is with highest praise that I recognize
St. John’s 25th year of operation.

Each day, 230 students convene to mature
and study in an atmosphere which embraces
every child’s eagerness to learn. Instructors
provide a one-on-one relationship with stu-
dents, tailoring the instructor’s dexterity to the
child’s ability. Additionally, St. John promotes
parental involvement in their child’s education,
and seeks to provide an atmosphere com-
parable to that of a family gathering.

Marking St. John Neumann’s 25th anniver-
sary of operation, this year’s graduating class
will be prepared for the journey ahead, con-
fidently supported by a firm education at an
extraordinary school. Many senior administra-
tors have watched St. John grow and develop
into a distinguished, highly acclaimed estab-
lishment within its community.

Mr. Speaker, it is with great pleasure that I
applaud an institution which provides its com-
munity with the groundwork to build a better
future. St. John Neumann strengthens the in-
tegrity and character of each of its students. I
commend the hard work and diligence which the
faculty, community, and students have con-
tributed to place St. John Neumann Catho-
lic School amongst the leaders in education
today.

VETERANS APPRECIATION MONTH

HON. EDWARD R. ROYCE
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Tuesday, May 21, 2002

Mr. Royce. Mr. Speaker, I rise today to ex-
press my sincere gratitude and appreciation to
the hundreds of thousands of men and women
who have bravely served their country in the
Armed Forces, protecting freedom for all
Americans.

Veterans earn a great number of positive
qualities through their service, including expe-
rience, maturity, leadership and loyalty, which
make them valuable and competitive can-
didates for employment.

The residents of the State of California and
I are committed to ensuring that our nation’s
Veterans are treated with the respect that they
deserve, and to promoting employer interest in
hiring those individuals who have selflessly
given their time in service of their country.

In my home state, May 2002 is “Veterans
Appreciation Month,” and I would like to take
this opportunity to bring the benefits of hiring
veterans to the attention of all American em-
ployers.

I thank our country’s veterans for their sac-
rifices, applaud employers who hire these cour-
gageous men and women, and I yield back the
balance of my time.
Standing eight feet tall, by eight feet wide, and weighing 500 pounds, “United We Stand” encompasses the ideals of America’s freedoms and liberties. The finished mosaic illustrates the talent and hard work supplied by each student and it serves as a marvelous addition to any art display. Near Ground Zero in New York City will be its final destination, and its new home will be in Desoto Elementary School. Earning its creators numerous awards, “United We Stand” has touched all who have the privilege of viewing its meaningful message.

Mr. Speaker, I honor Fruita Monument High School with sincerity because they have taken the time to honor the true heroes of our nation. Today, I recognize “United We Stand” as an inspiring work of art before this body of Congress and this nation. Additionally, I recognize its nine incredible artists as esteemed patriots to our nation. It is my hope that all may some day admire this mosaic and remember it as a memorial, created to honor those who gave their life for our country.

**DRAGON BOAT RACING**

**HON. CONSTANCE A. MORELLA**
**OF MARYLAND**
**IN THE HOUSE OF REPRESENTATIVES**
**Tuesday, May 21, 2002**

Mrs. MORELLA. Mr. Speaker, this Memorial Day weekend Washington will see the traditional Taiwanese sport of dragon boat racing right here on the Potomac River, featuring eight magnificent Taiwan-built dragon boats. Each boat is fully equipped with dragonhead and tail, paddles, steering oar and drum, and holds a crew of 23. Some 40 teams, including those from the D.C. Police Department, Harbor Patrol Officers, and congressional staff members will compete in the race on Saturday, May 25, and on Sunday, May 26, 2002. Prior to the start of the race, there will be a traditional opening ceremony at 11 a.m., on Saturday, May 25, at Georgetown’s Thompson Boat Center. The opening ceremony will be highlighted by the dotting of the dragon’s eye. Mayor Anthony Williams, Chairwoman Linda Cropp of the D.C. City Council, Representative C.J. Chen of the Taipei Economic and Cultural Representative Office and other community leaders will dot the dragon’s eye, a ceremony to ensure good luck and fortune.

Mr. Speaker, I am pleased to see the Dragon Boat Festival Committee has put together such a wonderful dragon boat-racing program this Memorial Day weekend. Dragon boat races are held around the world, particularly in Taiwan, Singapore, Hong Kong, and many other Asian countries. The race demonstrates wonderful team spirit, pageantry, and fun for people young and old. Coincidentally, this event celebrates Taiwanese American Heritage Week in the month of May. Furthermore, this event also shows the friendship of Taiwanese Americans for the people not only of Washington, DC, but of the entire Metropolitan area. Their sincere desire to introduce Taiwanese culture to American society must be acknowledged and appreciated. It is my hope that this dragon boat race will attract many more tourists to the Washington, DC, area.

My congratulations to the Dragon Boat Festival Committee. This is a unique opportunity for all of us to celebrate the Dragon Boat Festival and to learn about the many distinguishing aspects of Taiwanese culture and heritage.

**PAYING TRIBUTE TO LYLE NICHOLS**

**HON. SCOTT McINNIS**
**OF COLORADO**
**IN THE HOUSE OF REPRESENTATIVES**
**Tuesday, May 21, 2002**

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Lyle Nichols of Clifton, Colorado. Lyle is an extraordinary individual who devotes countless hours to admiring and preserving life’s beauties. He has no doubt taken the talents he adds to our community. Lyle is an individual who collects assorted bird nests, and scrap debris he discovers. He is also an artist of many sculptures that are admirable in their magnificence. His collection is substantial in size and it grows continuously with every sculpture. These self-created masterpieces sit, kneel, and stand in and around his home, in particular a 14-ton statue sitting over his front lawn. Lyle is truly a talented individual, whose amazing talents have connected his passion for art to every individual who comes to admire his work.

Mr. Speaker, I would like to express my appreciation towards Lyle for allowing us the pleasure to admire his beautiful creations. It is with great honor I proudly recognize Lyle Nichols as an artist before this body of Congress and this nation. I commend Lyle’s artistic abilities, and praise his contributions, which assist in enhancing his community’s future.

**PAYING TRIBUTE TO PETER COORS**

**HON. SCOTT McINNIS**
**OF COLORADO**
**IN THE HOUSE OF REPRESENTATIVES**
**Tuesday, May 21, 2002**

Mr. McINNIS. Mr. Speaker, it is an honor to recognize the contributions and achievements of Peter H. Coors. As chairman of Coors Brewing Company and the President/CEO of Adolph Coors, he is a shining example of personal success and civic responsibility.

A native resident of Golden, Colorado, Peter, known as Pete, has continued to lead his family’s brewery in a manner befitting its fine reputation. As the head of this company, Pete provides the leadership and vision needed to bring this family tradition into the twenty-first century. His positions on the boards of directors of companies like US. Bancorp, Inc., H.J. Heinz Company, and the Energy Corporation of America are a reflection of the respect that Pete has earned from his colleagues. Pete is also a member of the International Chapter of the Young Presidents Organization. Pete is a true Coloradan is his business and in his nature: he can often be found outdoors appreciating the beauty and splendor of Colorado.

In addition to Pete’s contributions to Colorado’s economy, he has also given his time and energy to humanitarian causes as well. He is on the executive board of the Denver Area Council of the Boy Scouts of America, a member of the National Western Stock Show Association executive committee, and a trustee for the Seeds of Hope Foundation. Pete, who has a MBA degree, knows the value of higher education and remains active as a trustee of the University of Northern Colorado and a member of Denver University Daniels School of Business’ Advisory Board. Most importantly Pete is the husband of his wife Marilyn and is a father to his six children.

Mr. Speaker, it is an honor and privilege to bring to light the excellence of Pete Coors to this body of Congress and this nation. In every aspect of his life Pete has excelled to the highest level of achievement. He has no doubt touched many lives through his civic work and leadership in our country and will continue to do so in the future. On behalf of this nation, thank you Pete for all that you have done and good luck in your future endeavors.
SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 23, 2002 may be found in the Daily Digest of today’s RECORD.

MEETINGS SCHEDULED

JUNE 6

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee

To hold hearings on S. 1310, to provide for the sale of certain real property in the Newlands Project, Nevada, to the city of Fallon, Nevada; S. 2475, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; S. 1385, to authorize the Secretary of the Interior, pursuant to the provisions of the Reclamation Wastewater and Groundwater Study and Facilities Act to participate in the design, planning, and construction of the Lakehavens water reclamation project for the reclamation and reuse of water; S. 1824/H.R. 2636, to authorize payments to certain Lama Project water distribution entities for amounts assessed by the entities for operation and maintenance of the Project’s irrigation works for 2001, to authorize funds to such entities of amounts collected by the Bureau of Reclamation for reserved works for 2001; S. 1993, to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon; S. 1999, to reauthorize the Mni Wiconi Rural Water Supply Project; and H.R. 706, to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico.
HIGHLIGHTS

House Committees ordered reported 24 sundry measures.
The House agreed to the conference report on H.R. 3448, Bioterrorism Preparedness Act.

Senate

Chamber Action

Routine Proceedings, pages S4675–S4739

Measures Introduced: Sixteen bills and one resolution were introduced, as follows: S. 2538–2553, and S. Res. 274.

Measures Reported:
S. 361, to establish age limitations for airmen, with amendments. (S. Rept. No. 107–154)
S. 2551, making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002.

Measures Passed:

Export-Import Bank Authority: Senate passed H.R. 4782, to extend the authority of the Export-Import Bank until June 14, 2002, clearing the measure for the President.

“Robert J. Dole VA Medical and Regional Office Center”: Senate passed H.R. 4608, to name 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”, clearing the measure for the President.

“Bob Hope Veterans Chapel”: Senate passed H.R. 4592, to name the chapel located in the national cemetery in Los Angeles, California, as the “Bob Hope Veterans Chapel”, clearing the measure for the President.

Veterans’ Memorial Preservation and Recognition: Senate passed S. 1644, to further the protection and recognition of veterans’ memorials, after agreeing to the following amendment proposed thereto:

Small Business Paperwork Relief: Committee on Governmental Affairs was discharged from further consideration of H.R. 327, to amend chapter 35 of title 44, United States Code, for the purpose of facilitating compliance by small business concerns with certain Federal paperwork requirements and to establish a task force to examine information collection and dissemination, and the Senate then passed the bill, after agreeing to the following amendments proposed thereto:

Adopted:
Grassley Modified Amendment No. 3474 (to Amendment No. 3446), to express the sense of the Senate regarding the United States-Russian Federation summit meeting, May 2002.

Brownback Amendment No. 3446 (to Amendment No. 3401), to extend permanent normal trade relations to the nations of Central Asia and the South Caucasus, and Russia.

Levin/Voinovich Amendment No. 3543 (to Amendment No. 3401), to amend the provisions relating to Trade Negotiating Objectives with respect to motor vehicle exports.
Reid (for Byrd) Amendment No. 3452 (to Amendment No. 3401), to facilitate the opening of energy markets and promote the exportation of clean energy technologies.

Pages S4662

Reid (for Byrd) Amendment No. 3453 (to Amendment No. 3401), to require that certification of compliance with section 307 of the Tariff Act of 1930 be provided with respect to certain goods imported into the United States.

Pages S4662

Reid (for Durbin) Amendment No. 3458 (to Amendment No. 3401), to establish and implement a steel import notification and monitoring program.

Pages S4662

Reid (for Harkin) Amendment No. 3459 (to Amendment No. 3401), to include the prevention of the worst forms of child labor as one of the principal negotiating objectives of the United States.

Pages S4662

Reid (for Corzine) Amendment No. 3461 (to Amendment No. 3401), to help ensure that trade agreements protect national security, social security, and other significant public services.

Pages S4662

Reid (for Corzine) Amendment No. 3462 (to Amendment No. 3401), to strike the section dealing with border search authority for certain contraband in outbound mail.

Pages S4662

Reid (for Hollings) Amendment No. 3463 (to Amendment No. 3401), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits, and to amend the Internal Revenue Code of 1986 to prevent corporate expatriation to avoid United States income tax.

Pages S4662

Reid (for Hollings) Amendment No. 3464 (to Amendment No. 3401), to ensure that ISAC Committees are representative of the Producing sectors of the United States Economy.

Pages S4662

Reid (for Hollings) Amendment No. 3465 (to Amendment No. 3401), to provide that the benefits provided under any preferential tariff program, excluding the North American Free Trade Agreement, shall not apply to any product of a country that fails to comply within 30 days with a United States government request for the extradition of an individual for trial in the United States if that individual has been indicted by a Federal grand jury for a crime involving a violation of the Controlled Substances Act.

Pages S4662

Reid (for Landrieu) Amendment No. 3470 (to Amendment No. 3401), to provide trade adjustment assistance benefits to certain maritime workers.

Pages S4662

Reid (for Jeffords) Amendment No. 3521 (to Amendment No. 3401), to authorize appropriations

Pages S4662
for certain staff of the United States Customs Service.

Wellstone Amendment No. 3467 (to Amendment No. 3401), to protect human rights and democracy.

Reid (for Hollings) Amendment No. 3527 (to Amendment No. 3447), to provide for the certification of textile and apparel workers who lose their jobs or who have lost their jobs since the start of 1999 as eligible individuals for purposes of trade adjustment assistance and health insurance benefits.

During consideration of this measure today, Senate also took the following actions:

By 68 yeas to 29 nays (Vote No. 122), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to the motion to close further debate on Baucus/Grassley Amendment No. 3401, listed above.

The Chair sustained a point of order against Reid (for Nelson (FL)/Graham) Amendment No. 3440 (to Amendment No. 3401), to limit tariff reduction authority on certain products, as amending the bill in two places, and thus being out of order on its face, and the amendment thus fell.

The Chair sustained a point of order against Reid (for Reed) Amendment No. 3443 (to Amendment No. 3401), to restore the provisions relating to secondary workers, as being not properly drafted, and thus being out of order on its face, and the amendment thus fell.

A unanimous-consent agreement was reached providing for further consideration of the bill at 10:30 a.m., on Thursday, May 23, 2002, with a vote on the motion to close further debate on the bill.

Appointment:

National Skill Standards Board: The Chair, on behalf of the President pro tempore, pursuant to P.L. 103–227, reappointed the following individuals to the National Skill Standards Board: Earline N. Ashley, of Mississippi, Representative of Human Resources; and Ronald K. Robinson, of Mississippi, Representative of Labor.

Authority for Committees: All committees were authorized to file legislative and executive reports during the adjournment of the Senate on Wednesday, May 29, from 11 a.m. to 1:00 p.m.

Nominations Received: Senate received the following nominations:

Tony P. Hall, of Ohio, for the rank of Ambassador during his tenure of service as United States Representative to the United Nations Agencies for Food and Agriculture.

Jay S. Bybee, of Nevada, to be United States Circuit Judge for the Ninth Circuit.

Timothy J. Corrigan, of Florida, to be United States District Judge for the Middle District of Florida.


1 Navy nomination in the rank of admiral.

Routine lists in the Army, Marine Corps, Navy.

Messages From the House:

Measures Referred:

Measures Read First Time:

Executive Communications:

Executive Reports of Committees:

Additional Cosponsors:

Statements on Introduced Bills/Resolutions:

Additional Statements:

Amendments Submitted:

Authority for Committees to Meet:

Record Votes: Two record votes were taken today. (Total—123)

Adjournment: Senate met at 9:30 a.m., and adjourned at 9:19 p.m., until 9:30 a.m., on Thursday, May 23, 2002.

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING: SUPPLEMENTAL APPROPRIATIONS

Committee on Appropriations: Committee ordered favorably reported an original bill (S. 2551) making supplemental appropriations for further recovery from and response to terrorist attacks on the United States for the fiscal year ending September 30, 2002.

PARKINSON’S DISEASE

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education concluded hearings to examine issues with regard to Parkinson’s disease research, after receiving testimony from Audrey S. Penn, Acting Director, National Institute of Neurological Disorders and Stroke, National Institutes of Health, Department of Health and Human Services; Ole Isacson, Harvard Medical School Center on Neuroregeneration Research/McLean Hospital, Boston, Massachusetts; Joan Samuelson, Parkinson’s Action Network, Alexandria,
Virginia; Michael J. Fox, Michael J. Fox Foundation for Parkinson’s Research, New York, New York; Muhammad Ali, Berrien Springs, Michigan; and Don Schneider, Clinton, Iowa.

BROADBAND DEPLOYMENT

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the promotion of local telecommunication competition and greater broadband deployment, focusing on consumer protection, and the effects on residents and businesses, after receiving testimony from Representatives Marked & Cannon; Pennsylvania State Senator Mary Jo White, Franklin; Loretta M. Lynch, California Public Utilities Commission, San Francisco; Robert N. Nelson, Michigan Public Service Commission, Lansing, on behalf of the National Association of Regulatory Utility Commissioners; and Paul B. Vasington, Massachusetts Department of Telecommunications and Energy, Boston.

BOXING REGULATION

Committee on Commerce, Science, and Transportation: Subcommittee on Consumer Affairs, Foreign Commerce, and Tourism concluded hearings to examine the state of boxing and boxing regulations, focusing on future authority for a Federal boxing commission, liability insurance coverage for boxers, and mandatory safety measures, after receiving testimony from Senator Reid; Tim Lueckenhoff, Missouri Office of Athletics, Jefferson City, on behalf of the Association of Boxing Commissions; Muhammad Ali and Yolanda Ali, Greatest of All Time, Inc., both of Berrien Springs, Michigan; Emanuel Steward, Kronk Boxing Team, Detroit, Michigan; Louis J. DiBella, DiBella Entertainment, New York, New York; Roy Jones, Jr., Pensacola, Florida; and Bert R. Sugar, Chappaqua, New York.

NATIONAL SCIENCE FOUNDATION

Committee on Commerce, Science, and Transportation: Subcommittee on Science, Technology, and Space concluded hearings to examine activities of the National Science Foundation, focusing on the Federal research and development budget to enhance homeland security, promote long term economic growth, and harness informational technology, after receiving testimony from former Representative Newt Gingrich, The Gingrich Group, Atlanta, Georgia; John H. Marburger III, Director, Office of Science and Technology Policy; Rita R. Colwell, Director, National Science Foundation; John D. Podesta, Georgetown University Law Center, former White House Chief of Staff, and Alan I. Leshner, American Association for the Advancement of Science, both of Washington, D.C.; Thomas McCoy, Montana State University Department of Plant Science, Bozeman, on behalf of the Experimental Program to Stimulate Competitive Research (EPSCoR); and Marsha R. Torr, Virginia Commonwealth University, Richmond.

YUCCA MOUNTAIN REPOSITORY DEVELOPMENT

Committee on Energy and Natural Resources: Committee resumed 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, and a related Administration proposal recommending the Yucca Mountain site for development of a repository, and the objections of the Governor of Nevada to the Administration’s recommendation, receiving testimony from Victor Gilinsky, Glen Echo, Maryland, former Commissioner of the U.S. Nuclear Regulatory Commission; Robert J. Halstead, Nevada Agency for Nuclear Projects, Carson City; Mayor Ross C. Anderson, and Stephen M. Prescott, University of Utah Huntsman Cancer Institute, both of Salt Lake City; James D. Ballard, Grand Valley State University School of Criminal Justice, Grand Rapids, Michigan; and Michael J. Ervin, Sr., Pomona Police Department, Pomona, California, on behalf of the Peace Officers Research Association of California.

Hearings continue tomorrow.

BUSINESS MEETING

Committee on Governmental Affairs: Committee ordered favorably reported the following business items:

S. 2452, to establish the Department of National Homeland Security and the National Office for Combating Terrorism, with amendments;

S. 2530, 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;

S. 1713, to amend title 39, United States Code, to direct the Postal Service to adhere to an equitable tender policy in selecting air carriers of non-priority bypass mail to certain points in the State of Alaska, with an amendment in the nature of a substitute;

S. 1970, to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the “Teno Roncalio Post Office Building”;

H.R. 3789, to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the “Teno Roncalio Post Office Building”;

S. 1983, to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the “John A. ‘Jack’ Shea Post Office Building”;

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S. 2217, to designate the facility of the United States Postal Service located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building";

H.R. 1366, to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building";

S. 2433, to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building";

H.R. 4486, to designate the facility of the United States Postal Service located at 1590 East Joyce Boulevard in Fayetteville, Arkansas, as the "Clarence B. Craft Post Office Building";

H.R. 1374, to designate the facility of the United States Postal Service located at 600 Calumet Street in Lake Linden, Michigan, as the "Philip E. Ruppe Post Office Building";

H.R. 3960, to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building"; and

The nominations of Todd Walther Dillard, of Maryland, to be United States Marshal for the Superior Court of the District of Columbia; Paul A. Quander, Jr., to be Director of the District of Columbia Offender Supervision, Defender, and Courts Services Agency, and Robert R. Rigsby, to be an Associate Judge of the Superior Court of the District of Columbia.

Also, committee approved the issuance of subpoenas to the Executive Office of the President and the Office of the Vice President in connection with the Committee's investigation regarding Enron Corporation.

INDIAN LAND CONSOLIDATION ACT

Committee on Indian Affairs: Committee concluded hearings on S. 1340, to amend the Indian Land Consolidation Act to provide for probate reform with respect to trust or restricted lands, after receiving testimony from Neal A. McCaleb, Assistant Secretary of the Interior for Indian Affairs; Tex G. Hall, Three Affiliated Tribes Business Council, New Town, North Dakota, on behalf of the National Congress of American Indians; Maurice Lyons, Morongo Band of Mission Indians, Banning, California; Benjamin Speakthunder, Fort Belknap Community Council, Harlem, Montana; and Austin Nunez, Tucson, Arizona, on behalf of the Indian Land Working Group.

FEDERAL COCAINE SENTENCING POLICY

Committee on the Judiciary: Subcommittee on Crime and Drugs concluded hearings to examine laws governing Federal cocaine sentencing, focusing on the disparity between penalties for both powder cocaine and crack cocaine, after receiving testimony from Diana E. Murphy, Judge, Eighth Circuit Court of Appeals, on behalf of the United States Sentencing Commission; Roscoe C. Howard, Jr., United States Attorney for the District of Columbia, Department of Justice; Charles J. Hynes, Kings County District Attorney, Brooklyn, New York; Charles R. Schuster, Wayne State University School of Medicine, Detroit, Michigan, former Director, National Institute on Drug Abuse, National Institutes of Health, Department of Health and Human Services; and William G. Otis, George Mason University School of Law, Arlington, Virginia, former White House Special Counsel and former Assistant United States Attorney for the Eastern District of Virginia.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

Committee recessed subject to call.

House of Representatives

Chamber Action

Measures Introduced: 40 public bills, H.R. 4789–4828; 1 private bill, H.R. 4829; and 3 resolutions, H.J. Res. 94; H. Con. Res. 408, and H. Res. 429, were introduced.

Reports Filed: No reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Dan Miller of Florida to act as Speaker pro tempore for today.

Guest Chaplain: The prayer was offered by the guest Chaplain, Father Val J. Peter, Executive Director, Girls and Boys Town, Boys Town, Nebraska.
Journal: Agreed to the Speaker’s approval of the Journal of Tuesday, May 21 by a recorded vote of 361 ayes to 57 noes, Roll No. 187.

Bioterrorism Preparedness Act: The House agreed to the conference report on H.R. 3448, to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies by a yea-and-nay vote of 425 yeas to 1 nays, Roll No. 189.

H. Res. 427, the rule that waived points of order against the conference report was agreed to by a yea-and-nay vote of 403 yeas to 19 nays, Roll No. 186.

Suspensions: The House agreed to suspend the rules and pass the following measures that were debated on Tuesday, May 22.

Federal Deposit Insurance Reform: H.R. 3717, amended, to reform the Federal deposit insurance system (agreed to by a 2/3 yea-and-nay vote of 408 yeas to 18 nays), Roll No. 190; and

Tribute to Ground Zero Rescue, Recovery, and Clean-up Workers: H. Res. 424, paying tribute to the workers in New York City for their rescue, recovery, and clean-up efforts at the site of the World Trade Center (agreed to by a 2/3 yea-and-nay vote of 416 yeas with none voting “nay”), Roll No. 191.

Customs Border Security Act: The House passed H.R. 3129, to authorize appropriations for fiscal years 2002 and 2003 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission by a recorded vote of 327 ayes to 101 noes, Roll No. 193. Agreed to amend the title so as to read: A bill to authorize appropriations for fiscal years 2002 through 2004 for the United States Customs Service for antiterrorism, drug interdiction, and other operations, for the Office of the United States Trade Representative, for the United States International Trade Commission and for other purposes.”.

Pursuant to the rule, the Committee on Ways and Means amendment in the nature of a substitute now printed in the bill (H. Rept. 107–320) was considered as an original bill for the purpose of amendment.

Agreed to the Crane amendment in the nature of a substitute no. 1 and printed in H. Rept. 107–482 that increases agency authorization funding levels including earmark for resources at Northern Border at Section 13; deletes Sections 121 through 125 concerning customs officer pay changes; changes customs fees for couriers to a fixed fee structure; provides monthly billing to importers and prohibits duty deferrals; clarifies that the advanced electronic manifest requirement applies only to inbound cargo and; requires sharing of information collected by customs to other government agencies.

Rejected the Waters amendment in the nature of a substitute no. 2 and printed in H. Rept. 107–482 that amends Section 141 and states that Customs inspectors are not liable for civil damages for suits brought in connection with a personal search and deletes section 144 on border search authority for outbound mail by a recorded vote of 197 ayes to 231 noes, Roll No. 192.

H. Res. 426, the rule that provided for consideration of the bill was agreed to by a yea-and-nay vote of 386 yeas to 32 nays, Roll No. 188.

Supplemental Appropriations: The House completed general debate and began considering amendments under the five-minute rule on H.R. 4775, making supplemental appropriations for the fiscal year ending September 30, 2002. Consideration of the bill will resume on Thursday, May 23.

Pursuant to the rule the amendments printed in H. Rept. 107–484 that provide statutory assurance that the United States Government will take all steps necessary to guarantee the full faith and credit of the Government; provide for Medicare reimbursement adjustments, clarifies fabric origin requirements for regional trade preference agreements, and ensures that the conference can permit the Postal Service to continue to use the bypass mail system in Alaska on mainline routes and in the Alaskan bush country were considered as adopted.

A point of order was sustained against Section 101, page 4, lines 17–23.

Rejected the Obey motion to rise by a recorded vote of 134 ayes to 250 noes, Roll No. 196.

H. Res. 428, the rule that provided for consideration of the bill was agreed to by a yea-and-nay vote of 216 yeas to 9 nays with 3 voting “present”, Roll No. 194.

Motion to Adjourn: Rejected the Obey motion to adjourn by a recorded vote of 94 ayes to 300 noes, Roll No. 195.

Amendments: Amendments ordered printed pursuant to the rule appear on page H2946.

Senate Messages: Message received from the Senate today appears on page H2835.

Referral: S. Con. Res. 115 was referred to the Committee on Education and the Workforce.

Adjournment: The House met at 10 a.m. and adjourned at 11:40 p.m.

Committee Meetings

EU’S FINANCIAL SERVICES ACTION PLAN—AMERICAN FINANCIAL SERVICES INDUSTRY IMPLICATIONS

Committee on Financial Services: Held a hearing on European Union’s Financial Services Action Plan and its implications for the American financial services industry. Testimony was heard from Mark W. Olson, member, Board of Governors, Federal Reserve System; Randy K. Quarles, Assistant Secretary, International Affairs, Department of the Treasury; Annette Nazareth, Director, Division, Market Regulation, SEC; and public witnesses.

INTERNATIONAL ADOPTIONS

Committee on International Relations: Held a hearing on International Adoptions: Problems and Solution. Testimony was heard from James W. Ziglar, Commissioner, INS, Department of Justice; Mary Ryan, Assistant Secretary, Consular Affairs, Department of State; and public witnesses.

FUTURE—U.S.-SAUDI RELATIONS

Committee on International Relations: Subcommittee on the Middle East and South Asia held a hearing on the Future of U.S.-Saudi Relations. Testimony was heard from Representative Frank; R. James Woolsey, former Director, CIA; Richard W. Murphy, former U.S. Ambassador to Saudi Arabia; and public witnesses.

OVERSIGHT—WHOIS DATABASE

Committee on the Judiciary: Subcommittee on Courts, the Internet, and Intellectual Property held an oversight hearing on “The Accuracy and Integrity of the WHOIS DATABASE.” Testimony was heard from J. Howard Beales III, Director, FTC; and public witnesses.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following measures: H. Con. Res. 352, amended, expressing the sense of Congress that Federal land management agencies should fully implement the Western Governors Association “Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment” 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; H. Con. Res. 395, amended, celebrating the 50th anniversary of the constitution of the Commonwealth of Puerto Rico; H.R. 521, amended, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam; H.R. 1606, amended, to amend section 507 of the Omnibus Parks and Public Lands Management Act of 1996 to authorize additional appropriations for historically black colleges and universities, to decrease the matching requirement related to such appropriations; H.R. 2388, amended, National Heritage Areas Policy Act of 2001; H.R. 2982, amended, to authorize the establishment of a memorial within the area in the District of Columbia referred to in the Commemorative Works Act as “Area I” or “Area II” to the victims of terrorist attacks on the United States, to provide for the design and construction of such a memorial; H.R. 3307, Vicksburg National Military Park Boundary Modification Act; H.R. 3380, to authorize the Secretary of the Interior to issue right-of-way permits for natural gas pipelines within the boundary of Great Smoky Mountains National Park; H.R. 3558, amended, Species Protection and Conservation of the Environment Act; H.R. 3786, amended, Glen Canyon National Recreation Area Boundary Revision Act of 2002; H.R. 3858, New River Gorge Boundary Act of 2002; H.R. 3936, amended, to designate and provide for the management of the Shoshone National Recreation Trail; H.R. 3942, John Muir National Historic Site Boundary Adjustment Act; H.R. 4103, amended, Martin’s Cove Land Transfer Act; H.R. 4129, amended, to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; and H.R. 4609, to direct the Secretary of the Interior to conduct a comprehensive study of the Rathdrum Prairie/Spokane Valley Aquifer, located in Idaho and Washington.

MISCELLANEOUS MEASURES

Committee on Resources: Subcommittee on Water and Power held a hearing on the following bills: H.R. 3561, Twenty-First Century Water Policy Commission Establishment Act; and H.R. 4638, to reauthorize the Mni Wiconi Rural Water Supply Project. Testimony was heard from Representatives Linder
and Thune; John W. Keys, Commissioner, Bureau of Reclamation, Department of the Interior; Betsy A. Cody, Section Head, Natural Resources and Earth Sciences and Specialist in Natural Resources Policy, Congressional Research Services, Library of Congress; and public witnesses.

MISCELLANEOUS MEASURES


MISCELLANEOUS MEASURES


The Committee also approved the following: several public building 11 (b) resolutions; and Army Corps of Engineers Survey resolutions.

Joint Meetings

ANTI-SEMITIC VIOLENCE

U.S. Commission on Security and Cooperation in Europe (Helsinki Commission): Commission concluded hearings to examine the escalation of violence against the Jewish communities in Western Europe and Russia, and certain measures to protect individuals from anti-Semitic violence, after receiving testimony from Shimon Samuels, Simon Wiesenthal Center, Paris, France; Mark B. Levin, NCSJ: Advocates on behalf of Jews in Russia, Ukraine, the Baltic States and Eurasia; Alexandra Arriaga, Amnesty International, USA, and Rabbi Andrew Baker, American Jewish Committee, both of Washington, D.C.; and Kenneth Jacobson, Anti-Defamation League, New York, New York.

AUTHORIZATION—EXPORT-IMPORT BANK

Conferences on Tuesday, May 21, agreed to file a conference report on the differences between the Senate and House passed versions of S. 1372, to reauthorize the Export-Import Bank of the United States.

BANKRUPTCY REFORM ACT

Conferences met to resolve the differences between the Senate and House passed versions of H.R. 333, to amend title 11, United States Code, but did not complete action thereon, and recessed subject to call.

NEW PUBLIC LAWS

(For last listing of Public Laws, see Daily Digest of May 21, 2002, p. D524)

S. 378, to redesignate the Federal building located at 3348 South Kedzie Avenue, in Chicago, Illinois, as the “Paul Simon Chicago Job Corps Center”. Signed on May 21, 2002. (Public Law 107–182)

COMMITTEE MEETINGS FOR THURSDAY,
MAY 23, 2002

(Committee meetings are open unless otherwise indicated)

Senate

Special Committee on Aging: to hold hearings to examine challenges women face concerning retirement and security, 9:30 a.m., SD–628.

Committee on Agriculture, Nutrition, and Forestry: to hold hearings to examine disaster assistance issues, 3 p.m., SD–106.

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions, to hold oversight hearings to examine banking and financial holding company engagement in real estate brokerage and property management, 10 a.m., SD–538.

Committee on Energy and Natural Resources: to continue 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, 9:30 a.m., SH–216.

Committee on Foreign Relations: business meeting to consider two optional protocols to the Convention on the Rights of the Child, both of which were adopted at New York, May 25, 2000: (1) The Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict; and (2) The Optional Protocol to the Conventional on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, signed on July 5, 2000 (Treaty Doc. 106–37); S. 2487, to provide for global pathogen surveillance and response; S. Res. 182, expressing the sense of the Senate that the United States should allocate significantly more resources to combat global poverty; S. Res. 252, expressing the sense of the Senate regarding human rights violations in Tibet, the Panchen Lama, and the need for dialogue between the Chinese leadership and the Dalai Lama or his representatives; S. Res. 263, congratulating the Republic of Croatia on the 10th anniversary of its recognition by the United States; S. Con. Res. 109, commemorating the independence of East Timor and expressing the sense of Congress that the President should establish diplomatic relations with East Timor; the nomination of David A. Gross, of Maryland, for the rank of Ambassador during his tenure of service as Deputy Assistant Secretary of State for International Communications and Information Policy in the Bureau of Economic and Business Affairs and U.S. Coordinator for International Communications and Information Policy; the nomination of Jack C. Chow, of Pennsylvania, for the
rank of Ambassador during his tenure of service as Special Representative of the Secretary of State for HIV/AIDS; and a foreign service officer promotion list, 2:15 p.m., SD–419.

**Committee on Governmental Affairs**: to hold hearings to examine voting representation in Congress for the citizens of the District of Columbia, 2:30 p.m., SD–342.

**Committee on Health, Education, Labor, and Pensions**: to hold hearings to examine equal opportunity in American schools, 9:30 a.m., SD–430.

**Committee on the Judiciary**: business meeting to consider S. 1868, to establish a national center on volunteer and provider screening to reduce sexual and other abuse of children, the elderly, and individuals with disabilities; S. 1956, to combat terrorism and defend the Nation against terrorist attacks; S. 1989, to authorize the establishment of a National Cyber Security Defense Team for purposes of protecting the infrastructure of the Internet from terrorist attack; the nomination of D. Brooks Smith, of Pennsylvania, to be United States Circuit Judge for the Third Circuit; the nomination of Roslynn R. Mauskopf, to be United States Attorney for the Eastern District of New York; the nomination of Steven D. Deatherage, to be United States Marshal for the Central District of Illinois; the nomination of Thomas M. Fitzgerald, to be United States Marshal for the Western District of Pennsylvania; the nomination of G. Wayne Pike, to be United States Marshal for the Western District of Virginia; and the nomination of David William Thomas, to be United States Marshal for the District of Delaware, 10 a.m., SD–226.

Full Committee, to hold hearings to examine pending judicial nominations, 2 p.m., SD–226.

**House**

**Committee on Armed Services**, Special Oversight Panel on Terrorism, hearing on assessing support for terrorism in the Middle East, 9:15 a.m., 2212 Rayburn.


**Committee on Financial Services**, Subcommittee on Oversight and Investigations, hearing entitled “One Broker Gone Bad: Punishing the Criminal, Making Victims Whole,” 9:30 a.m., 2128 Rayburn.

**Committee on Resources**, Subcommittee on Fisheries Conservation, Wildlife and Oceans, to mark up H.R. 4749, Magnuson-Stevens Amendments of 2002; followed by an oversight hearing on the use of Marine Protected Areas (MPAs) as a fisheries management tool, 10 a.m., 1334 Longworth.

**Permanent Select Committee on Intelligence**, Subcommittee on Human Intelligence, Analysis and Counterintelligence and the Subcommittee on Technical and Tactical Intelligence, executive, joint hearing on J–2 Issues, 10 a.m., H–405 Capitol.
Next Meeting of the SENATE
9:30 a.m., Thursday, May 23

Senate Chamber

Program for Thursday: After the transaction of any morning business (not to extend beyond 10:30 a.m.), Senate will continue consideration of H.R. 3009, Andean Trade Preference Expansion Act, with a vote on the motion to close further debate on the bill to occur thereon.

Next Meeting of the HOUSE OF REPRESENTATIVES
10 a.m., Thursday, May 23

House Chamber

Program for Thursday: Continued consideration of H.R. 4775, Supplemental Appropriations for Fiscal Year 2002 (open rule, one hour of general debate).

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